



Area Planning Committee (North)

Date Thursday 27 April 2023
Time 9.30 am
Venue Council Chamber, County Hall, Durham

Business

Part A

1. Apologies for Absence
2. Substitute Members
3. Minutes of the Meeting held on 30 March 2023 (Pages 3 - 8)
4. Declarations of Interest (if any)
5. Applications to be determined by the Area Planning Committee (North Durham)
 - a) DM/22/03065/FPA - Site Of Former Pretoria Working Mens Club, Corbridge Road, Medomsley, DH8 6QY (Pages 9 - 24)
Construction of a detached dwelling.
 - b) DM/22/02955/FPA - New Warlands Farm, Holmside Lane, Burnhope, Durham, DH7 6EX (Pages 25 - 44)
Demolition of the existing barn and erection of a new mixed-use visitor centre (Classes E, F1 and sui generis) with associated access, parking, landscaping and drainage.
 - c) DM/22/03273/FPA - Explorer House, Butsfield Lane, Knitsley, Consett, DH8 7PE (Pages 45 - 56)
Erection and use of a temporary warehouse building (70m x 30m) until December 2024 and three permanent welfare units.
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
19 April 2023

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

Councillor M McGaun (Chair)
Councillor W Stelling (Vice-Chair)

Councillors G Binney, J Blakey, L Brown, I Cochrane, K Earley,
J Griffiths, D Haney, P Jopling, C Marshall, E Peeke, J Purvis,
K Shaw, A Watson and S Wilson

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DURHAM COUNTY COUNCIL

AREA PLANNING COMMITTEE (NORTH)

At a Meeting of the **Area Planning Committee (North)** held in the Council Chamber, County Hall, Durham on **Thursday 30 March 2023 at 9.30 am**

Present:

Councillor W Stelling (Chair)

Members of the Committee:

Councillors G Binney, J Blakey, L Brown, K Earley, D Haney, P Jopling, C Marshall, J Purvis, K Shaw, W Stelling (Vice-Chair), A Watson, S Wilson and C Hunt (substitute for E Peeke)

1 Apologies

Apologies for absence were received from Councillors I Cochrane, M McGaun and E Peeke.

2 Substitute Members

Councillor C Hunt was present as substitute for Councillor E Peeke.

3 Minutes

The minutes of the meeting held on 26 January 2023 were confirmed as a correct record and signed by the Chair.

4 Declarations of Interest

There were no declarations of interest.

5 Applications to be determined by the Area Planning Committee (North Durham)

a DM/22/00969/FPA - Site of Former Olivers Garden Centre, Chester Moor, DH2 3RQ

The Committee considered a report of the Senior Planning Officer regarding the construction of a new building to be used as a customer display area in association with a previously approved builders merchants premises; the

repositioning of a previously consented storage shed (LPA ref: DM/19/03858/FPA); and the siting of 2.4m and 3m high storage palettes and three rows of material storage racks within the site.

S Henderson, Senior Planning Officer provided a detailed presentation of the application which included a site location plan, aerial photographs, photographs of the site and proposed layout and elevations. The Committee were informed that previous approval had been granted for storage sheds on site and this was considered a fallback position. The Senior Planning Officer explained that the applicant's architect had recently e-mailed members of the Committee and he confirmed that the content of the e-mail had been acknowledged within the report. It was noted that a site visit had taken place the previous day.

Mr D Holding addressed the Committee in objection to the application and provided a visual presentation which included photographs of the site. He thanked members for the opportunity to speak and confirmed that he was representing residents of The Dene who had objected. He stressed that he strongly supported the officer's recommendation to refuse the application on grounds of noncompliance with Green Belt requirements and the non-recognition of highway safety problems. There were also outstanding drainage and potential contamination issues which had not been resolved by the applicant.

He explained that the site was in open countryside and the site entrance in Holmhill Lane was a narrow minor road leading off the A167 dual carriageway. Beyond the entrance was a bend which obscured the view ahead of a low rail bridge under the East Coast main railway line. There was a history of bridge strikes here. There was also a sharp right-hand bend which made the road unsuitable for heavy vehicles. Holmhill Lane was also popular with cyclists and walkers. At the time of unlawful use of the site for caravan storage, the Highways officer expressed serious concern about the use of the site and stated:

"Drivers leaving the A167 need to cross the centre of the carriageway to overtake parked vehicles waiting to enter the site. There is a bend on the road approximately 60m south of the site access. Vehicles emerging from the bend can be met with vehicles on the same side of the carriageway which have attempted to overtake a larger caravan or trailer waiting to gain access to the site. This scenario does cause considerable concern from a road safety perspective. I am concerned about site operations and would therefore object to its use on highway safety grounds".

Mr Holding further explained that the applicant's Air Quality Assessment document estimated up to 300 vehicles per day. This figure must be doubled for in and out resulting in 60 vehicle movements per hour or one per minute

during the working day. Joseph Parr had not provided any Transport Assessment or Transport Statement, however the Air Quality Assessment Document estimated inward deliveries of 16-25 per working day (excluding customers) and bricks, breeze blocks and cement would be carried on 6-axle 44-tonne articulated lorries. Delivery would be by a road haulage company contracted by the supplier and bricks would typically come from Peterborough meaning that the driver would not be familiar with the area of Chester Moor. HGVs of this size could not enter the site from Holmhill Lane without entering the opposite carriageway and swinging left which could be damaging to the highway and dangerous for residents.

Finally, Mr Holding stated that if a delivery driver were to overshoot the entrance, the driver must either turn into The Dene entrance or turn into The Dene itself which had no turning point or footpath. Mr Holding confirmed that it had been known for drivers to reverse onto residents front drives in order to turn.

The Chair, Councillor Stelling, confirmed that the applicant was not present at the meeting.

In response to the points raised by Mr Holding regarding Highways, D Smith, Principal Highway Development Management Engineer explained that the previous Highways Officer had met with the objector in the past and had no concerns with the development as it was proposed. The site was historically used as a garden centre and would have generated a higher level of traffic in comparison to the proposed use as a builder's merchants, and if the applicant were to appeal, consideration would be given to this.

The Principal Highway Development Management Engineer further advised that the site was well served from the A167 and included a deceleration lane onto Holmhill Lane. In terms of deliveries, he noted that the road was wide enough to accommodate heavy vehicles and had good visibility and good signage. He stated that there were no recorded accident statistics on Holmhill Lane and that parking for the development met Durham County Council Parking standards. He confirmed that there were no material grounds to refuse the application on the grounds of highways.

Councillor Marshall stated that the application was inappropriate in terms of the Green Belt. He understood the comments from the Principal Highway Development Management Engineer, however, he also agreed with the concerns expressed by residents regarding the different types of vehicles that would use the site and noted that the data held by the Highways Team did not accurately reflect the experiences of residents. Councillor Marshall **moved** the application to be refused in line with the officer's recommendation.

Councillor Haney referred to the National Planning Policy Framework (NPPF) and noted that substantial weight must be given to the Green Belt and in his opinion the application exceeded this. He **seconded** the application to be refused in line with the officer's recommendation.

Councillor Jopling commented that she knew the site well and agreed that the Green Belt was a significant issue. With regards to the levels of traffic, Councillor Jopling explained that there was a considerable difference between cars and HGVs. She understood the view of the Highways Officer but stated that it would not take long for a heavy vehicle to enter the housing estate and that this posed a risk for residents. Councillor Jopling agreed that the application should be refused.

Councillor Watson commented that he attended the site visit and emphasised the importance for members to attend site visits to gain a better view whilst keeping an open mind. He considered the site to be brownfield and although officers had placed it within the Green Belt, he felt it would be difficult to persuade the public that the area was Green Belt. In his opinion, the development would enhance the area in many ways and would provide ecological and landscape benefits, in addition to 19 full time jobs. Councillor Watson believed that there were special circumstances to approve the application and moved it to be approved.

Councillor L Brown stated it was disappointing that the applicant was not present as she would have questioned if 19 full time jobs were available for the fallback position.

Councillor Earley confirmed that he had attended the site visit and had concerns regarding the Green Belt. He expressed further concern regarding the suitability of subsequent developments should the application be refused and asked officers if they could advise what developments were feasible for the site.

The Senior Planning Officer explained the planning history of the site and highlighted that permission for change of use from garden centre to builder's merchants was approved 13 March 2020, and advised that approved applications had a three year time limit for commencement of work. He pointed out that as the three year time limit had exceeded, the approved scheme had now lapsed and clarified that the fallback position referred to in the report no longer existed. Going forward, the Senior Planning Officer advised that the only lawful use of the site would be as a garden centre and any other development would require submission of a new planning application.

L Dalby, Principal Planning Officer further clarified that planning officers were not aware that work on the site had commenced and that no evidence of

work appeared to have been implemented when members had visited the site the previous day.

Councillor Earley questioned if the applicant commenced work now, would that allow for additional time. The Principal Planning Officer confirmed that work must have commenced prior to 13 March 2023 and any work started after this date would be unlawful.

In response to a question from Councillor Wilson regarding the greenhouse, the Senior Planning Officer explained that consent was given to retain the greenhouse and to re-clad it.

Resolved

That the application be **REFUSED**.

b DM/23/00378/FPA - Land North of Fenton Well Lane, Great Lumley

This item was withdrawn.

c DM/22/00479/FPA - Stream Valley Farm, Burnhope, DH7 0DS

The Committee considered a report of the Senior Planning Officer regarding retrospective consent for change of use from agricultural to a mixed use comprising of agricultural and equestrian for commercial purposes, erection of menage and flood lighting and infill extension between existing and proposed building.

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

Councillor L Brown asked whether there were any floodlights on site as menages usually included floodlights. The Senior Planning Officer advised that eight floodlights were included around the menage. She further advised that there was a condition within the report to ensure that no lighting would be turned on when the menage was not in use.

Councillor Marshall **moved** the application to be approved in line with the officer's recommendation, this was **seconded** by Councillor Jopling.

Resolved

That the application be **APPROVED** subject to the conditions listed in the report.

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Planning Services

COMMITTEE REPORT

APPLICATION DETAILS

APPLICATION NO:	DM/22/03065/FPA
FULL APPLICATION DESCRIPTION:	Construction of a detached dwelling
NAME OF APPLICANT:	Mr Curry
ADDRESS:	AJA Property Ltd 21 Cohort Close Ebchester DH8 0PG
ELECTORAL DIVISION:	Leadgate and Meadomsley
CASE OFFICER:	Scott Henderson Senior Planning Officer Telephone: 03000 256286 scott.henderson@durham.gov.uk

DESCRIPTION OF THE SITE AND PROPOSALS

The Site

1. The application site is relatively flat area of undeveloped grassland adjacent to a small development of 2no. dwellings to the North, granted consent in 2019 as part of a scheme to demolish the former Working Men's social club. To the East of the site is open countryside, whilst to the South is Woodland and a commercial garage beyond; to the West of the site is a former (vacant) nursing home (currently under consideration for redevelopment to residential units).
2. The site is serviced by bus stops within 90m-170m walking distance of the site that are serviced by a single hourly bus service between Consett and Newcastle upon Tyne via Gateshead, along with smaller settlements along the route. There are no community facilities such as schools, shops and health care facilities within walking proximity to the site.

The Proposal

3. The proposal seeks full planning permission for the erection of 1no. two-storey dwelling to be constructed from stone walls with a slate roof, with associated garden and vehicle hardstanding.
4. The application has been called into the Planning Committee for members consideration by Councillor Watts Stelling in the interest of local residents.

PLANNING HISTORY

1/0000/9806/26144 Alterations and extensions Approved 1st January 1992

1/2013/0559/87459 Advertisement consent for v board sign to entrance to club Approved 4th December 2013

DM/19/01533/FPA Demolish existing working mans social club and construct one new private dwelling and detached domestic garage. Approved 8th July 2019

DM/19/02260/FPA Demolish existing working mans social club and construct two new private dwellings with attached double garages. Approved 19th September 2019

DRC/20/00129 Submission of details pursuant to conditions Condition 5,6 and 7 of approval

DM/19/02260/FPA (new dwellings) relating to site investigation works. Approved 29th October 2021 DM/20/03372/VOC Variation of Condition 2 (approved plans) in relation to application DM/19/02260/FPA to amend plans to propose facing stonework to all elevations, minor amendments to windows and doors, amend height and layout of roof to incorporate 2nd floor accommodation and gable walls added. Approved 13th January 2021

DM/21/00703/FPA Proposed erection of fence on inside of front boundary, behind current hedge line 2.6mtr tall -tapering to 1.8mtr towards entrance to site. Application Withdrawn 10th March 2021

DM/21/01622/FPA Change of use from open space to garden land and retention of fencing. Approved 5th August 2021

DM/22/01458/FPA - Erection of one dwelling. Refused. 24.08.2022

PLANNING POLICY

NATIONAL POLICY

5. The Government has consolidated all planning policy statements, guidance notes and many circulars into a single policy statement, the National Planning Policy Framework (NPPF), although the majority of supporting Annexes to the planning policy statements are retained. The overriding message is that new development that is sustainable should go ahead without delay. It defines the role of planning in achieving sustainable development under three topic headings – economic, social, and environmental, each mutually dependent.
6. The presumption in favour of sustainable development set out in the NPPF requires local planning authorities to approach development management decisions positively, utilising twelve ‘core planning principles’. The following elements of the NPPF are considered relevant to this proposal;
7. *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.

8. *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.
9. *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.
10. *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.
11. *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.
12. *NPPF Part 15 - Conserving and Enhancing the Natural Environment* - Conserving and enhancing the natural environment. The Planning System should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes, geological conservation interests, recognising the wider benefits of ecosystems, minimising the impacts on biodiversity, preventing both new and existing development from contributing to or being put at unacceptable risk from pollution and land stability and remediating contaminated or other degraded land where appropriate.

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

NATIONAL PLANNING PRACTICE GUIDANCE:

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

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

LOCAL PLAN POLICY:

14. The following policies within the County Durham Local Plan are considered relevant in terms of this proposal:

15. *Policy 1 (Quantity of Development)* outlines the levels of employment land and housing delivery considered to be required across the plan period.

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

17. *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.

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 design and scale suitable for intended use and well related to existing development.

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: change of use of existing building, intensification of existing use through subdivision; replacement of existing dwelling; or householder related development.

18. *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.

19. *Policy 27 (Utilities, Telecommunications and Other Broadcast Infrastructure)* supports such proposals provided that it can be demonstrated that there will be no significant adverse impacts or that the benefits outweigh the negative effects; it is located at an existing site, where it is technically and operationally feasible and does not result in visual clutter. If at a new site then existing site must be explored and demonstrated as not feasible. Equipment must be sympathetically designed and camouflaged and must not result in visual clutter; and where applicable it proposal must not cause significant or irreparable interference with other electrical equipment, air traffic services or other instrumentation in the national interest.

20. *Policy 29 (Sustainable Design)* requires all development proposals to achieve well designed buildings and places having regard to SPD and sets out 18 elements for development to be considered acceptable, including: positive contribution to areas character, identity etc.; adaptable buildings; minimising greenhouse gas emissions and use of non-renewable resources; providing high standards of amenity and privacy; contributing to healthy neighbourhoods; and suitable landscape proposals. Provision for all new residential

development to comply with Nationally Described Space Standards, subject to transition period.

Provision for alterations and extensions to residential property to be sympathetic to existing building and character and appearance of area

Provision for signage, adverts, street furniture and public art to be appropriate and sympathetic to users and local setting and not detrimental to visual amenity or public highway safety

Provision for major developments to appropriately consider the public realm in terms of roads, paths, open spaces, landscaping, access and connectivity, natural surveillance, suitable private and communal amenity space that is well defined, defensible and designed to the needs of its users.

Provision for new major residential development to be assessed against Building for Life Supplementary Planning Document, to achieve reductions in CO2 emissions, to be built to at least 30 dwellings per hectare subject to exceptions. All new development to achieve BREEAM minimum rating of 'very good'.

21. *Policy 31 (Amenity and Pollution)* sets out that development will be permitted where it can be demonstrated that there will be no unacceptable impact, either individually or cumulatively, on health, living or working conditions or the natural environment and that can be integrated effectively with any existing business and community facilities. Development will not be permitted where inappropriate odours, noise, vibration and other sources of pollution cannot be suitably mitigated against, as well as where light pollution is not suitably minimised. Permission will not be granted for locating of sensitive land uses near to potentially polluting development. Similarly, potentially polluting development will not be permitted near sensitive uses unless the effects can be mitigated.

22. *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.

23. *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.

24. *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.

25. *Policy 41 (Biodiversity and Geodiversity)* restricts development that would result in significant harm to biodiversity or geodiversity and cannot be mitigated or compensated. The retention and enhancement of existing biodiversity assets and features is required as are biodiversity net gains. Proposals must protect geological features, have regard to Geodiversity Action Plans and the Durham Geodiversity Audit and where appropriate

promote public access, appreciation and interpretation of geodiversity.

Development proposals where the primary objective is to conserve or enhance biodiversity or geodiversity will be permitted if they comply with other local plan policy. Development proposals which are likely to result in the loss of deterioration of irreplaceable habitats will not be permitted unless there are wholly exceptional reasons and a suitable compensation strategy exists.

26. There is no relevant neighbourhood plan within this area.

CONSULTATION AND PUBLICITY RESPONSES

STATUTORY RESPONSES:

27. **DCC Highways** - No objections would be made. The new access must be constructed in accordance with the requirements of Section 184(3) of the Highways Act 1980. The applicant must contact highways.licensing@durham.gov.uk in this regard. I would request a suitably worded Informative to this effect be added to any planning permission that may be granted.

As an informative

Developers undertaking works requiring access to the public highway must be made aware of the requirements of The County Council of Durham Road and Street Works Permit Scheme. This scheme permits access to the public highway and it is a legal requirement for developers to adhere to the scheme requirements. Permits will only be granted once a S278 agreement or S184 licence is secured. Failure to adhere to the scheme will result in delay to development proposals and potential legal action by this highway authority. Scheme details can be found at <http://www.Durham.gov.uk/roadworks>

All correspondence relating to the scheme should be addressed to DCCstreetworkspersmitscheme@durham.gov.uk

All drainage from these proposals should be dealt with at source and not discharged onto the public highway (it is an offence under S163 HA). Section 163 HA 1980 gives powers to the highway authority to require adjoining occupiers to prevent water from falling on to persons using a highway or surface water from premises from flowing over roads and footways.

The Highways Act 1980 - Section 153. It is an offence for any doors or gates to open outwards towards the public highway.

28. **DCC Tree** - require a Tree survey (TS), Arboricultural Method Statement (MS), Impact Assessment (AIA) Tree Protection Plan (TPP), showing the root protection area (RPA) of all trees located within and adjacent to the site.

Arboricultural information must comply with BS 5837 2012 Trees in relation to design, demolition and construction- Recommendations.

29. **DCC Design and Conservation** - Whilst the proposed dwelling is similar in design to those recently approved adjacent to the site, the principle of development is questionable based on the previously refused application and most recent comments from colleagues in Spatial Policy.

30. **DCC Ecology** – The ecological report in section 7.2 Biodiversity Enhancement Measures provides sufficient compensation to deliver net gains for biodiversity as per the

NPPF and Local Plan, these measures should be conditioned as part of any planning permission.

31. **DCC Env. Health Contaminated Land** – No objection subject to conditions

32. **DCC Env. Health Nuisance Action** – No objection

33. **DCC Landscape** – In terms of impacts on vegetation, the proposed access to the site from the road would involve the loss of a section of hedgerow which is a landscape element of the local character. The proposed building footprint to the south-east of the plot would potentially encroach on the root protection areas of a group of existing trees which form a small deciduous copse. These existing trees have the potential to push canopies out into the site and extend roots into areas proposed for construction in future years. It appears that information to identify and describe the anticipated impacts upon the hedge at the front of the property and adjacent trees has not been included with the application.

The development would therefore introduce moderate and adverse levels of harm to landscape character and visual amenity and the acceptability of this is dependent on the balance of planning considerations.

If the site was to be developed, then further future encroachment of additional development could be contained by protection of existing trees to the south-east of the site which could form a settlement buffer.

34. **Northumbrian Water** – No response

35. **The Coal Authority** – No objection subject to conditions

PUBLIC RESPONSES:

36. The application was advertised by way of site notice. Additionally, 21 letters were sent directly to neighbouring properties. No replies were received.

APPLICANT'S STATEMENT:

37. The proposed development is a revised design with additional supporting information submitted to support the current application following a previous refusal on the site. This was despite positive pre-application advice before any submission was made where none of the concerns regarding development of the site were raised. Nonetheless it is positive that the recommendation notes that the current revised design addresses previous design concerns.

The matter of sustainability of the site remains an area of concerns for officers. However the supporting information is clear that the site is within walking distance, along existing footpaths which connects the site to regularly serviced bus stops.

There is an existing lit footpath directly opposite the application site with 4 regularly serviced bus stops within 600 metres of the application site, one of which is directly adjacent to the site and another on the opposite side of the road is within 50 metres. This therefore provides sufficient opportunity for residents to access the public transport network and therefore avoid reliance on private car. The serviced bus routes provide access to a number of surrounding villages, which comprise shops/services/schools/hospitals. Spatial policy comments in this application note that there is national policy support for development which support the continued use of such rural facilities.

When considering the locational sustainability of the site directly adjacent to the application in July 2019 (reference DM/19/02260/FPA) in approving the two dwellings (now built) the officer report concluded the following

“Whilst there are no facilities in Medomsley Edge itself other than a car repair garage the site is in very close proximity to bus stops with bus services that connect it to Consett as well as the surrounding villages of Medomsley, Ebchester and Leadgate, all of which provide a range of facilities and there are also services to two secondary schools, a college and Newcastle City Centre. Against this background, it appears that jobs, shops, services and education are likely to be reasonably accessible from the site by modes of transport other than the private car.”

The bus service provision has NOT changed since this conclusion. A similar view was taken by an inspector who allowed an appeal in a similar situation in Esh Winning in which the inspector concluded that a nearby bus stop provided opportunity for use of public transport which connected the site to the wider area and facilities. In a similar way to the allowed appeal there is an existing lit footpath, possibility to cycle on the highway and also easy access to a serviced bus stop. Therefore in the same way the inspector concluded that the appeal site provided *“availability and accessibility of sustainable transport modes to future occupiers”*

The proposed design is in keeping with the scale and proportions of the surrounding street scene and will be visually attractive. The proposal provides sufficient space between existing and proposed properties to ensure good amenity for both existing and proposed residents with sufficient curtilage space for car parking and gardens to the front and rear.

Other than spatial policy concerns regarding the sustainability of the site, there are no technical consultee objections and no neighbouring residents have objected to the proposed development.

The proposals represent sustainable development which will provide an additional home, which will be well connected to the village making the most effective use of land. The site is currently underutilized and provides an ideal opportunity to provide a dwelling. The proposed development will provide an optimum, viable use of the land whilst providing a number of environmental, economic and social benefits. The proposals accord with local and national planning policy in all regards.

The above is not intended to list every point made and represents a summary of the comments received on this application. The full written text is available for inspection on the application file which can be viewed at <https://publicaccess.durham.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=P8X9C0GDL8J00>

PLANNING CONSIDERATIONS AND ASSESSMENT

38. The main planning considerations of this application are the compliance of the proposal with national and local planning policy, (the principle of housing development, sustainability of the site, planning obligations, viability), impact on highway and pedestrian safety, impact upon the visual amenity of the area, landscaping, impact on the amenity and privacy of existing and future neighbouring land users, ecology and nature conservation, flooding and drainage and any other material planning considerations.

PRINCIPAL OF DEVELOPMENT

39. As identified in Section 38(6) of the Planning and Compulsory Purchase Act 2004 the key consideration in the determination of a planning application is the development plan. Applications should be determined in accordance with the development plan unless material

considerations indicate otherwise. In this respect the development plan for the area consists of the policies contained with the adopted County Durham Plan (2020)

40. Policy 6 of the County Durham Plan (CDP) supports development on sites which are not allocated in the Plan, but which are either within the built-up area or outside the built up area but well related to a settlement, stating that such development will be permitted provided it is compatible with uses 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.

41. As detailed above Policy 6 of the CDP permits development on unallocated sites provided it meets the criteria set out within the policy. In this regard it is considered Medomsley Edge is a somewhat 'sporadic' settlement comprised of several groupings of dwellings of around 50 units in total. It ranks 170th out of 230 settlements in the Council's settlement study, based on the levels of service provision.

42. There is a garage to the south east of the settlement and bus stops within walking distance of the site which are serviced by a single hourly service to Consett, Newcastle and Gateshead. However, this is the extent of the service provision. The former Hat and Feather Pub is situated further south, however this has closed. The nearest facilities are to be found in Medomsley village which is approx. 2km from the site. The effect of this is likely to be that occupants of the proposed dwelling would be solely reliant upon travelling to other towns and villages to access goods and services.

43. It is further noted from historic mapping that this site has remained free from development for over 100 years or so. While the adjacent site has permission for residential use, this was previously occupied by the Pretoria Working Mans Club and received consent under the Derwentside District Plan with this application site not being associated with this use.

44. It is considered that the site is regarded to fall outside the settlement of Medomsley Edge and would contribute to ribbon development and coalescence between the current built environment and that further to the South. In addition the proposed form and layout does not relate to the sporadic form of the settlement of Medomsley Edge or the adjoining residential properties.

45. The proposal therefore is considered to be contrary to Policy 6 (b), (d) and (f) of the criteria. relevant due to the outline nature of the proposal.

46. Policy 10 of the County Durham Plan seeks to resist development within the countryside unless allowed by specific policies within the plan, or relate to the one or more of the exceptions set out within Policy 10.

47. In this regard there are no specific policies that would relate to a development of this nature within this location, nor would the development meet any of the specific exceptions within Policy 10. It is therefore considered that the proposal is contrary to Policy 10 of the County Durham Plan.

Sustainable Development

48. The overriding objective of planning is to contribute to the achievement of sustainable development; this objective is echoed in the NPPF particularly as the presumption in favour of sustainable development is the golden thread running through the NPPF. In applying the

presumption and in viewing the Government agenda to build more homes due regard must be had to the requirement to provide homes that meet the needs of the community and that are in the right location.

49. Considerable weight should be given to the fact that the authority can now demonstrate in excess of a five-year housing land supply but that does not override the requirement that is set out with the National Planning Policy Framework to ensure that development is sustainable. The NPPF paragraph 8 sets out the three dimensions that form sustainable development, namely, economic, environmental and social. The three roles are mutually dependent and should not be taken in isolation.

50. Critically, paragraph 11 of the NPPF states that, for decision-takers, applying the presumption in favour of sustainable development means approving development proposals that accord with an up-to-date development plan without delay. Whilst paragraph 12 of the NPPF on the other hand stipulates 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 that the plan should not be followed.

51. As detailed above the proposed development is located outside envelope of any settlement with limited access to sustainable transport links with a single bus service running hourly it is therefore considered that the site is in an unsustainable location wholly reliant on private motor vehicles contrary to Part 2 of the NPPF and the aspirations of paragraph 79 of the NPPF in supporting the vitality and viable of communities, and contrary to Policy 6 (f), Policy 21 and Policy 29 (m)(2) of the County Durham Plan .

52. The applicants in their statement have made reference to the original consent in the adjoining site, which considered the application site to be sustainable location due to the nearby bus stops. However, this decision was prior to the County Durham Plan being adopted which puts greater emphasis on ensuring that sites are sustainable in accordance with Policies 6, 21 and 29. Furthermore, it is noted that the previous scheme included the demolition of a vacant working men's club, which would have had wider benefits in the planning considerations.

Principle of development summary

53. It is considered that the proposal would be contrary to Policies 6, 10, 21, and 29(m)(2) of the County Durham Plan due to the location of the site being within an unsustainable location within the Countryside.

Impact on the character and appearance of the streetscene

54. Policy 29 (Sustainable Design) of the County Durham Plan 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.

55. This is in line with Policy 6(d) which requires development to be appropriate in terms of scale, design, layout and location to the character, function, form and setting of the settlement.

56. In terms of the design of the dwelling, as a standalone dwelling, the design is acceptable. The use of stone and slate for materials is considered to be acceptable and the

specific details of the materials could be left to a planning condition to secure a high-quality material for the site.

57. The immediate setting of the site to the north sees large detached dwellings within large plots and the design of the structure does not relate to the character, form and function of these. Instead, the proposal includes a smaller dwelling on the site which does not have the expansive land surrounding to the front and side.

58. It is considered that this would appear incongruous in the streetscene in relation to the adjacent development which would not make a positive contribution to the area's character.

59. Information has been submitted with the application to show that the proposal would be compliant with the Nationally Described Space Standards (NDSS). The resultant property would be a three-bedroom, two storey dwelling which would be required to have 102m² in gross internal floor space. The proposal would exceed this requirement and therefore comply with the NDSS.

60. Therefore, it is considered that the proposal complies with Policy 6 (d) and Policy 29 of the County Durham Plan and the NDSS.

Impact upon Residential Amenity

61. Policy 29 (Sustainable Design) of the CDP 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. Provision for major developments to appropriately consider the public realm in terms of roads, paths, open spaces, landscaping, access and connectivity, natural surveillance, suitable private and communal amenity space that is well defined, defensible and designed to the needs of its users.

62. In addition to the above policies within the CDP, the Local Authority has adopted a residential design SPD which sets out the Councils expectation in relation to privacy distances and private outdoor amenity space (Gardens). In this regard the development would need to achieve a minimum of 21m between two storey buildings and 18m between bungalows and provide rear garden lengths of at least 9m.

63. The above policies and SPD are in broad accordance with paragraph 130 of the NPPF which requires that planning decisions should ensure that developments will create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

64. It is considered that the proposal more than meets the privacy distance to the front and rear, however due to the orientation and relationship with the neighbouring property to the North their rear windows will have an aspect towards the side and rear gardens of the proposed dwelling. However, whilst there are windows in the side elevation of the proposed these are not primary habitable room windows (WC and utility) and they do not overlook any principle amenity space of future residents, and therefore it is considered that the residential amenity is protected.

65. Policy 27 of the County Durham Plan requires that all new residential development should be served by high-speed broadband connections. The UK Government defines

superfast internet as speeds in excess 24mbps. It is noted that the website for Ofcom (regulator for the communications services) provides a detailed internet speed checking service for locations within England. In this regard they confirm that the settlement, and the adjacent dwelling are by Superfast internet connections of upto 75mbps. It is therefore considered that the site is capable of achieving the requirement of Policy 27, subject to an appropriate condition to secure this matter.

66. Crime, and fear of crime are material planning considerations. Paragraph 92(b) of the NPPF states that planning decision should aim to ensure that developments provide health, inclusive and safe places that are safe and accessible, so that crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion. In this regard it is considered that, given that this is an outline application with the majority of matters reserved that these matters will be considered in detail at the reserved matters stage. However, given the proposed use as residential in near to albeit not within a residential area it is considered that in principle the proposal has the ability to meets the test of Paragraph 92 of the NPPF and Policy 29(m) of the CDP.

67. 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.

68. The Council's Env. Health officer has accessed the development and concluded that the proposal has the potential to cause a nuisance in relation to disturbance during the construction phase for existing nearby residents. However, they have confirmed that subject to planning conditions the nuisances can be adequately mitigated. As such it is considered that the proposal is acceptable in relation to the impact on the surrounding residents subject to the requested conditions.

69. Therefore, it is considered that the proposal is acceptable in that there would not be any unacceptable impact upon residential amenity of future or existing residents in accordance with the aims of Policies 29 and 31 of the County Durham Plan, the Residential Design SPD and Parts 8 and 12 of the NPPF, subject to appropriate conditions.

Sustainability and Energy Efficiency

70. Policy 29 of the County Durham Plan criteria c and d require that developments should seek to minimise greenhouse gas emission by seeking to achieve zero carbon buildings and provide renewable and low carbon energy generation and should minimise the use of non-renewable and unsustainable resources.

71. The proposal does not provide any details as to how the dwelling will deal with this requirement, however it is considered that these measures can be achieved and secured by way of a planning condition should the scheme be considered acceptable.

72. In light of the above it is considered that the proposal is acceptable in regard to the provision of Policy 29 c d and o, subject to a planning condition requiring a detailed scheme to be submitted and agreed by the LPA in this regard.

Landscaping

73. Policy 39 (Landscape) of the CDP 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.

74. The Council's Landscape Section have considered the application and confirmed that the development would have a detrimental impact on the character of the landscape when viewed from Meadomsley Road to the front due to the loss of the existing hedge, however, it is considered that with a suitable landscaping scheme this harm could be mitigated. As such it is considered that the development would be acceptable in accordance with Policy 39 of the County Durham Plan and paragraph 130 of the NPPF subject to appropriate condition.

Highway and Pedestrian Safety

75. Policy 21 of the CDP requires that all development ensures that any vehicular traffic generated by new development can be safely accommodated and have regard to Parking and Accessibility Supplementary Planning Document

76. The Council's Highway Engineers have assessed the proposal and offered no objections in relation to highway and pedestrian safety. It is therefore considered the proposal can achieve a safe means of access. The scheme is therefore acceptable in this regard.

77. However, Policy 21(a) also requires that all development delivers, accommodates and facilitates investment in safe sustainable modes of transport for people with mobility issues or disabilities, walking, cycling, bus and rail transport. In this regard and as detailed above, the site due to its location is primarily reliant on private motor vehicles to access facilities.

78. In light of the above it is considered that the proposal is contrary to Policy 21(a) of the County Durham Plan, and Part 9 of the NPPF.

Ground Conditions

79. Policy 32 relates to despoiled, degraded, derelict, contaminated and unstable land and requires developers to demonstrate that any land subject to this can be satisfactorily addressed by appropriate mitigation measures prior to the construction and occupation of the proposed development as well as the site being suitable for the proposed use and that all the necessary investigations and risk assessments have been undertaken.

80. The application site is located within the Coalfield Development High Risk Area. The Coal Authority and Council's Contaminated Land Team have been consulted as part of the application and both recommend the inclusion of planning conditions to deliver an acceptable development in regard to the coal and contaminated land conditions of the site.

81. It is considered that the use of planning conditions could make the scheme acceptable in accordance with Policy 32 of the County Durham Plan

Trees

82. Policy 40 (Trees, Woodlands and Hedges) of the CDP 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.

83. The Council's Arborist has assessed the proposal and concluded that the scheme at present does not provide sufficient detail in relation to trees and the potential impact on the trees. However, due to the fundamental principle policy concerns it was not considered appropriate to require the applicant to go to the expense of providing this information.

84. Therefore, in light of the above it is considered that the proposal fails to adequately evidence that the proposal can be accommodated on site without causing damage or harm to the nearby tree and woodland contrary to Policy 40 of the CDP.

Ecology

85. Policy 41 (Biodiversity and Geodiversity) of the CDP restricts development that would result in significant harm to biodiversity or geodiversity and cannot be mitigated or compensated. Development proposals where the primary objective is to conserve or enhance biodiversity or geodiversity will be permitted if they comply with other local plan policy. Development proposals which are likely to result in the loss or deterioration of irreplaceable habitats will not be permitted unless there are wholly exceptional reasons and a suitable compensation strategy exists.

86. In relation to the above a County Ecologist has considered the proposal and concurred with the outcomes of the submitted report and confirmed that the application will provide a biodiversity net gain subject to a condition requiring compliance with the mitigation strategy.

Public Sector Equality Duty

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

88. In this instance, officers have assessed all relevant factors and do not consider that there are any equality impacts identified.

CONCLUSION

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

90. Overall, it is considered that the development would result in unsympathetic ribbon development outside of the previously developed land adjacent the site which would be contrary to Policy 6, 10, 29 and 40 of the County Durham Plan. The development would in addition require the reliance on private motor vehicles and whilst there is a bus service, the site is still a considerable distance to surrounding towns and villages to access service

provision in the vicinity. Therefore, the proposal would fail to accord with Policy 6(f) and Policy 21 of the County Durham Plan. Accordingly, the proposal is recommended for refusal.

RECOMMENDATION

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

1. The application is considered by virtue of its nature and location, to be a wholly inappropriate form of development within the Countryside contrary to the exceptions within Policy 10 of the County Durham Plan, and Part 2 of the NPPF.
2. It is considered that due to the lack of facilities and services within the settlement and reliable and frequent sustainable transportation links and foot paths linking to other settlements that future residents would be reliant on private motor vehicles to access services and employment. As such the site is considered to be an unsustainable location contrary to Policy 6 and 21 of the County Durham Plan, Part 2 of the NPPF with particular reference to the three overarching objectives of Paragraph 8 of the NPPF.
3. The development is considered to have a detrimental impact on the character and appearance of the location due to the form, scale and layout not being in-keeping with the neighbouring development and appearing as an incongruous in the streetscene. It will result in unsympathetic ribbon development outside of the previously developed land adjacent the site which would be contrary to Policy 6 and Policy 29 of the County Durham Plan.
4. The proposal fails to provide relevant assessment of the impact to the adjacent trees and woodland, and is therefore contrary to Policy 40 of the County Durham Plan, and Parts 12 and 15 of the NPPF

STATEMENT OF PROACTIVE ENGAGEMENT

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

BACKGROUND PAPERS

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

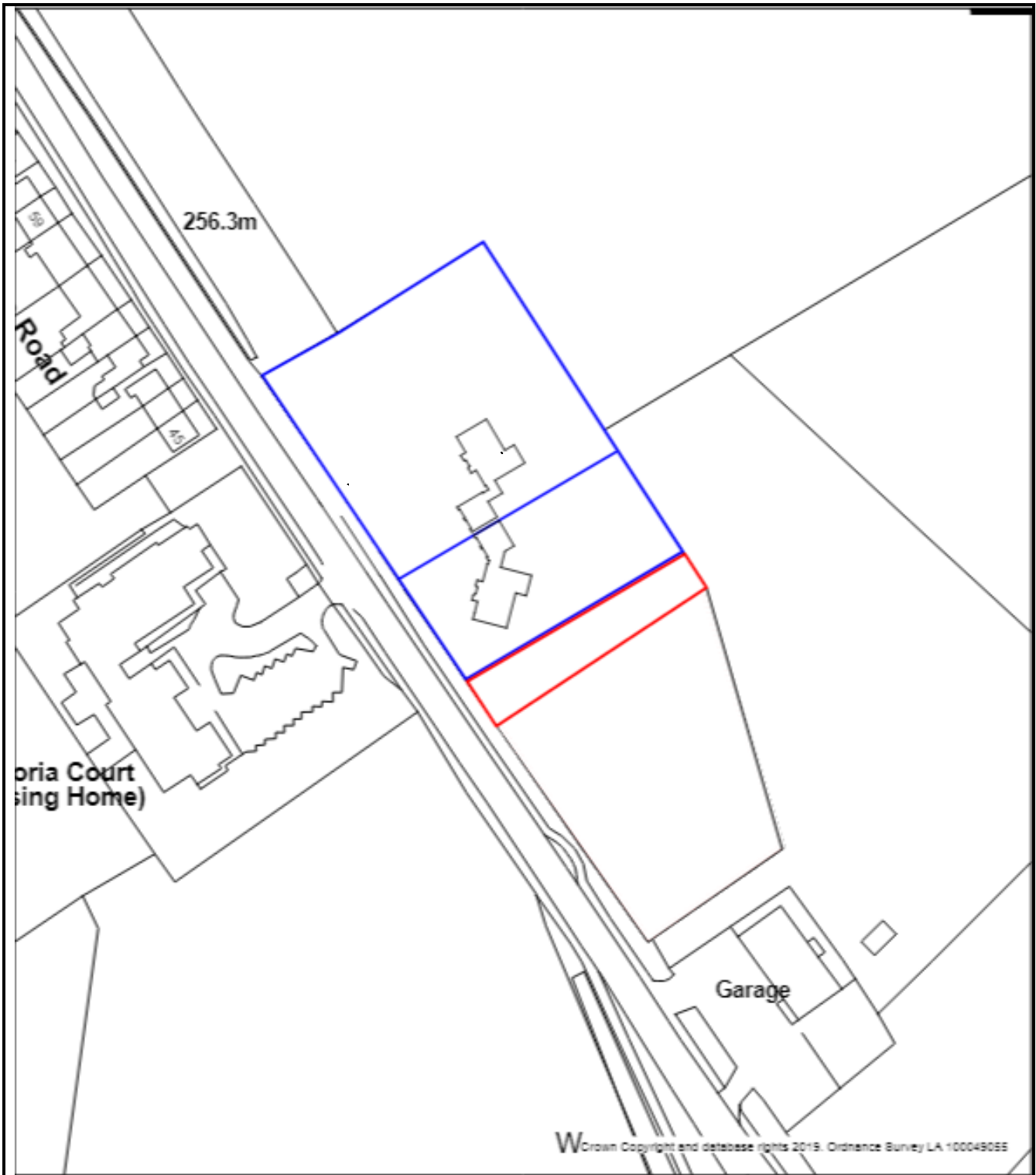
Statutory, internal and public consultation responses

The National Planning Policy Framework

National Planning Practice Guidance Notes

County Durham Plan

Residential Amenity Standards SPD (2022)



<p>Planning Services</p>		
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	<p>Date 11th April 2023</p>	<p>Scale DNS</p>

Planning Services

COMMITTEE REPORT

APPLICATION DETAILS

APPLICATION No:	DM/22/02955/FPA
FULL APPLICATION DESCRIPTION:	Demolition of the existing barn and erection of a new mixed-use visitor centre (Classes E, F1 and sui generis) with associated access, parking, landscaping and drainage
NAME OF APPLICANT:	North East Autism Society (NEAS)
ADDRESS:	New Warlands Farm Holmside Lane Burnhope
ELECTORAL DIVISION:	Lanchester
CASE OFFICER:	Scott Henderson Senior Planning Officer Telephone: 03000 256286 scott.henderson@durham.gov.uk

DESCRIPTION OF THE SITE AND PROPOSALS

The Site

1. The application site is located in open countryside approximately 400m to the south-west of the hamlet of Holmside. Currently the site is in agricultural use whilst the adjacent buildings and land are operated by the North East Autism Society (NEAS) as an adult education and training facility with workshops, classrooms, and open air agriculture as well as some short stay residential accommodation.
2. There are permanent residential properties on the southern boundary of the site. The entirety of the site is within an Area of High Landscape Value with Hag Wood, a defined Ancient Woodland, immediately north of the wider site. The site is not with a Conservation Area and there are no listed buildings in the vicinity. The site is within Flood Zone 1.
3. The site is served by the minor Holmside Lane, and in terms of public transport, the closest bus stop is 2km away to the west towards Burnhope. There are no footpaths along Holmside Lane although public footpath No.8 and public bridleway No.10 run through the site.

The Proposal

4. The proposed development seeks approval for the demolition of the existing barn and erection of a mixed-use visitor centre with associated access improvements, parking, landscaping and drainage works. The scheme will see the construction of 4 individual

buildings, providing a total of 1597sqm of new floorspace. The applicants wish for the four buildings to operate flexibly under the following use classes:

- Class E (a) Display or retail sale of goods, other than hot food
 - Class E (b) Sale of food and drink for consumption (mostly) on the premises
 - Class E (c) provision of services to visiting members of the public
 - Class E (g) office, research and development, light industry
 - Class F1 Learning and non-residential institutions
 - Sui Generis Apple Press facility
5. The broad objective of the work is to provide space for different types of shops, selling products produced on and off the site by the NEAS and to create a tourism centre and training hub, in turn creating employment opportunities for autistic young people in the area. The retail building will lead through into an open air courtyard with flexible spaces teaching, activities and performances. The courtyard will be bounded by a new workshop building, a new café with space for 80 covers, kitchen and toilets and to the north a new apple press facility to support the existing apple juice and cider production on site. This building would also feature a new shop and exhibition space. Car parking will be provided to the south of the new buildings near the entrance. 107 hard surfaced spaces will be provided including 5 accessible spaces, 14 cycle parking spaces and 2 EV charging points. The overall parking provision will be split into two areas, one dedicated to staff (38 spaces) and visitors (69 spaces). The junction to Holmside Lane is proposed to be widened to DCC Highway standards, and a new footpath from the junction into the site is proposed.
6. The buildings will all be single storey and not exceed the height of any of the existing buildings on site. The floorspace figures are as follows:
- Apple press – 320sm
 - Retail barn – 750sqm
 - Workshop – 140sqm
 - Café – 220sqm
7. Building materials reflect the surroundings being timber cladding, stone or brick bases, dark flashing, timber and metal doors.
8. The applicants have stated their intent to enhance biodiversity by expanding the orchards and planting on site. It is intended the provide a hardy mix of low and mid-level and slim and tall landscaping to stimulate pupil interest and soften building edges, as well as enhance wildlife habitat.
9. This application is being considered by committee at the request of a Local County Councillor.

PLANNING HISTORY

10. 1/2010/0165/73752 - Erection of single storey building (with mezzanine plant room) for use as an agricultural training centre for autistic adults, new car park, access road and landscaping – Approved June 2010.
11. 1/2012/0645/8565 - Erection of 2 no. Eco cabins for respite care/holiday accommodation – Approved March 2013

12. DM/16/03301/FPA - Construction of 4 No. lodges for children and adults with Autism – Approved February 2017

PLANNING POLICY

NATIONAL POLICY

13. The following elements of the National Planning Policy Framework (NPPF) are considered relevant to this proposal:
14. *NPPF Part 2 - Achieving sustainable development.* The purpose of the planning system is to contribute to the achievement of sustainable development and therefore at the heart of the NPPF is a presumption in favour of sustainable development. It defines the role of planning in achieving sustainable development under three overarching objectives – economic, social and environmental, which are interdependent and need to be pursued in mutually supportive ways. The application of the presumption in favour of sustainable development for plan-making and decision-taking is outlined.
15. *NPPF Part 4 - Decision-making.* Local planning authorities should approach decisions on proposed development in a positive and creative way. They should use the full range of planning tools available, including brownfield registers and permission in principle, and work proactively with applicants to secure developments that will improve the economic, social and environmental conditions of the area. Decision-makers at every level should seek to approve applications for sustainable development where possible.
16. *NPPF Part 9 – Promoting sustainable transport.* Encouragement should be given to solutions which support reductions in greenhouse gas emissions and reduce congestion. Developments that generate significant movement should be located where the need to travel will be minimised and the use of sustainable transport modes maximised.
17. *NPPF Part 12 Achieving Well-Designed Places.* The Government attaches great importance to the design of the built environment, with good design a key aspect of sustainable development, indivisible from good planning.
18. *NPPF Part 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.
19. *NPPF Part 15 - Conserving and enhancing the natural environment.* Planning policies and decisions should contribute to and enhance the natural and local environment.

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

NATIONAL PLANNING PRACTICE GUIDANCE:

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

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

LOCAL PLAN POLICY:

The County Durham Plan

21. *Policy 6 – Development of 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 the character of 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; encourages the use of previously developed land and reflects priorities for urban regeneration.
22. *Policy 7 (Visitor Attractions)* supports the provision of new, or the expansion of existing attractions, provided they are: in sustainable and accessible locations or can be made so; are appropriate to the site’s location in terms of scale, design, layout and materials; can demonstrate viability of new attraction or helps support viability of existing attraction; enhances existing attractions and supports the visitor economy.

Where a countryside location is required, development should: meet identified visitor needs; support local employment and community services; ensure adequate infrastructure; and respect the character of the countryside.

23. *Policy 9 (Retail Hierarchy and Town Centre Development)* seeks to protect and enhance the hierarchy of Sub Regional, Large Town, Small Town, District and Local retail centres in the county
24. *Policy 10 Development in the Countryside.* Development in the countryside will not be permitted unless allowed for by specific policies in the Plan, relevant policies within an adopted neighbourhood plan relating to the application site or where the proposal relates to one or more of the following exceptions; economic development, infrastructure development or the development of existing buildings. New development in the countryside must accord with all other relevant development plan policies and general design principles.
25. *Policy 21 Delivering Sustainable Transport* states that all development shall deliver sustainable transport by (in part) ensuring that any vehicular traffic generated by new development, following the implementation of sustainable transport measures, can be safely accommodated on the local and strategic highway network and does not cause

an unacceptable increase in congestions or air pollution and that severe congestion can be overcome by appropriate transport improvements.

26. *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.
27. *Policy 29 Sustainable Design* Requires all development proposals to achieve well designed buildings and places having regard to SPD advice and sets out detailed criteria which sets out that where relevant development is required to meet including; making a positive contribution to an area's character and identity; provide adaptable buildings; minimise greenhouse gas emissions and use of non-renewable resources; providing high standards of amenity and privacy; contributing to healthy neighbourhoods; providing suitable landscape proposals; provide convenient access for all users; adhere to the Nationally Described Space Standards (subject to transition period).
28. *Policy 31 Amenity and Pollution* Sets out that development will be permitted where it can be demonstrated that there will be no unacceptable impact, either individually or cumulatively, on health, living or working conditions or the natural environment and that they can be integrated effectively with any existing business and community facilities. Development will not be permitted where inappropriate odours, noise, vibration and other sources of pollution cannot be suitably mitigated against, as well as where light pollution is not suitably minimised. Permission will not be granted for sensitive land uses near to potentially polluting development. Similarly, potentially polluting development will not be permitted near sensitive uses unless the effects can be mitigated.
29. *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.
30. *Policy 36 Water Infrastructure.* Advocates a hierarchy of drainage options for the disposal of foul water. Applications involving the use of non-mains methods of drainage will not be permitted in areas where public sewerage exists. New sewage and waste water infrastructure will be approved unless the adverse impacts outweigh the benefits of the infrastructure. Proposals seeking to mitigate flooding in appropriate locations will be permitted though flood defence infrastructure will only be permitted where it is demonstrated as being the most sustainable response to the flood threat.
31. *Policy 39 Landscape* states that proposals for new development will be permitted where they would not cause unacceptable harm to the character, quality or distinctiveness of the landscape, or to important features or views and that development affecting valued landscapes will only be permitted where it conserves, and where appropriate enhances, the special qualities of the landscape, unless the benefits of the development in that location clearly outweigh the harm.

32. *Policy 40 Trees, Woodlands and Hedges* states that proposals will be expected to retain existing trees where they can make a positive contribution to the locality or to the development, maintain adequate standoff distances between them and new land-uses, including root protection areas where necessary, to avoid future conflicts, and integrate them fully into the design having regard to their future management requirements and growth potential.
33. *Policy 41 Biodiversity and Geodiversity* states that proposal for new development will not be permitted if significant harm to biodiversity or geodiversity resulting from the development cannot be avoided, or appropriately mitigated, or as a last resort, compensated for.
34. *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.
35. *Policy 44 Historic Environment* seeks to ensure that developments should contribute positively to the built and historic environment and seek opportunities to enhance and, where appropriate, better reveal the significance and understanding of heritage assets. The policy advises on when harm or total loss of the significance of heritage assets can be accepted and the circumstances/levels of public benefit which must apply in those instances.
36. The site is not covered by any neighbourhood plans

CONSULTATION AND PUBLICITY RESPONSES

STATUTORY RESPONSES:

37. *DCC Highways* – Concerns raised as to how poor the site is in regards to accessibility to the wider highway network because of its remoteness. The site has a lack of pedestrian connections and no access for users to public transport options and is poorly related to local facilities. However, notwithstanding the sustainable merits of the site. The proposal is acceptable in highway safety terms subject to a carpark strategy management plan being conditioned if a lawful consent was granted for the site.

INTERNAL CONSULTEE RESPONSES:

38. *Spatial Policy* – The site is located outside of what would be regarded as the built-up area of the settlement of Burnhope. As a result, Policy 10 (Development in the Countryside) of the CDP is relevant to the determination of the application. Policy 10 states that development in the countryside will not be permitted unless allowed for by specific policies in the Plan, relevant policies within an adopted neighbourhood plan relating to the application site or where the proposal relates to an exception listed in the policy. The exceptions are as follows:

- a. an existing agricultural or other existing rural land-based enterprise or associated farm diversification scheme, including the provision of new or the extension of existing building(s), structures or hard standings required for the functioning of the enterprise;
- b. the expansion of an existing business falling beyond the scope of a rural land based enterprise, where it can be clearly demonstrated that it is, or has the prospect of being, financially sound and will remain so;
- c. the establishment of a new agricultural or other rural land based enterprise which clearly demonstrates an essential and functional need for that specific location and where it can be clearly demonstrated that it has the prospect of being financially sound and will remain so; or
- d. the undertaking of non-commercial agricultural activity which is located within or directly adjoining the applicant's existing residential curtilage which is of a scale commensurate to the incidental enjoyment of that existing dwelling.

It is considered that proposal would have a degree of alignment with the requirements set down under criteria 'a'. However, design, construction and scale should be suitable for and commensurate to the intended use and any resulting building(s), other structure(s) and hard standing(s) must be well related to the associated farmstead or business premises unless a clear need to ensure the effective functioning of the business. It would be a matter for the case officer in conjunction with specialist colleagues in design, landscape and highways to determine if the proposal is compliant with these requirements. In addition, the requirements under criteria 'l', 'o', 'p', 'q', 'r', 's' and 't' of Policy 10 would also need to be satisfied.

39. *Design and Conservation* – The subject site is not located within any designated conservation area, it does not contain any listed buildings, and it not within the setting of any designated heritage asset. Warland Farmhouse, bounding the site in the south, is identifiable on the 1st edition OS map c1860, and its footprint, that includes a gin-gang, is identical to that of today.

It therefore has some local historic interest, and despite being heavily and insensitively modernised following a 1980s conversion and renovation scheme, it is potentially a non-designated heritage asset (NDHA) but mainly for its historic interest and ties to local agricultural practices. The proposal to change the paddock directly behind the farmhouse into a car park will transform it from rural to suburban that would bring about harm to its current rural character.

The scheme considered at the earlier stage has been amended slightly, reducing the level of carparking with an earth bank and screen planting now provided along its south boundary to Warlands Farm.

In views approaching the farmhouse from the west the retention of the stone boundary wall plus the screening features and slight difference in levels, would be expected to negate the visual impact in the context of the farmhouse. Approaching from the east there would be no expected intervisibility on account of the intervening topography, hedgerows, trees, and vegetation along the side of the lane and the plot boundaries. By virtue of the retaining the general plan and layout to the rest of the development, the new buildings replacing existing beyond the car park, they would be anticipated to cause no greater harm to the setting of the farmhouse than the current situation. The best place to be able to understand and experience the conserved heritage values of the farmhouse is at close quarters in front of the building, that would be unchanged.

Given the above, the overall level of impact within the farmhouses setting is major given the scale of the development proposal but the effect not harmful. As such, no conflict is found with NPPF Section 16 (Conservation and Enhancement of the Historic

Environment) nor County Durham Plan Policy 44 (Historic Environment). The main impacts would appear to be wider planning policy based, given that the development would be in the open countryside, and landscape related, as the site is within the area of high landscape value where the proposals are intensive and transformative, that are matters for colleagues in the respective specialist teams to determine.

40. *Environmental Health (Nuisance Action Team)* – Acceptable subject to conditions relating to plant noise.
41. *Environmental Health (Contaminated Land)* – Acceptable subject to conditions relating to additional intrusive investigation and mitigation.
42. *Public Rights of Way Officer* – No objection, but safety measures may be needed where vehicles are proposed to cross the public footpath, and any diversion, no matter how slight, will need to be applied for under the appropriate legislation.
43. *Lead Local Flood Authority* – we as LLFA approve the principles of SuDS systems proposed for this development, but for the permeable paving we do not at this moment confirm we approve the design detail; from a Planning point of view would you accept the principles and approve the proposal based upon the principle of permeable surfacing being included? It would then be the responsibility of the design consultant to ensure the system works.
44. *Ecology* – There are no predicted impacts on protected species or Priority Habitats and Species.

Given the relatively small scale of the development we can deal with the BNG delivery through a condition rather than a legal agreement. Prior to commencement we will need a Biodiversity Management and Monitoring Plan and identification of the land to be used for “off-site” mitigation as per the Biodiversity Net Gain Assessment (E3 Ecology). Once built a revised metric will need to be produced showing net gains have been achieved (again see the E3 Ecology document).

Although we would normally want the off-site land clearly identified at this stage, suitable areas have been broadly identified (which could potentially generate a greater amount of biodiversity units than are predicted to be required) and the requirements of the condition will secure the details.

45. *Landscape* – The amendments made to the landscaping scheme are now acceptable subject to the maintenance and management plan.

EXTERNAL CONSULTEE RESPONSES:

46. *Northumbrian Water* have no comments to make.
47. *Durham Constabulary* have no objections but have provided a series of suggestions and recommendations to help create a safe and crime free development including lighting, door fittings, roller shutters, glazing specification and alarm systems.

PUBLIC RESPONSES:

48. Two representations have been received in response to the consultation exercise involving 40 individual letters, press and site notices. Both representations objected to the proposals on the basis of increased traffic, inadequate roads/pedestrian paths, increase in noise and pollution, and a drop in local property prices.

APPLICANT'S STATEMENT:

49. The fundamental aim at the heart of this development is to provide additional, wider training opportunities for NEAS's service users, who are young people and adults aged 19 and above with autism spectrum disorders (ASD) alongside other co-occurring learning difficulties and physical disabilities. Service users often have very complex needs and the New Warlands Farm training centre offers day services to these users, with multidisciplinary teams on hand at all time to assist with complex care needs, while also providing important training opportunities and work experience to users who have less complex needs and have the capacity to take up opportunities in formal employment settings.
50. The proposed development will offer a bespoke development which provides significantly enhanced training facilities for service users, taking advantage of the opportunities offered by the site and its agricultural surroundings to allow for managed and closely monitoring training and work experience in a working environment, which will benefit from visiting customers to the proposed small retail units, café, apple press and visitor centre. This development is only possible due to the co-location of the existing training centre next door, which provides the administrative and staffing functions required to maintain a safe and supported work environment for the service users within the new development. In addition, the development will provide 24 additional FTE jobs, generating a significant benefit for local people looking for employment; the shops and café will also supply goods sourced from local farms and suppliers, providing additional benefits to the wider economy and supply chain.
51. The applicant appreciates that the site is located in the open countryside and in a rural, sparsely populated part of County Durham. However, they are extremely disappointed that restrictive policy constraints within the adopted County Durham Plan Policy 10 are being applied in such a way that officers are recommending refusal of this application. We have provided DCC officers with a wealth of information which shows there are no other suitable locations that could accommodate this development, notwithstanding the fundamental issue that the scheme has to be co-located with the existing training centre. We have also demonstrated that the café and retail uses, which are the aspects of the development said to be in conflict with Policy 10, cannot be split apart from the rest of the development as the revenue generation they provide is necessary in order for NEAS to fund the additional training facilities at the heart of this development; they are not profit-generating uses with NEAS being a non-profit registered Charity. We consider that the development does meet the requirements of Policy 10.
52. It is our strong view that the nature of the proposed development and the significant social and economic benefits it provides to County Durham, the local community and most importantly the service users significantly outweigh the harm caused by the development. To conclude, NEAS are very disappointed that after several years of discussion with officers this application is being recommended for refusal, however they would politely urge members of the Committee to consider the circumstances of this development beyond the restrictive context of Policy 10; it would allow this important local charity (Head office in Chester-le-Street) to continue to provide support for the complex needs of autistic people, offering them vital opportunities to progress in wider society with work experience in a managed, but realistic commercial setting, and securing the future of the New Warlands Farm training centre. In that context, Paragraph 12 of the NPPF provides Members with the opportunity to approve the application despite the departure from the adopted Policy 10 requirements, and we would politely ask that they consider approving this application.

53. NEAS are thankful for the opportunity being offered by officers to take this application to Committee and will be looking forward to speaking at the meeting in April in support of the application

The above is not intended to list every point made and represents a summary of the comments received on this application. The full written text is available for inspection on the application file which can be viewed at <https://publicaccess.durham.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=P8X9C0GDL8J00>

PLANNING CONSIDERATIONS AND ASSESSMENT

54. 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, highway safety and access, layout and design, landscape and visual impact, heritage and archaeology, residential amenity, ecology, flooding and drainage, infrastructure and public open space, and other matters.

Principle of the Development

The Development Plan

55. 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.
56. Paragraph 11 of the NPPF establishes a presumption in favour of sustainable development. For decision taking this means:-
- c) approving development proposals that accord with an up to date development plan without delay; or
 - d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:
 - i) the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or,
 - ii) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.
57. Policy 6 of the County Durham Plan (CDP) supports development on sites which are 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, stating that such

development will be permitted provided it is compatible with uses 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.

58. However, as the site is not located within or adjacent to any existing settlement for planning purposes it is considered to be located within the open countryside and as such Policy 6 does not apply.
59. Policy 10 of the County Durham Plan seeks to control development within the Countryside and states that development will not be permitted unless allowed for by specific policies in the Plan (such as Policy 7 relating to visitor attraction), relevant policies within an adopted neighbourhood plan relating to the application site, or where the proposal relates to stated exceptions..
60. Policy 7 (Visitor Attractions) supports the provision of new, or the expansion of existing attractions, provided they are: in sustainable and accessible locations or can be made so; are appropriate to the site's location in terms of scale, design, layout and materials; can demonstrate viability of new attraction or helps support viability of existing attraction; enhances existing attractions and supports the visitor economy.
61. Where a countryside location is required, development should: meet identified visitor needs; support local employment and community services; ensure adequate infrastructure; and respect the character of the countryside.
62. As detailed above it is considered that the proposal could gain support from Policy 7 as a visitor attraction provided it meets the criteria as set out within that policy, which are as follows:
 - a. located in sustainable and accessible locations, or can be made so;
 - b. appropriate to the site's location in terms of scale, design, layout and materials;
 - c. it can demonstrate the viability of the new attraction or, where appropriate, helps support the viability of an existing attraction; and
 - d. it enhances and complements existing visitor attractions or priorities in the county and supports the development of a year-round visitor economy and/or extends visitor stays.Where a countryside location is necessary the development should:
 - e. meet identified visitor needs;
 - f. support local employment and community services;
 - g. ensure adequate infrastructure; and
 - h. respect the character of the countryside
63. In assessing these matters, it is considered that the proposal is acceptable in relation to criteria b, c, and h.

64. It is not considered that the proposal enhances/compliments any existing visitor attraction (criteria d) , as at present there is no visitor attractions on site, nor meets any county priorities for visitor attractions to develop year round visitor economy and/or visitor stays. In addition, there is no identified visitor need for the proposal (albeit there is a need for the charity work, this is not the test for this policy) (criteria e) , whilst the proposal will provide employment training opportunities for users of the charity, it will introduce town centre uses outside of the designated local centres (criteria f) and as such is considered to have a detrimental impact on the vitality and viability of the designated local centre, this is discussed in greater detail below.
65. In relation to criteria a and g – these are discussed in more detail below, however whilst the infrastructure the site will provide sufficient infrastructure on site to deal with visitors, the site will only be accessible by private motor vehicle.
66. It is therefore considered that the proposal is contrary to Policy 7 (d),(e) and (f).
67. In regard to the exceptions within Policy 10 of the County Durham Plan, it is considered that parts of the development could gain some support from exception (a) in relation to the elements that are directly land-based, and exception (b) provided that it can be established that the proposal is or has a potential to be financially sound. The applicants have submitted a projected financial assessment of the proposal that appears to make a number of prospective assumptions over aspirations of leasing out retail units and the cost of leasing the units per m², to make the scheme viable. However, these figures are only projections and do not appear to have the solidity of tenants signed up with preliminary lease agreements.
68. However, despite the above Policy 10 does contain a number of general principles for development in the Countryside which includes (i) which states that development must not give rise to harm to the intrinsic character, beauty and tranquillity of the countryside. In this regard it is considered that the introduction of a retail village and visitor attraction would harm the intrinsic character and tranquillity of the countryside due to the increase in traffic visiting the location.
69. Furthermore, exception (p) states that the development must not be reliant upon unsustainable modes of transport, and new development must exploit opportunities to make locations more sustainable through increasing access on foot, by cycle or public transport. In this regard and as discussed in greater detail below, the site is wholly reliant on private motor vehicles to access the site. The nearest active bus service stop is located approximately 0.9km to the West. There are no cycling or pedestrian links to the nearby settlements, nor does the proposal propose to introduce any.
70. It is therefore consider that the proposal is contrary to Policy 10 (i) and (p) of the Country Durham Plan.

Sustainable Development

71. The overriding objective of planning is to contribute to the achievement of sustainable development; this objective is echoed in the NPPF particularly as the presumption in favour of sustainable development is the golden thread running through the NPPF. In applying the presumption and in viewing the Government agenda to build more homes due regard must be had to the requirement to provide homes that meet the needs of the community and that are in the right location.
72. Considerable weight should be given to the fact that the authority can now demonstrate in excess of a five-year housing land supply but that does not override the requirement that is set out with the National Planning Policy Framework to ensure

that development is sustainable. The NPPF paragraph 8 sets out the three dimensions that form sustainable development, namely, economic, environmental and social. The three roles are mutually dependent and should not be taken in isolation.

73. Critically, paragraph 11 of the NPPF states that, for decision-takers, applying the presumption in favour of sustainable development means approving development proposals that accord with an up-to-date development plan without delay. Whilst paragraph 12 of the NPPF on the other hand stipulates 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 that the plan should not be followed.
74. As detailed above the proposed development is located outside envelope of any settlement with no access to sustainable transport links, nor any safe pedestrian links between the nearest settlements and the site it is therefore considered that the site is in an unsustainable location wholly reliant on private motor vehicles contrary to Part 2 of the NPPF and the aspirations of paragraph 79 of the NPPF in supporting the vitality and viable of communities, and contrary to Policy 6 (f), Policy 21 and Policy 29 (m)(2) of the County Durham Plan .

Impact on the Designated Local Centres

75. Policy 9 (Retail Hierarchy and Town Centre Development) seeks to protect and enhance the hierarchy of Sub Regional, Large Town, Small Town, District and Local retail centres in the county, and states that “Proposals for town centre uses, as defined by National Planning Policy Framework (NPPF) not located within a defined centre, as shown on the policies map, will be required to provide a sequential assessment”, “Proposals for retail, as defined by NPPF, in excess of 400 sqm (gross) convenience or comparison floorspace, proposed outside of a defined centre, and that could impact on Small Town or Local Centres, will be required to provide an impact assessment in accordance with the guidance within the NPPF and the PPG” and “Where an application fails the sequential test or would have a significant adverse impact on investment or the vitality and viability of a town centre, it should be refused”
76. In this regard the proposal proposes approximately, 750sqm of retail space that are town centres uses as set out within the NPPF, the applicants have provided a sequential assessment of the totality of the proposal that show that there are no suitable locations within the designated centres to accommodate all the activities within the proposal. However, the sequential test does identify a host of vacant and empty retail units within the designated centres that could accommodate the retail elements of this proposal.
77. It is acknowledged that the applicants have stated that the income generated by the rent of the retail units will go towards funding the work of the charity. However, it is considered that host approximately 7 units that could be within the designated centres will have a detrimental impact on the vitality and viability of those centres, and having a destination venue outside of any settlement will discourage people from visiting the designated centres, potentially further reducing the footfall to the existing businesses within those centres, contrary to the aspirations of Policy 9 and Part 7 of the NPPF.

Principle of development summary

78. It is therefore considered that the proposal would be contrary to Policies 6, 7, 9, 10, 21, and 29 of the County Durham Plan due to the location of the site being within an unsustainable location within the Countryside, that is wholly reliant on private motor

vehicles, and would introduce a retail village, that is considered to have a detrimental impact on the vitality and viability of the Counties existing nearby designated centres.

Sustainability and Energy Efficiency

79. Policy 29 of the County Durham Plan criteria c and d require that developments should seek to minimise greenhouse gas emission by seeking to achieve zero carbon buildings and provide renewable and low carbon energy generation and should minimise the use of non-renewable and unsustainable resources.
80. The application has been supported by a BREEAM pre-assessment report that provides details how it is intended the development would achieve a 'very-good' rating on the BREEAM scale, as such it is considered that subject to an appropriate condition to secure this rating it is considered that the proposal is acceptable in regard to the provision of Policy 29 c d and o.

Highways Safety and Access

81. Policy 21 of the CDP outlines that development should not be prejudicial to highway safety or have a severe cumulative impact on network capacity. It also expects developments to deliver well designed pedestrian routes and sufficient cycle and car parking provision. Similarly, Policy 29 advocates that convenient access is made for all users of the development together with connections to existing cycle and pedestrian routes. Specifically, the NPPF sets out at Paragraph 110 that safe and suitable access should be achieved for all people. In addition, Paragraph 111 of the NPPF states that development should only be refused on transport grounds where the residual cumulative impacts on development are severe.
82. The Council's Highway Engineers have assessed the proposal and offered no objections in relation to highway and pedestrian safety subject to a car park management strategy. It is therefore considered the proposal can achieve a safe means of access. The scheme is therefore acceptable in this regard.
83. However, policy 21(a) also requires that all development delivers, accommodates and facilitates investment in safe sustainable modes of transport for people with mobility issues or disabilities, walking, cycling, bus and rail transport. In this regard and as detailed above, the site due to its location is primarily reliant on private motor vehicles to access facilities, with no pedestrian access or sustainable public transport link..
84. In light of the above it is considered that the proposal is contrary to Policy 21(a) of the County Durham Plan, and Part 9 of the NPPF.

Layout and Design

85. Policy 29 of the CDP outlines that development proposals should contribute positively to an area's character, identity, heritage significance, townscape and landscape features, helping to create and reinforce locally distinctive and sustainable communities. Parts 12 and 15 of the NPPF also seek to promote good design, while protecting and enhancing local environments. Paragraph 130 of the NPPF also states that planning decisions should aim to ensure developments function well and add to the overall quality of the area and establish a strong sense of place, using streetscapes and buildings to create attractive and comfortable places to live, work and visit.
86. It is considered that the overall layout and design of the proposal is in keeping with the character and appearance of the rural setting with the buildings broadly reflecting

agricultural buildings albeit with a more contemporary appearance to certain building such as the café.

87. It is therefore considered that the proposal is acceptable in terms of the design and layout are acceptable in line with Policy 29 of the CDP, and Parts 12 and 15 of the NPPF.

Landscape and Visual Impacts

88. Policy 39 of the County Durham Plan states proposals for new development will be permitted where they would not cause unacceptable harm to the character, quality or distinctiveness of the landscape, or to important features or views. Proposals would be expected to incorporate appropriate measures to mitigate adverse landscape and visual effects. Policy 26 outlines developments are expected to provide new green infrastructure and ensure provision for its long-term management and maintenance. Similar requirements are outlined in Policy 29. Policy 40 seeks to avoid the loss of existing trees and hedgerows unless suitable replacement planting is provided. Parts 12 and 15 of the NPPF promotes good design and sets out that the planning system should contribute to and enhance the natural and local environment by (amongst other things) recognising the intrinsic character and beauty of the countryside.
89. The Council's Landscape Section have considered the application and confirmed that the development following the amendments to the scheme would not have a detrimental impact on the character of the landscape when viewed from key receptors. As such it is considered that the development would be acceptable in accordance with Policy 39 of the County Durham Plan and paragraph 130 of the NPPF subject to appropriate condition.

Heritage and Archaeology

90. Policy 44 of the CDP sets out development will be expected to sustain the significance of designated and non-designated heritage assets, including any contribution made by their setting. Development proposals should contribute positively to the built and historic environment and should seek opportunities to enhance and, where appropriate, better reveal the significance and understanding of heritage assets whilst improving access where appropriate.
91. The NPPF advises that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification.
92. Paragraph 203 of the NPPF states "The effect of an application on the significance of a non-designated heritage asset (NDHA) should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.
93. The Design and conservation team have confirmed that the application site is not a listed building not part of a designated heritage asset but is considered to be a NDHA. Having considered the proposals the Design and Conservation team have confirmed that impacts of the development will have a neutral impact on the significance of the NDHA, and therefore in accordance with Policy 44 of the CDP and Part 12 of the NPPF.

Residential Amenity

94. Policies 29 and 31 of the CDP outline that developments should provide high standards of amenity and privacy, minimise the impact of development upon the occupants of existing adjacent and nearby properties and not lead to unacceptable levels of pollution. A Residential Amenity Standards Supplementary Planning Document (SPD) has also been adopted by the Council. The aforementioned policies and SPD can be afforded significant weight. Parts 12 and 15 of the NPPF, which 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.
95. Guidance within the SPD advocates separation distances of 21m between facing principal elevations and 18m between bungalows, 13m between principal and two storey gable elevations and 10m to a single storey. It is advised that additional separation may be required where there are changes in levels across a site.
96. There are 2no. dwellings within close proximity to the proposal, the closest of which is approximately 15.0m from the main car park, and as such consideration will be needed to ensure that the activities within the car park do not cause undue detrimental impact on the residential amenity of this property.
97. The application has been supported by a noise assessment that has concluded that the activities within the proposal and the car park, will not have a detrimental impact in terms of noise nuisance on the neighbouring property, whilst a comprehensive landscaping screen is proposed to screen the development from the neighbours.
98. As such, and given the Environmental Health team have offered no objections to the proposal, subject to a condition, it is considered that the development will not have a significant detrimental impact on the residential amenity of any nearby dwelling, in accordance with Policies 29 and 31 of the CDP, Part 12 of the NPPF, and the Residential Design SPD.

Ecology

99. Policies 41 and 43 of the CDP seek to secure net gains for biodiversity and coherent ecological networks. Policy 43 relates to protected species and nationally and locally protected sites. Part 15 of the NPPF seeks to ensure that developments protect and mitigate harm to biodiversity interests, and where possible, improve them.
100. The application has been supported by an Ecology assessment that has been assessed by the Council's Ecology team. They have confirmed the assessment is acceptable and that subject to conditions.

Flooding and Drainage

101. Policies 35 and 36 of the CDP relate to flood water management and infrastructure. Policy 35 requires development proposals to consider the effects of the scheme on flood risk and ensure that it incorporates a Sustainable Drainage System (SuDs) to manage surface water drainage. Development should not have an adverse impact on water quality. Policy 36 seeks to ensure that suitable arrangements are made for the disposal of foul water. National advice within the NPPF and PPG with regard to flood risk advises that a sequential approach to the location of development should be taken with the objective of steering new development to flood zone 1 (areas with the lowest probability of river or sea flooding). When determining planning applications, local

planning authorities should ensure flood risk is not increased elsewhere and only consider development appropriate in areas at risk of flooding where a sequential test and some instances exception test are passed, informed by a site-specific flood risk assessment.

102. The Lead Local Flood Authority (LLFA) have assessed the scheme and concluded that the scheme is acceptable in principle although some concerns are raised in relation to the permeable paving. The LLFA have concluded that the scheme is satisfactory, but the onus would be on the drainage engineer to ensure the proposal is implemented and suitable.

Public Sector Equality Duty

103. 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.
104. In this instance, officers have assessed all relevant factors and do not consider that there are any equality impacts identified.

CONCLUSION

1. Section 38(6) of the Planning and Compulsory Purchase Act 2004 sets out that planning applications be determined in accordance with the development plan unless material considerations indicate otherwise.
2. In summary, it is considered that the development due to its location within the countryside, and the nature of the non-related retail elements of the proposal, that the proposal would be contrary to Policies 6, 7, 9, 10, 21 and 29 of the County Durham Plan, and Parts 2, 6, 7, 9 and 12 of the NPPF.

RECOMMENDATION

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

1. The development is considered by virtue of its nature and location, to be an inappropriate form of development within the Countryside, that would be wholly reliant upon private motor vehicles, with no access to sustainable travel links, or safe pedestrian footpath links contrary to Policy 6, 10, 21 and 29 of the Country Durham Plan and Parts 2 and 9 of the NPPF.
2. The development proposes to introduce town centre retail uses within the Countryside, and outside of any designated centre despite evidenced available vacant units, which is considered will have detrimental impact on the vitality and viability of the local centres, by encouraging visitors to this standalone retail village, that it considered may result in a further reduction in footfall to the local centres, and result in a further decline in the rate of vacancies and the longevity of those local centres contrary to Policy 9 of the County Durham Plan and Part 7 of the NPPF.

STATEMENT OF PROACTIVE ENGAGEMENT

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

BACKGROUND PAPERS

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

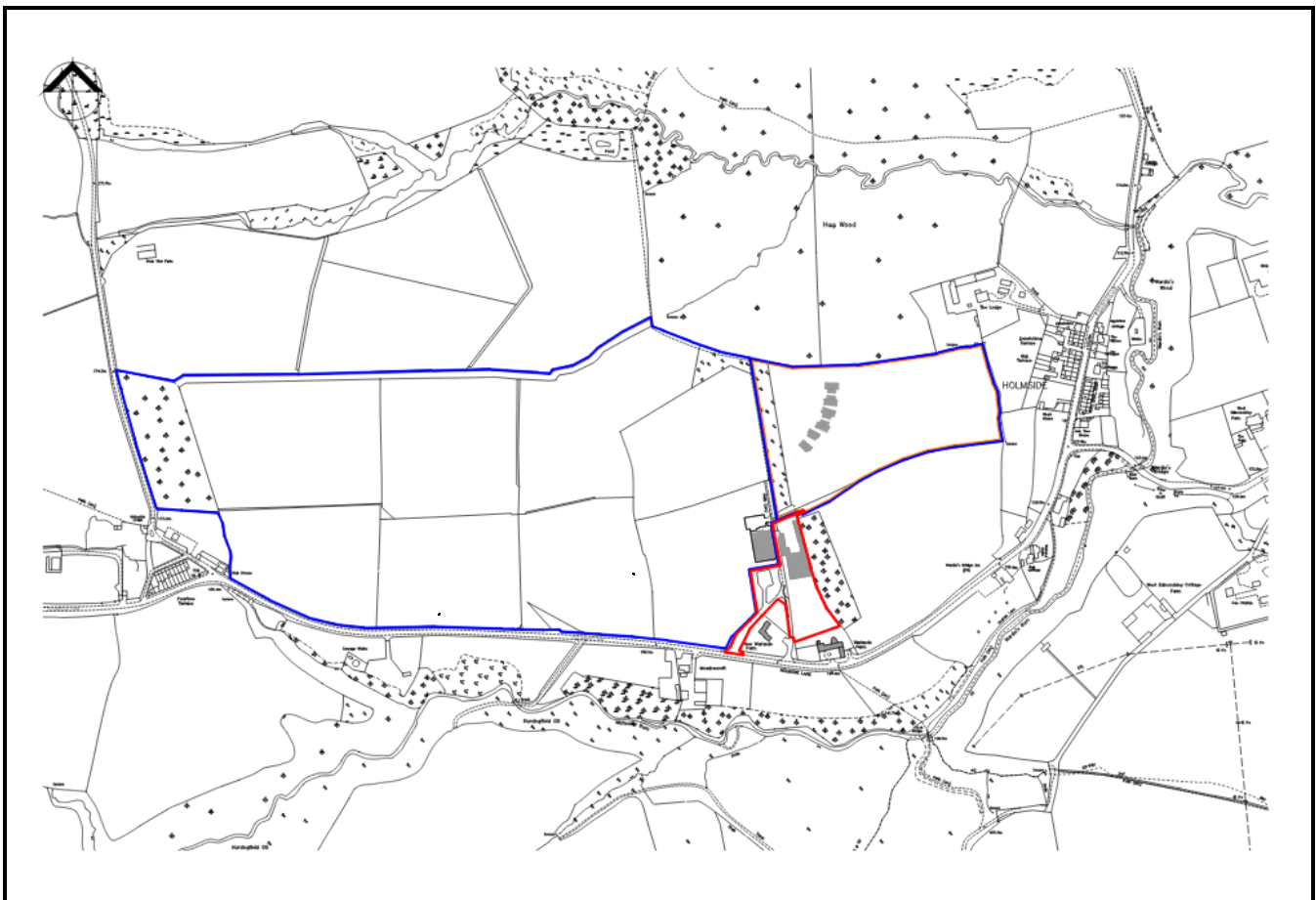
Statutory, internal and public consultation responses

The National Planning Policy Framework

National Planning Practice Guidance Notes

County Durham Plan

Residential Amenity Standards SPD (2022)



Planning Services	New Warlands Farm Holmside Lane Burnhope	
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	Date 14 th April 2023	Scale NTS

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Planning Services

COMMITTEE REPORT

APPLICATION DETAILS

APPLICATION NO:	DM/22/03273/FPA
FULL APPLICATION DESCRIPTION:	Erection and use of a temporary warehouse building (70m x 30m) until December 2024 and three permanent welfare units.
NAME OF APPLICANT:	Mr Gary Jones (Erwin Hymer Group UK Ltd)
ADDRESS:	Explorer House Butsfield Lane Knitsley Consett DH8 7PE
ELECTORAL DIVISION:	Delves Lane
CASE OFFICER:	Scott Henderson Senior Planning Officer Telephone: 03000 256286 scott.henderson@durham.gov.uk

DESCRIPTION OF THE SITE AND PROPOSALS

The Site

1. The site is part of the long-established Erwin Hymer production facility located on the southern edge of Delves Lane with the junction of Butsfield Lane. The site is an existing protected employment site in the County Durham Plan. The site borders areas of existing residential development to the north and south.

The Proposal

2. The proposal is retrospective in the main, with all but one of the welfare units already in place and in use. The main element of the proposal is the erection and use of a temporary warehouse facility to be in place until December 2024. The unit measures 70m x 30m and is used exclusively for racked storage only, no manufacturing or assembly processes take place within it. The applicant states that the hours of operation for the warehouse would be 07.30-18.00 hrs. The welfare units are standard, prefabricated buildings located at three points around the site and will provide canteen and change facilities etc. They range in size from 20-36m in length and 6-9m in width. The 2 already in place are 2 storey and the final one, yet to be installed, will be single storey only, replacing existing temporary welfare units. No trees, landscape features or protected species will be affected by the proposals.
3. This application is being considered by committee at the request of a Local Member.

PLANNING HISTORY

4. The site was established in the 1970s and has seen numerous additional buildings and areas come into use as the business has expanded. Most recently a new

production building was approved and completed in 2021 under reference DM/21/00076/FPA with a further building approved in 2020 under reference DM/19/03427/FPA.

PLANNING POLICY

NATIONAL POLICY

5. The following elements of the National Planning Policy Framework (NPPF) are considered relevant to this proposal:
6. *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.
7. *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.
8. *NPPF Part 6 – Building a strong, competitive economy:* The Government is committed to ensuring the planning system does everything it can to support sustainable economic growth. Planning should operate to encourage and not act as an impediment to sustainable growth. Therefore, significant weight should be placed on the need to support economic growth through the planning system.
9. *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.
10. *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.
11. *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.
12. *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:

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

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

LOCAL PLAN POLICY:

The County Durham Plan

14. *Policy 2 Employment Land* Supports business, general industrial and storage and distribution development within specified employment allocations and also protects other existing employment sites from being changed to non-employment uses, unless appropriate marketing has been undertaken or that the use would not compromise the main employment use and would comply with retail Policy 9 where main town centre uses are being proposed. Where a non-employment development is proposed on the protected employment sites, any existing jobs on site must be relocated. Specific further protection and safeguarding is outlined for land north of NETpark, at Integra 61 and Project Genesis, Consett.
15. *Policy 21 Delivering Sustainable Transport* states that all development shall deliver sustainable transport by (in part) ensuring that any vehicular traffic generated by new development, following the implementation of sustainable transport measures, can be safely accommodated on the local and strategic highway network and does not cause an unacceptable increase in congestions or air pollution and that severe congestion can be overcome by appropriate transport improvements.
16. *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.
17. *Policy 29 Sustainable Design* Requires all development proposals to achieve well designed buildings and places having regard to SPD advice and sets out detailed criteria which sets out that where relevant development is required to meet including; making a positive contribution to an areas character and identity; provide adaptable buildings; minimise greenhouse gas emissions and use of non-renewable resources; providing high standards of amenity and privacy; contributing to healthy neighbourhoods; providing suitable landscape proposals; provide convenient access

for all users; adhere to the Nationally Described Space Standards (subject to transition period).

18. *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.
19. *Policy 35 Water Management*. Requires all development proposals to consider the effect of the proposed development on flood risk, both on-site and off-site, commensurate with the scale and impact of the development and taking into account the predicted impacts of climate change for the lifetime of the proposal. All new development must ensure there is no net increase in surface water runoff for the lifetime of the development. Amongst its advice, the policy advocates the use of SuDS and aims to protect the quality of water.
20. *Policy 36 Water Infrastructure*. Advocates a hierarchy of drainage options for the disposal of foul water. Applications involving the use of non-mains methods of drainage will not be permitted in areas where public sewerage exists. New sewage and waste water infrastructure will be approved unless the adverse impacts outweigh the benefits of the infrastructure. Proposals seeking to mitigate flooding in appropriate locations will be permitted though flood defence infrastructure will only be permitted where it is demonstrated as being the most sustainable response to the flood threat.
21. *Policy 39 Landscape* states that proposals for new development will be permitted where they would not cause unacceptable harm to the character, quality or distinctiveness of the landscape, or to important features or views and that development affecting valued landscapes will only be permitted where it conserves, and where appropriate enhances, the special qualities of the landscape, unless the benefits of the development in that location clearly outweigh the harm.
22. *Policy 40 Trees, Woodlands and Hedges* states that proposals will be expected to retain existing trees where they can make a positive contribution to the locality or to the development, maintain adequate standoff distances between them and new land-uses, including root protection areas where necessary, to avoid future conflicts, and integrate them fully into the design having regard to their future management requirements and growth potential.
23. *Policy 41 Biodiversity and Geodiversity* states that proposal for new development will not be permitted if significant harm to biodiversity or geodiversity resulting from the development cannot be avoided, or appropriately mitigated, or as a last resort, compensated for.

CONSULTATION AND PUBLICITY RESPONSES

STATUTORY RESPONSES:

24. *DCC Highways* have no objections or requirements.

INTERNAL CONSULTEE RESPONSES:

25. *Design and Conservation* officers have no comment to make.
26. *Environmental Health (Nuisance)* have no objections. They note that no statutory nuisance matters have been raised during its use, but notwithstanding that consider that the proposed storage use would not lead to any adverse impacts and would be unlikely to constitute a statutory nuisance.

PUBLIC RESPONSES:

27. A total of 20 representations have been received in response to the consultation exercise involving individual letters, press and site notices. Of these, all of them object to the proposals.
28. The main reasons for objection are as follows:
 - Overspill car parking in the nearby streets is already a problem.
 - Adverse impact from noise and light spill
 - Size and scale of the building is out of keeping with the area
 - Excessive dust creation from the factory
 - Bad language from employees.

APPLICANT'S STATEMENT:

29. As the largest employer in the Derwentside area the business is continuing invest in the facility in Consett, County Durham. Recent investment exceeded £11m in both manufacturing excellence and facility infrastructure. The company plan to continue with this investment for the foreseeable future securing jobs in the area for over 550 employees. This application, albeit retrospective shows our intentions of growing the business and improving the welfare for the employees of the future.
30. The facility was planned during late 2020, following the interruption to the business caused by Covid 19. Installed in Jan 21 with the intension that the building would be removed in Feb 22. Worldwide events such as Covid, Brexit and now the war in Ukraine have severely impacted on the ability of our suppliers to deliver parts when they are needed. For this reason, we will have to retain the temporary warehouse for a further period, predicted to be up to Dec 24.
31. The business is currently working with architects to provide a vision for a permanent structure to be in a very similar location on the EHG UK site. This project will be subject to the required planning application in the future and would result in the removal of the temporary warehouse structure mentioned above. EHG UK and the Architect would aim to reduce the roof height by targeting a sloping flat roof rather than pitch roof, assuming this met design intent, planning and building regulation.
32. The company continue to invest in the welfare areas of the site since the removal of restrictions put in place during Covid, we have installed two units of a proposed three to accommodate up to 500 production team members. These units are sited on foundation blocks and are made up of sectional "portacabin" type parts. There is no intension to change the location of these units in the future. Unit No. 1 & 2 are already in place, unit No. 3 is planned to be installed in March 23. Welfare within the business has been substandard for several years in some areas and following an advisory note

served by the HSE the business were challenged to improve the status of welfare across the whole site.

33. It is the genuine belief of the team that the noise is not related to the warehouse space directly, but another process which has been introduced since the temporary warehouse has been installed. The warehouse parts were moved in early 2021, following this the process used to manufacture the side, roof and floor panels has been moved into the space vacated by the warehouse. The transportation of the parts to the assembly lines is via the external roadway on trollies, towed by a tugger truck. It is possible these parts would be moving during all shifts on site (6am – 10pm). The towing process does generate a rattle which we believe is the issue. There are no deliveries or vehicle movement outside normal day shift working practices (7:30am – 6pm). Following the installation of an internal lift and mezzanine all such movements are now carried out inside the building.
34. During the tour of the facility, it was noticed that the light installed on the temporary warehouse was pointing across towards the houses. It was agreed that this light could be tilted down to avoid the light issues it may be creating for the residents. This has been logged with our internal site maintenance team and will be tilted down as soon as possible.

The above is not intended to list every point made and represents a summary of the comments received on this application. The full written text is available for inspection on the application file which can be viewed at <https://publicaccess.durham.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=P8X9C0GDL8J00>

PLANNING CONSIDERATIONS AND ASSESSMENT

35. 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, residential amenity, highway safety and access and visual impact.

Principle of the Development

The Development Plan

36. 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.
37. Paragraph 11 of the NPPF establishes a presumption in favour of sustainable development. For decision taking this means:-
 - c) approving development proposals that accord with an up to date development plan without delay; or

- d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:
 - i) the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or,
 - ii) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.
38. The NPPF advises that significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development. The business continues to employ approximately 550 local people with substantial economic benefits for the local community. The temporary storage facility is essential to allow the business to continue production due to the insecurity of parts deliveries following the global pandemic, Ukrainian conflict and subsequent disruption to logistics and supply chains. The facility was required urgently and will still be needed going forward to allow the business to continue and the local benefits that the business brings.
39. The site is an existing protected employment site in the County Durham Plan therefore policy 2 is of relevance. Policy 2 supports development of and extensions to B1, B2 and B8 developments within specified areas, Delves Lane South being one such area. This is a B8 use class and would involve better facilities and job retention therefore it is supported by the Part 6 of the Framework and Policy 2 of the CDP in principle. It should be noted that planning permission would still be required in the future to change from B8 storage to B2 general industrial (manufacturing).

Highways Safety and Access

40. Policy 21 of the CDP outlines that development should not be prejudicial to highway safety or have a severe cumulative impact on network capacity. It also expects developments to deliver well designed pedestrian routes and sufficient cycle and car parking provision. Similarly, Policy 29 advocates that convenient access is made for all users of the development together with connections to existing cycle and pedestrian routes. Specifically, the NPPF sets out at Paragraph 110 that safe and suitable access should be achieved for all people. In addition, Paragraph 111 of the NPPF states that development should only be refused on transport grounds where the residual cumulative impacts on development are severe.
41. The temporary storage building is not considered to directly lead to any additional impacts on the highway network. Assurances have been given that adequate staff parking is available on site and DCC Highways have raised no objection to the proposals. The company continue to encourage all staff to park within the site. In summary it is considered that the proposal accords with the relevant part of the Framework and Policy 21 of the CDP.

Visual Impacts

42. Policy 29 of the CDP outlines that development proposals should contribute positively to an area's character, identity, heritage significance, townscape and landscape features, helping to create and reinforce locally distinctive and sustainable communities. Parts 12 and 15 of the NPPF also seek to promote good design, while protecting and enhancing local environments. Paragraph 130 of the NPPF also states

that planning decisions should aim to ensure developments function well and add to the overall quality of the area and establish a strong sense of place, using streetscapes and buildings to create attractive and comfortable places to live, work and visit.

43. Policy 39 of the County Durham Plan states proposals for new development will be permitted where they would not cause unacceptable harm to the character, quality or distinctiveness of the landscape, or to important features or views. Proposals would be expected to incorporate appropriate measures to mitigate adverse landscape and visual effects. Policy 26 outlines developments are expected to provide new green infrastructure and ensure provision for its long-term management and maintenance. Similar requirements are outlined in Policy 29. Policy 40 seeks to avoid the loss of existing trees and hedgerows unless suitable replacement planting is provided. Parts 12 and 15 of the NPPF promotes good design and sets out that the planning system should contribute to and enhance the natural and local environment by (amongst other things) recognising the intrinsic character and beauty of the countryside.
44. The site is outside of any area of specific landscape value, rather it is allocated in the CDP for employment uses. However the siting and scale of the temporary building is clearly within the outlook of nearby residential properties, notably those on Sunningdale and accordingly it is acknowledged that it does have a substantial visual impact with a ridge height of almost 11m. The recently approved building has a ridge height of 9m in comparison and it is unlikely that a permanent building of this scale could be supported. The temporary nature of the proposal therefore weighs heavily in the acceptability of the structure which is required due to the unprecedented delay in supply chain issues for the business, due to initially the COVID pandemic and now the conflict in Ukraine.
45. The NPPF advises that significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development. The visual impact of the structure is such that a permanent approval would not be considered acceptable, but on balance, and based entirely on its temporary nature and enforceable end date, the marginal negative visual impact can be accepted given the economic benefits that are considered to weigh favourably overall. On this basis the proposal would be acceptable in regard to Policies 29 and 39 of the CDP.

Residential Amenity

46. Policies 29 and 31 of the CDP outline that developments should provide high standards of amenity and privacy, minimise the impact of development upon the occupants of existing adjacent and nearby properties and not lead to unacceptable levels of pollution. A Residential Amenity Standards Supplementary Planning Document (SPD) has also been adopted by the Council. The aforementioned policies and SPD can be afforded significant weight. Parts 12 and 15 of the NPPF require a good standard of amenity for existing and future users.
47. There has been a substantial level of local objection raised in respect of noise and light pollution which are significant material considerations. Discussions and site inspections have taken place to establish exactly what processes are taking place in what parts of the site. It is evident that the temporary building is a very quiet operation, with its use limited to racked storage only. There are no manufacturing processes taking place within it and its B8 use class would in fact restrict it to storage only.
48. Notwithstanding the above, concern was raised that vehicle and stock movements to the warehouse would create noise with rattles from tigger trucks and cages being a

long-established issue for local residents. However, a significant amendment in process has also been initiated since the original application was submitted in response to the raised concerns. Until recently parts were transported externally using a tigger truck on a route which passed by residential properties on Sunningdale. Following the installation of a new internal lift and mezzanine floor, these external parts movements have ceased with all such operations now entirely within the main building.

49. So in terms of the proposal under consideration no significant noise is likely to be generated within the storage building itself and the changes to the assembly line process in terms of parts movement have been significantly mitigated by the applicant.
50. Additional concerns are raised in regards to light spill. This assessment is only considering new lights proposed as part of the temporary installation. Following the receipt of photographs from local residents as well as a site visit, it is acknowledged that certainly one of the new building's lights was pointing towards Sunningdale with light spill likely. It was agreed that this was unacceptable and that the lighting should be either shielded or re-orientated to avoid this. Subject to a condition to control this, it is considered that an acceptable lighting solution can be delivered for the temporary lights which would not significantly impact upon neighbouring residential properties.
51. Given the changed assembly line procedures and proposed lighting condition it is considered that the impact on residential amenity will be acceptable in regard to Policies 29 and 31 of the CDP.

Other Considerations

52. Policy 29 of the CDP sets out that major development should achieve CO2 reductions. Part 14 of the NPPF advises that the planning system should support the transition to a low carbon future. 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. Policy 35 requires all development proposals to consider the effect of the proposed development on flood risk, both on-site and off-site, commensurate with the scale and impact of the development and taking into account the predicted impacts of climate change for the lifetime of the proposal. Policy 36 advocates a hierarchy of drainage options for the disposal of foul water.
53. Given the unique temporary nature of the proposal, which would be removed after December 2024, it is considered on balance that normal targets in terms of sustainability, biodiversity and SUDs measures, are almost impossible to achieve however these issues will need to be addressed as part of the pending permanent application which the applicant is preparing.
54. The majority of issues raised in the letters of objection received have been taken account and addressed within the report, where appropriate. In terms of the issue of bad language from employees, this has been passed onto the applicant but is not an issue to be controlled by the planning system.

Public Sector Equality Duty

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

56. In this instance, officers have assessed all relevant factors and do not consider that there are any equality impacts identified.

CONCLUSION

57. Section 38(6) of the Planning and Compulsory Purchase Act 2004 sets out that planning applications be determined in accordance with the development plan unless material considerations indicate otherwise.
58. In summary, the application site is an existing industrial operation, and the proposal does not seek to change this. The applicant has demonstrated a willingness to mitigate the lighting and noise impact of not only the temporary warehouse but the wider lawful operation on site. The scale and visual impact of the building would introduce an element of visual harm, albeit it small, but on a temporary basis, and when balanced against the economic benefits, this can be accepted subject to the conditions listed below.
59. Overall, the proposal is considered to be acceptable and in accordance with Policies 2. 21, 26, 29, 31, 35, 36, 39, 40 and 41 of the County Durham Plan and Parts 2, 4, 6, 9, 12, 14 and 15 of the National Planning Policy Framework.

RECOMMENDATION

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

1. This permission is granted for a temporary period expiring at the 31st December 2024 thereafter the site shall be reinstated to its former use and condition.

Reason: The development is only considered suitable for a temporary period in accordance with Policies 29 and 31 of the County Durham Plan and Part 12 of the National Planning Policy Framework.

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

Reason: To define the consent and ensure that a satisfactory form of development is obtained in accordance with Policy 29 of the County Durham Plan and Part 12 of the National Planning Policy Framework.

3. Details of any external lighting shall be submitted to and approved in writing by the Local Planning Authority within 1 month of the date of this decision. The detail provided shall demonstrate adherence to the ILP guidance notes for the reduction of intrusive light. The external lighting shall be erected and maintained in accordance with the approved details thereafter.

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

4. The development hereby approved shall at all times be operated in accordance with the submitted Revised Assembly Line Transportation Route document.

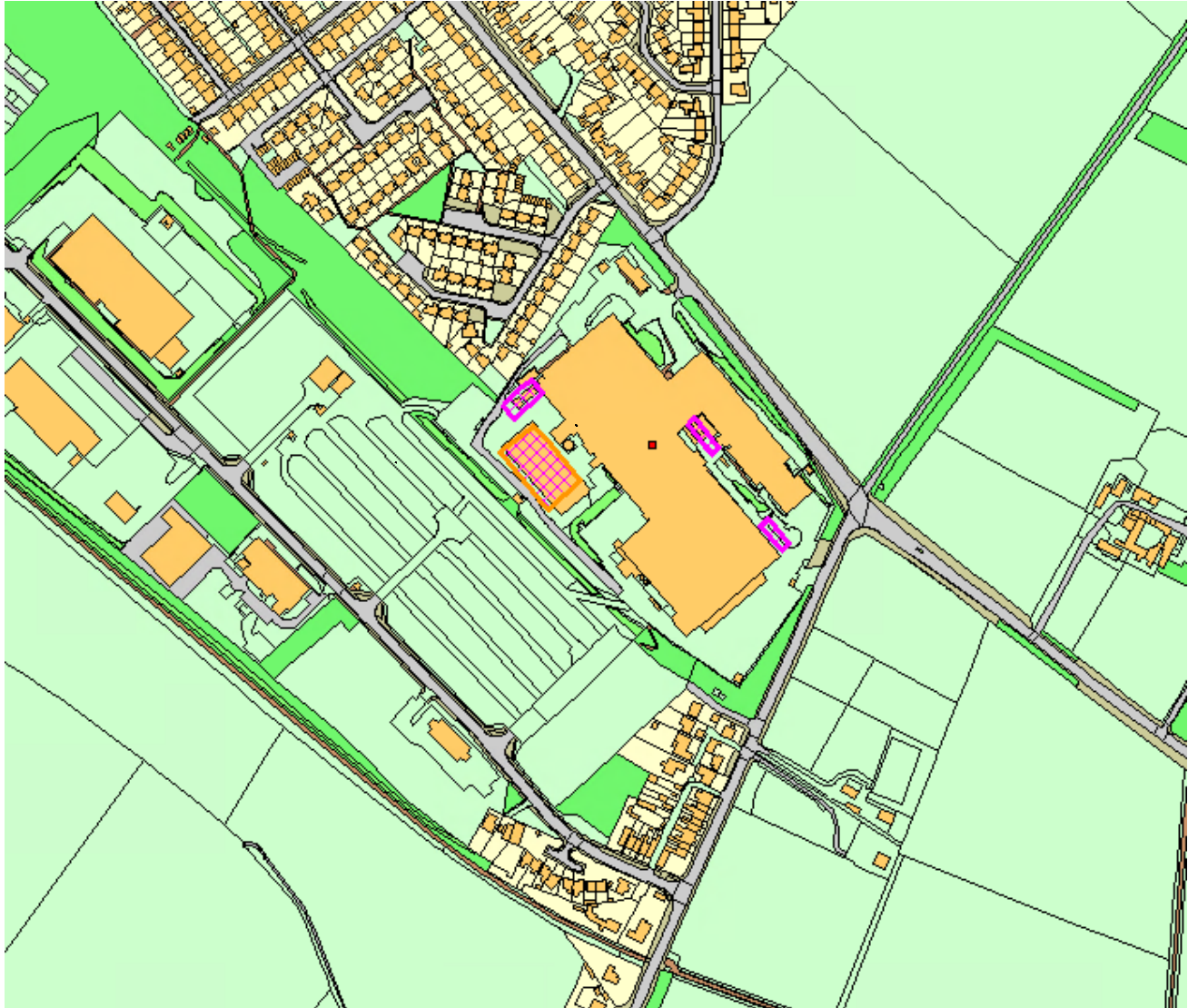
Reason: In the interests of residential amenity in accordance with Policy 31 of the County Durham Plan.

STATEMENT OF PROACTIVE ENGAGEMENT

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

BACKGROUND PAPERS

Submitted application form, plans, supporting documents and subsequent information provided by the applicant
Statutory, internal and public consultation responses
The National Planning Policy Framework
National Planning Practice Guidance Notes
County Durham Plan
County Durham Landscape Strategy (2008)



Planning Services

Erection and use of a temporary warehouse building (70m x 30m) until December 2024 and three permanent welfare units.

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