



Area Planning Committee (North)

Date Thursday 26 October 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 5th October 2023 (Pages 3 - 18)
4. Declarations of Interest (if any)
5. Applications to be determined;
 - a) DM/23/02182/FPA Land at the West of Townhead Farm, Iveston Lane, Iveston, DH8 7TD (Pages 19 - 44)
Erection of 2 dwellings with associated landscaping and works
6. Such other business as, in the opinion of the Chairman of the meeting, is of sufficient urgency to warrant consideration.

Helen Bradley
Head of Legal and Democratic Services

County Hall
Durham
18 October 2023

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

Councillor E Peeke (Chair)
Councillor W Stelling (Vice-Chair)

Councillors G Binney, J Blakey, L Brown, K Earley, J Griffiths,
D Haney, P Jopling, B Moist, J Purvis, I Roberts, K Shaw,
A Sterling, 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 5 October 2023 at 9.30 am**

Present:

Councillor E Peeke (Chair)

Members of the Committee:

Councillors W Stelling (Vice-Chair), J Atkinson (substitute for J Griffiths), J Blakey, K Earley, D Haney, P Jopling, B Moist, J Purvis, I Roberts, K Shaw, A Sterling, A Watson and S Wilson

1 Apologies for Absence

Apologies for absence were received from Councillors L Brown and J Griffiths

2 Substitute Members

Councillor Atkinson substituted for Councillor Griffiths

3 Minutes

The minutes of the meeting held on 27th July 2022 were confirmed as a correct record and signed by the Chair

4 Declarations of Interest (if any)

Councillor Stelling declared an interest in item 5(c) as it was within his division

5 Applications to be determined;

- a DM/22/03724/FPA - Park View Upper School And Sixth Form, Church Chare, Chester-le-Street, DH3 3QA**

The Committee considered a report of the Senior Planning Officer regarding a proposed artificial grass pitch (AGP) with perimeter fencing, 6 x 15m LED lighting columns, and hard standing areas at Park View Upper School and Sixth Form, Church Chare, Chester le Street (for copy see file of Minutes).

Scott Henderson, Senior Planning Officer provided a detailed presentation of the application which included photographs of the site, site location, aerial photo, primary access routes, site boundaries, impressions of the proposed landscaping, tree planting, LED lighting columns, plus associated works.

The application has received 231 letters of objection and 90 letters of support.

Members of the Committee visited the site previously and were familiar with the location and setting.

Councillor Jopling asked the Senior Planning Officer about the total amount of playing pitches within the county. The Senior Planning Officer responded that while he did not have the total pitches figure within the county it was detailed in the report that the playing pitch strategy outlined the need for 2 pitches in North Durham.

The Chair thanked the Senior Planning Officer and invited Councillor Scurfield to address the Committee.

Councillor Scurfield raised local residents' concerns and highlighted their expertise of the local area. The geographical location of the letters of support was highlighted with 30% of supporters not residing in the county including none of the supporters situated in the neighbouring estate from the proposed application. Councillor Scurfield expressed that she was not against young people playing sport and local football teams in the area. It had been brought up that a current restriction of using the gate on roman road was implemented from 1990's from the County Council to address highway concerns and was still in place. It was reported that the current restrictions had worked well in reducing highway concerns. It was interpreted that the report was solely beneficial for the applicant. The proposal application reduced the available green space. It had been outlined that the nature of usage in artificial pitches was for usage maximisation and therefore the planned operational hours of 4pm – 9:30pm throughout the week and weekend would be fully utilised with natural spill over experienced until 10pm. It was further pointed out that the proposed application would result in an additional level of usage of the site which would result in higher projected congestion, parking, traffic and other highways safety concerns. The negative affects to the social and mental wellbeing for the local residents had been highlighted in terms of the aforementioned highways issues including

light pollution that had been projected to emanate from the proposed LED light columns. It was further raised that the main car park was situated in a tight geographical footprint which resulted in a very time-consuming process to manoeuvre the car park. The direct result had been proposed that users have used the housing estate for parking due to car park having excess congestion. It was questioned that traffic marshals were practically ineffective. It had been conceded that no reported accidents had been reported in the vicinity of the school due to highways concerns however incidents had been locally discussed and noted and walls had been damaged by parents doing school runs. Facilities such as the proposed would be better situated away from housing estates.

Finally, Councillor Scurfield agreed with the residents that the current infrastructure was insufficient for the proposal, the local primary school highways safety had been compromised, the increased traffic from the development emanated would lead to a reduction in general air quality. Park View school was a school and not a leisure facility. Therefore, a shortage of classrooms and not playing pitches should be prioritised.

The Chair thanked Councillor Scurfield and asked Steve Simpson, an objector, to speak on the application.

Steve Simpson informed the Committee that he was speaking on behalf of residents and that he echoed and wholly agreed with Councillor Scurfield's words. A presentation had been provided illustrating the neighbouring housing estates, highways concerns and previous first-hand implications of congested areas.

It was raised from the report that there were over 200 objections from residents on the estate including the current MP, local Councillor, and previous Councillor and these should not be ignored.

It was noted that the estate accommodated parking associated with two churches, three schools, Chester le Street Cricket Club all of which were situated in the near vicinity. A broader geographical point was raised that the estate was situated between the town centre, Riverside Park and Park View Community Centre and indirectly affected by the associated activities of all three.

The validity and relevance of the applicants traffic survey and its timing was questioned. Government guidance recommended that surveys be conducted in Spring or Autumn as opposed to the July window that the survey had been undertaken. A further point was raised that a two-day streetwise survey which all parameters of the car park had been measured for traffic flow, had been excluded from the report.

It had been established that the parking congestion as an indirect consequence of Park View Community Centre had seen parking capacity exceed with total usage being 130% of spaces available using a 6-metre standard parking space on a referenced occasion.

It was believed that data provided in the report had broken Government and Durham County Council guidelines.

In conclusion it was summarised that highways congestion would be amplified and continuous as a result of an approved application.

Objections raised included: Increased disturbance from noise for a greater duration of time. This included pre-existing concerns of shouting from players and spectators, vehicle movements and a general increase in activity at the site and unique problem directly from this proposal of footballs hitting fences.

A prominent concern surrounded the potential light pollution from the LED floodlights and their direct impacts to the nearby dwellings. Finally, it was commented, as a result of the application, that a loss of privacy for the nearby dwellings through increased usage of the site would occur. The Chair thanked Steve Simpson and asked Lewis Pendleton, the applicant, to speak in relation to the application.

Lewis Pendleton echoed the views of the planning surveys. He stated that applicant was not an expert in highways nor licensing and understood local residents' concerns. The applicant had worked with consultants to minimise the highways issues.

The applicant responded to the reference of potentially circumnavigating the long-standing highways restrictions. It was outlined that the site had 3 gates and the affected gate, situated in the middle of the site with the other 2 situated at the north and south ends of the site, as stipulated in the highways restriction would not be used within the parking measures outlined in the application. The other two gates were utilised in this application.

It was reiterated that the application was from Park View Academy and not Chester-le-Street United.

A new artificial pitch was intended to enhance the school curriculum by improved outcomes for the learners, increased availability of provision by activities scheduled all year round.

The last two years had been very difficult for students and the community alike and as people emerged from the pandemic the proposed upgrade to the sports facilities would provide a boost to physical mental and social wellbeing.

The Chair thanked the applicants and asked the Committee for their comments and questions.

Councillor Wilson asked if the current capacity of car parking was 70 parking spaces. The Senior Planning Officer confirmed that the figure was accurate.

Councillor Wilson questioned the capacity of the car parking in a hypothetical scenario where all of the current amenities in the Park View Community Centre were all to be utilised at the same time and asked whether the car park had handled this demand previously. Additionally he asked whether the proposed the 4G pitch would create an additional demand above and beyond the current grass pitch usage and whether the road widths in the most high traffic areas compliant were with regulation.

The Senior Planning Officer confirmed that the road width was compliant with national guidelines. The original application raised highway concerns in relation to traffic and parking and opinions had been sought however an objective report must be assimilated. The occupancy rate of the car park from 5pm onwards had been 70%-80%. Further examples had been raised about several similar scale sites and their adjoining parking capacity via the Trics database. The information assembled from comparable sites had determined that the proposed provision was sufficient for the likely demands of the affected facilities. It was concluded that the demand on the facility as whole would be relatively light compared to other facilities in the area. This fact was illustrated by a comparable facility in the area, Chester Moor FC, only having the capacity of 25 car parking spaces. This was explained to have been suitable for a semi-professional club. On balance it was concluded that the application with statistical findings falling within the recommended highways boundaries should be approved from an objective highways' standpoint.

The Senior Planning Officer suggested that the car parking issue could be alleviated with an implemented booking system to manage peak usage and crossover times.

A response from the applicants described that a booking system was used for the community centre and that the proposed Artificial pitch would be added to the system. It was further added that the gym was not bookable for the community and was solely for school usage. Park View Community Centre had struggled since covid and Park View Academy ran the Community Centre. The Chester le Street football club would be a user of the facility like anyone else. . There were 3 or 4 staff present on site in the evening.

Councillor Jopling stated that she understood the frustrations and concerns of local residents on highways and congestion issues and referenced the

potential impact of the proposed LED lighting columns which was contrary to Policy 31 of the county Durham Plan

Councillor Sterling raised the previously mentioned crossover issues and congestion with a reference towards natural behaviour with cars and the desired outcome of parking as close as possible to the destination. A further reference to Policy 31 of the County Durham Plan was made which resulted in the technical specification in terms of light transmission and the illumination of surrounding areas with the concern of the nearest house was situated 25 metres away.

The Senior Planning Officer responded that the projected light levels that reached the facades of the properties as carried out by the environment health team complied with the guidelines as stipulated within the reports and therefore no objections could be raised in the report on an objective standpoint.

Councillor Sterling responded that she understood that planning was held to guidelines and law however considered that the light pollution would have an adverse impact even if below guidelines.

The Senior Planning Officer responded that the light would not beam through windows and would only illuminate the exterior of the dwelling.

Councillor Moist considered that the parking diagram which had been shown was misleading in terms of limited parking. He asked whether the usage of the artificial grass pitch would only be restricted to 11 a side or would training teams utilise the facility and would it be utilised for small side junior teams? Attendance by spectators would also increase traffic as secondary usage of the site. Finally, while the shortage of pitches in accordance with the playing pitch strategy had been highlighted, he considered that the two north Durham pitches could be better situated and therefore utilised in other areas of north Durham.

Councillor Roberts remarked that the only way an artificial pitch would be financially sustainable would be by increasing the usage of the pitches therefore 8 a side teams could be used three times at the same time for more income than one 11 a side game. Therefore, it would be assumed that usage would be increased above and beyond the current levels and parking demand would increase exponentially. She added that plastic pitches had a 10-year lifespan and procedures must be put in place for its disposal at the end of this time.

Councillor Atkinson reiterated the main issues about parking congestion. Councillor Jopling further raised the parking supply and demand issue. The proposal would not be a like for like replacement and usage would increase. Human nature would increase the parking issues further by cars that were situated as close to the final destination as possible. Councillor Jopling

moved that the application be refused as it was contrary to Policies 31 and 29 of the County Durham Plan.

A question was raised by members that if the application was rejected on highways concerns would the council be able to defend this on appeal?

The Highways Officer and Legal Officer both advised that although the proposal would have a highways impact, it fell within current regulations and advised that if the proposed was refused on highways grounds this would not be sustainable on appeal.

Councillor Watson suggested that the introduction of a parking permit system may address some of the local residents' concerns.

Councillor Sterling suggested the application be deferred until a more representative traffic survey could be carried out.

Councillor Earley considered that the Park View Academy had been unfortunate to be victims of their own success. He Early believed that an approved application would create more conflict with local residents.

The Legal Officer sought clarity from Members on the reasons they were proposing for refusal of the application. Councillor Jopling **moved** that the application be refused on the grounds of its impact on the environment and residential amenity and on the historical setting. The impact on residential amenity in terms of noise and lighting pollution was contrary to Policy 31 of the County Durham Plan and the impact on heritage assets was contrary to Policy 44 of the County Durham Plan, such impact was not outweighed by the public benefit of the application. **Seconded** by Councillor Shaw.

Upon a vote being taken it was:

Resolved

That the application be refused on the grounds of its impact on the environment and residential amenity and on the historical setting. The impact on residential amenity in terms of Highways concerns, noise and lighting pollution was contrary to Policy 31 of the County Durham Plan and the impact on heritage assets was contrary to Policy 44 of the County Durham Plan, such impact was not outweighed by the public benefit of the application.

b DM/23/01721/FPA - Land North Of Fenton Well Lane, Great Lumley

The Committee considered a report of the Senior Planning Officer regarding an application for the erection of a single storey dwelling and associated access and landscaping works on land to the north of Fenton Well Lane, Great Lumley (for copy see file of Minutes).

G Spurgeon, Senior Planning Officer provided a detailed presentation of the application which included a site location plan, aerial image, photographs of the site, proposed plans proposed elevations and roof plan and proposed visualisations. Members of the Committee had visited the site and were familiar with the location and setting.

Councillor P Heaviside, local Member, addressed the Committee. The application was supported by the Parish Council which had also supported the previously withdrawn application for the site. The proposed development would dispose of the last remaining brownfield site in the village of Great Lumley. There was no doubt that this had previously been a brownfield site with evidence of the previous development on the site, a former school, still being evident. The site had become a focus for fly tipping and the track to the site had been used for anti-social behaviour including drug taking.

The development site was only 50 metres inside of the greenbelt and was sustainable, being located close to local amenities. There was a shortage of three-bedroomed homes in the area and a recent application for development at Sherburn which was within the greenbelt had been approved.

Councillor Heaviside asked the Committee to consider the application on its merits and to approve the application.

G Dobson, agent for the applicant, addressed the Committee.

Mr Dobson informed the Committee that rather than repeat what had been said as part of the presentation he wished to focus on the key issues in this case as identified in the draft reasons for refusal.

Planning permission was sought for a modern single storey detached bungalow designed to be barrier free and support lifelong living. The building was 'U' shaped in form and had been designed to 'sit low' and integrate within the landscape. It employed a 'living vegetation' green roof and provided for solar and thermal panels to maximise sustainability.

The first proposed reason for refusal drafted by Officers related to the Green Belt status of the site. This was a previously developed site and had been accepted as such by Planning Officers. As home to the former Lumley Boys School, it was not an undeveloped greenfield site.

Durham County Council Planning Officers had recommended that the site not be

included in Green Belt in the Draft version of the County Durham Plan. This recommendation was removed at the last hurdle. Durham County Council Officers assessment at the time was *“removal of the site from the greenbelt would not be visually intrusive nor would it impact on the openness”*

At no point during the Plan preparation process were any objections from the public received to the proposal to remove the site from the Green Belt.

Paragraph 148 of the National Planning Policy Framework provided clear guidance for determining applications for development in the Green Belt. To support development proposals in Greenbelt it was necessary to demonstrate ‘very special circumstances’.

Paragraph 148 of the NPPF made it clear that ‘very special circumstances’ existed when the potential harm to the Green Belt resulting from the proposal, was clearly outweighed by other considerations. The specific circumstances in this instance were unusual and cumulatively could be deemed to constitute ‘very special circumstances’ when viewed along with other material considerations. These were that Council Officers had previously supported deletion of this site from the Green Belt, the site was brownfield previously developed land and as such represented a more sustainable form of development than development on greenfield land, the site had been recognised by the Council as untidy and a focus for anti-social behaviour and not making a positive contribution to the amenity of the area in its current form, the development would deliver a biodiversity net gain on the site as a result of the landscaping proposals for the site which would enhance biodiversity compared to the current status. In its current form and condition the site made limited contribution to the fundamental aim of Green Belt policy defined at paragraph 137 of the NPPF, which was to prevent urban sprawl by keeping land permanently open. The application site was within 900 metres or 10 minutes’ walk of services within the village which comprised a Co-op food store, convenience store, community centre, gym, nursery, primary school, two public houses, and various hot food takeaways, all of which were connected by lit footpaths. In addition, there was a bus stop within 150m of the site which was served by the No.78 and No.71 bus.

It was submitted that this was an instance where site specific considerations mean that the proposed development would not give rise to harm to the Green Belt. Given the case for ‘very special circumstances’ identified above and that, it was reasonable to argue that the site was located within the village envelope, thus justifying infill development, there was a justified case for supporting the proposal in this Green Belt location.

Finally, regarding the proposed second reason for refusal, it was contested that the application site was not located in open countryside and did not compromise the special qualities of the surrounding Area of Higher Landscape Value. As such Policy 10 and Policy 39 did not apply to the proposal. In response to the previous refusal of permission, a comprehensive landscaping proposal had been prepared and was lodged with the application. This incorporated specific landscaping measures to strengthen the site boundary and integrate the development within the wider landscape.

It is within the gift of the Committee to grant permission for the proposed development. The applicant was of the view there was sufficient justification to do this as outlined. Fundamentally, to grant permission would not conflict with the fundamental aim of Green Belt, there was justification for very special circumstances, the location was sustainable and landscape impact was now successfully mitigated in the current scheme. Mr Gibson requested the Committee to grant permission.

Councillor Blakey informed the Committee she had attended the site visit and found it difficult to explain a former brownfield site which was now in the greenbelt. The foundation and structures of the previous development on the site were still visible. If the application was to be approved Councillor Blakey asked whether a Condition could be placed that the applicant used the existing dressed stone on site for landscaping.

The Senior Planning Officer doubted whether there would be enough material on site to use for building but further details regarding boundary treatments could be Conditioned.

Councillor Blakey understood the need for greenbelt protection, but greenbelt had been moved in the past. Policy 29 of the County Durham Plan related to sustainable design and the proposed development would incorporate solar panels. The development would sit below the level of the surrounding countryside and would have no impact on the landscape. Councillor Blakey **moved** that the application be approved subject to a Condition that the applicant used as much material currently on the site.

The Senior Planning Officer replied that while the use of solar panels and a living vegetation green roof were a benefit, they were not special circumstances to allow development within the greenbelt.

Councillor Earley considered that the application continued to stick on the greenbelt issue, which had been explored with inspectors during the draft stage of the County Durham Plan, with the inspectors concluding that this was greenbelt. Councillor Earley **moved** that the application be refused for the reasons detailed in the report.

Councillor Jopling considered the site to be brownfield, adding that there had previously been a school on the site. The area currently looked like ugly scrubland. Because the site was brownfield with remnants of the previous building still on it she considered this gave the Committee the leeway to approve the application. The proposed building was a low rise property with a living roof and Councillor Jopling agreed with Councillor Blakey that the application should be approved.

C Cuskin, Senior Lawyer Regulatory and Enforcement informed the Committee that while it was not disputed that the site had previously been developed, very special circumstances were needed to approve the application to justify the harm to the greenbelt.

Councillor Blakey did not consider the development would cause any harm to the greenbelt, adding that more harm through anti-social behaviour was taking place now on the site.

The Senior Lawyer Regulatory and Enforcement replied that under the NPPF inappropriate development in the greenbelt was considered as harmful.

Councillor Moist considered that the application complied with Paragraphs 12 and 15 of the NPPF and also complied with Paragraph 174 of the NPPF in that it would enhance the local environment. He considered that any development at this location would enhance the local environment given that the site was currently plagued by issues of anti-social behaviour. If the application was approved it would enhance and protect the greenbelt.

Councillor Watson informed the Committee that this was a brownfield site and the application was supported by the Parish Council. This was the last brownfield site and the development would enhance the area. He considered these were the special circumstances to allow the application to be approved.

The Senior Planning Officer referred to Committee to NPPF 13 which related to the protection of greenbelt land. The aim of greenbelt policy was to prevent urban sprawl by keeping land permanently open, the essential characteristics of greenbelt were their openness and their permanence. This site was detached from the development of Great Lumley and the County Council had existing powers under s215 of the Town and Country Planning Act to deal with the issue of untidy land. Previous applications put forward for this site had cited similar special circumstances and a consistent view had been taken in the past.

The Senior Lawyer Regulatory and Enforcement sought clarity from the Committee on what it considered the very special circumstances to be in this case.

Councillor Watson replied that it was a brownfield site, the proposal would enhance the area, it was the last brownfield site in the village and the development would be of a benefit to the whole village.

The Senior Lawyer Regulatory and Enforcement sought confirmation that the Committee considered that the benefits to the area and improvements to the

site would outweigh the greenbelt protection (and constitute the required very special circumstances) and development in the countryside.

Councillor Jopling considered that the proposed development would not make any significant difference to the countryside. The development was a low-rise property with a grass roof on what was currently scrubland. The development would tidy the area and bring benefits to those living nearby from the reduction in anti-social behaviour. The development would not make a significant difference to the greenbelt.

The Senior Lawyer Regulatory and Enforcement sought delegated authority from the Committee, should the application be approved, for a suite of Conditions and legal agreement to be delegated to officers in consultation with the Chair.

Moved by Councillor Blakey, **Seconded** by Councillor Watson that the application be approved.

Upon a vote being taken it was:

Resolved:

That the application be **approved** and that delegated authority be given to officers in consultation with the Chair for a suite of Conditions and legal agreement.

c DM/23/00446/FPA - The Chelmsford, Front Street, Ebchester, Consett, DH8 0PJ

The Committee considered a report of the Planning Officer regarding an application for the change of use from commercial (Public House) to a five bedroom residential dwelling (C3) at The Chelmsford, Front Street, Ebchester, Consett (for copy see file of Minutes).

L Dalby, Principal Planning Officer provided a detailed presentation of the application which included a site location plan, site photographs, proposed floor plans and proposed elevations.

Councillor S Robinson, who had registered to speak on the application, informed the Committee he would yield to Councillor W Stelling to speak as local Member. The Senior Lawyer Regulatory and Enforcement sought clarity from Councillor Stelling as to in what capacity he would be addressing the Committee, as local Member or as part of the debate. If Councillor Stelling wished to speak as part of the Committee and had no interest in the application then the appropriate time to speak would be when the application was opened to debate by the Committee. Councillor Stelling asked the

applicant whether she wished for him to speak as a Member of the Committee and take part in the vote or speak as a local Member and take no part in the decision process. The applicant wished for him to do the former.

Anna Philips addressed the Committee on behalf of the applicant in support of the application.

Ms Philips informed the Committee that the applicant was a hard-working woman who ran several businesses that contributed significantly to the local economy and employed dozens of people in the area. One of these was another hospitality business, The Crown and Crossed Swords. This pub and restaurant was thriving and demonstrated that the applicant had sound credentials in this area. The Chelmsford was never viable. The applicant had tried, over a number of years, to turn it into something better, but failed. It simply would not make enough money to justify its' continued existence.

Suggestions had been made around how to improve business. While the planning officer had expertise in planning matters he did not in hospitality. The applicant had decades of experience in hospitality. She had already tried everything within reason to increase business over several years, and all of this was in the pre-covid climate when hospitality was in a much healthier place. Post-pandemic many pubs were struggling, and many had closed their doors for good.

There was no prospect of the applicant re-opening The Chelmsford as a pub. If the proposal was not supported, this would leave the applicant in an impossible position, stuck with an asset that had not sold as a commercial prospect, with no offers from the local community to buy the building, unable to advertise it for sale as anything else, and burdening her financially just to keep it. All the while this historic building remained unused, was deteriorating and becoming an eyesore.

The applicant was being prevented from making efficient choices in respect of disposing of her own property, because of a process where she had no say in the matter.

The planning officer's advice to refuse the application boiled down to two matters, one of viability and one of the pub being viewed as a community asset. The applicant had demonstrated over many years that it was not a viable business. A report produced by Mr Cartmell, an expert in hospitality underlined this with repeated references to the building being a valuable community asset taking no account of the fact that it had not been open to the public for over three and a half years. It had not been any asset to the community at all in this time. The community facility that was referred to did not exist. Ms Philips asked how a decision against the applicant could be considered necessary to guard against the unnecessary loss of valued and

accessible facilities and services. There were no accessible facilities or services. The residents had not asked for it to be included on the list of community assets which suggested they did not consider it as such.

Ms Philips emphasised that The Chelmsford had now been closed as a pub for over three and a half years, and for sale for several years before it closed. In spite of all the talk of a community buy out there had been no proposals submitted by the community to do so. The applicant would not be re-opening the business, and she could not be expected to run it at a loss, which would be the reality.

The overwhelming majority of the local community were not against this development. The letter from the chair of Ebchester Village Trust stated residents would rather see the building changed to a dwelling, if the alternative was for it to stand empty.

The CAMRA assessment, which was not required, had not been used consistently in similar applications. The applicant believed this was unfair and disputed the findings of it in every respect. There were numerous other pubs all within easy commutable distance by public or private transport. Ebchester was on a major bus route. The Derwent Walk Inn was only 700 metres from the village, within easy walking distance for most people.

If this development did not go ahead, this building would be condemned to remain vacant. It would degrade, deteriorate, become derelict in time, and be a magnet for crime and anti-social behaviour. This would have the opposite effect of conserving it. It would contribute only negatively to the neighbourhood.

Ms Philips asked the Committee to approve the application.

Councillor J Atkinson raised a question about procedure regarding Councillor Stelling's role on the Committee for this application. Councillor Stelling had initially intended to speak as a local Member and following a discussion with the applicant had decided to speak as part of the debate and exercise his right to vote. Councillor Atkinson considered this to demonstrate pre-determination. The Senior Lawyer Regulatory and Enforcement replied it was for each individual Member whether they wished to declare an interest in any particular matter and asked Councillor Stelling to confirm he was approaching this application with an open mind, would listen to the debate and had not made a final decision. Councillor Stelling replied that the application was within his electoral division but he had no interest at all with the applicant or the property. Councillor Stelling thought he could speak as the local Member and also remain in the meeting because he had no interest in the application otherwise he would have spoken in support of the applicant, not voted and left the meeting. The Senior Lawyer Regulatory and

Enforcement replied that the problem was that the matter was getting into the realms of perception. Councillor Stelling, while conforming he had no interest at all in the application and was approaching the application with an open mind he would leave the meeting.

Councillor Stelling left the meeting and took no part in the debate or decision.

Councillor Earley informed the Committee that while he could see the reasons for the officer recommendation, the pub had never been a going concern and had always struggled. Councillor Earley could not see this changing.

Councillor Jopling understood that the hospitality industry, particularly pubs, had suffered badly post-Covid. An amenity would only be taken away if it was used, and the people who ran the business would know whether it was viable. Councillor Jopling did not consider this to be an amenity.

Councillor Sterling considered that the pub was not a going concern and was not operating as one. The applicant currently ran a successful pub elsewhere and if this building was to become a financial burden to the applicant then this could jeopardise her other businesses.

Councillor Atkinson did not consider this to be the loss of a community asset and considered it had no future as a pub.

Councillor Blakey informed the Committee that while it was sad for another pub to be closed, people were not going out as much post-Covid and the hospitality trade had changed. Although a community buyout would have been welcomed, there had been no appetite for this and Cllr Blakey was satisfied that the pub was no longer viable. Councillor Blakey **moved** that the application be approved.

Councillor Watson **seconded** Councillor Blakey's motion. It was nonsense to consider this as a community asset and the pub had tried repeatedly to operate. There was a pub some 600 metres along the road and The Chelmsford was never going to be a successful business. This was a heritage site and the building was currently pulling the area down.

The Senior Lawyer Regulatory and Enforcement sought delegated authority from the Committee, should the application be approved, for a suite of Conditions and legal agreement to be delegated to officers in consultation with the Chair.

Upon a vote being taken it was:

Resolved:

That the application be **approved** and that delegated authority be given to officers in consultation with the Chair for a suite of Conditions and legal agreement.



Planning Services

COMMITTEE REPORT

APPLICATION DETAILS

Application No:	DM/23/02182/FPA
Full Application Description:	Erection of 2 dwellings with associated landscaping and works
Name of Applicant:	Mr R Young
Address:	Land at the West of Townhead Farm, Iveston Lane, Iveston, DH8 7TD
Electoral Division:	Leadgate and Medomsley
Case Officer:	Gemma Heron (Senior Planning Officer) Tel: 03000 263 944 Email: gemma.heron@durham.gov.uk

DESCRIPTION OF THE SITE AND PROPOSAL

The Site

1. The application site is located to the west of the settlement of Iveston. The site relates to a rectangular parcel of agricultural land measuring approximately 0.3 hectares. There is an existing agricultural access to the site from Iveston Lane with a dry-stone boundary wall along each of the site boundaries. To the north of the site across Iveston Lane is an existing restaurant; to the east, situated at an elevated position, are equestrian buildings; to the south is open countryside.
2. In terms of planning constraints, the site is within the Area of Higher Landscape Value and Iveston Conservation Area.

The Proposal

3. Full planning permission is sought for the erection of 2no. detached dwellings on the site. The dwellings would be constructed from metal standing seam in grey for both the roof and the walls. A retaining wall would be constructed around the dwellings with engineering works undertaken to facilitate the

development. Each of the units will be perpendicular to each other situated on the most elevated section of the plot.

4. Access to the dwellings would be facilitated via the existing main entrance point off Iveston Lane to the southwest of the dwellings and an internal access road with driveway would be provided.
5. Unit 1 would provide living accommodation across two levels with a total of 5no. bedrooms. The dwelling would be compliant with the Nationally Described Space Standards (NDSS) which requires 5-bedroom, 8 person dwellings to have 128m² gross internal floor area. Unit 1 would have a gross internal floor area of 201.5m².
6. Unit 2 would provide living accommodation across two levels with a total of two levels with a total of 3no. bedrooms. The dwelling would be compliant with the NDSS which requires a 3-bedroom, 6 person dwelling to have 102m² gross internal floor area. Unit 2 would have a gross internal floor area of 145.4m². Unit 2 will provide an integrated parking area for two cars at the ground floor.
7. The application is being reported to Planning Committee upon the request of Councillor Stelling in the interest of the village of Iveston and its residents.

PLANNING HISTORY

8. 1/1996/1449/6835 – Erection of two dwellings. Refused 20th February 1997
9. 1/1999/0222/9817 – Access Road (28-day determination). Approved 22nd June 1999
10. 1/1999/0220/9813 – Erection of stone wall measuring 1.5 to 1.7 metres in height. Approved 22nd June 1999.
11. 1/2000/0559/11909 – Formation of new access onto A691, access road and bridge, landscaping works to include creation of lake, wood and mounding works. Withdrawn 21st September 2000
12. 1/2010/0536/76408 – Extension to equestrian building. Approved 2nd December 2010
13. DM/19/01080/FPA – Development of 2 residential dwellings and associated landscaping. Approved 11th July 2019.
14. DM/22/02032/FPA – Erection of three dwellings and associated works. Withdrawn 17th October 2022.
15. DM/23/00101/FPA – Erection of two dwellings and associated landscaping. Withdrawn 19th April 2023.

PLANNING POLICY

National Policy

16. A revised National Planning Policy Framework (NPPF) was published in July 2018 (with updates since). The overriding message continues to be that new development that is sustainable should go ahead without delay. It defines the role of planning in achieving sustainable development under three overarching objectives – economic, social and environmental, which are interdependent and need to be pursued in mutually supportive ways.
17. *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.
18. *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.
19. *NPPF Part 5 Delivering a Sufficient Supply of Homes* - To support the Government's objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed, that the needs of groups with specific housing requirements are addressed and that land with permission is developed without unnecessary delay.
20. *NPPF Part 6 Building a Strong, Competitive Economy* - The Government is committed to securing economic growth in order to create jobs and prosperity, building on the country's inherent strengths, and to meeting the twin challenges of global competition and a low carbon future.
21. *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.
22. *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.

23. *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.
24. *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.
25. *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.
26. *NPPF Part 16 - Conserving and enhancing the historic environment.* Heritage assets range from sites and buildings of local historic value to those of the highest significance, such as World Heritage Sites which are internationally recognised to be of Outstanding Universal Value. These assets are an irreplaceable resource, and should be conserved in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of existing and future generations.

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

National Planning Practice Guidance:

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

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

Local Plan Policy:

The County Durham Plan (CDP)

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

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

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

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

31. *Policy 21 (Delivering Sustainable Transport)* requires all development to deliver sustainable transport by: delivering, accommodating and facilitating investment in sustainable modes of transport; providing appropriate, well designed, permeable and direct routes for all modes of transport; ensuring that any vehicular traffic generated by new development can be safely accommodated; creating new or improvements to existing routes and assessing potential increase in risk resulting from new development in vicinity of level crossings. Development should have regard to Parking and Accessibility Supplementary Planning Document.

32. *Policy 27 (Utilities, Telecommunications and Other Broadcast Infrastructure)* States amongst its advice that new residential and commercial development should be served by a high speed broadband connection or appropriate infrastructure for future installation if direct connection is not appropriate, practical or economically viable.
33. *Policy 29 (Sustainable Design)* requires all development proposals to achieve well designed buildings and places having regard to SPD advice and sets out 18 elements for development to be considered acceptable, including: making positive contribution to areas character, identity etc.; adaptable buildings; minimising greenhouse gas emissions and use of non-renewable resources; providing high standards of amenity and privacy; contributing to healthy neighbourhoods; and suitable landscape proposals. Provision for all new residential development to comply with Nationally Described Space Standards, subject to transition period.
34. *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.
35. *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.
36. *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.
37. *Policy 36 (Water Infrastructure)* advocates a hierarchy of drainage options for the disposal of foul water. Applications involving the use of non-mains methods of drainage will not be permitted in areas where public sewerage exists. New sewage and wastewater infrastructure will be approved unless the adverse impacts outweigh the benefits of the infrastructure. Proposals seeking to mitigate flooding in appropriate locations will be permitted though flood defence infrastructure will only be permitted where it is demonstrated as being the most sustainable response to the flood threat.

38. *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
39. *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.
40. *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.
41. *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.
42. *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.
43. Residential Amenity Standards SPD (January 2023) – Provides guidance on the space/amenity standards that would normally be expected where new dwellings are proposed.

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

Neighbourhood Plan:

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

CONSULTATION AND PUBLICITY RESPONSES

Statutory Consultee Responses:

45. *Highways Authority* – No objection subject to a condition requiring the lowering of the existing boundary wall at the main entrance to improve visibility at the access.
46. *Coal Authority* – No objection subject to conditions requiring a scheme of intrusive site investigations and confirmation from a suitably competent person that the site has been made safe.

Non-Statutory Responses:

47. *Spatial Policy* – Advise on the applicable local and national planning policies relating to the application. The principle of this proposal would be assessed against Policies 6 and 10 primarily, taking into account related requirements set out under Policy 29, 39 and 44 of the County Durham Plan.
48. *Ecology* – No objection subject to conditions securing the proposed additional native tree planting and bat boxes as detailed.
49. *Landscape Section* – Advise that the site lies within the West Durham Coalfield County Character Area which forms part of the larger Durham Coalfield Pennine Fringe National Character Area (NCA 16). It lies in the Northern Coalfield Uplands Broad Character Area which belongs to the Coalfield Upland Fringe Broad Landscape Type.

It is understood that the County Durham Landscape Value Assessment (2019) assessed the larger landscape unit surrounding the site as being of elevated value for its historic interest and rarity, primarily due to its role in forming the setting of the historic village of Iveston. This led to the designation of the Area of Higher Landscape Value.

The proposals would involve the incursion of built development of a domestic nature into the open countryside on a prominent sloping site visible at close quarters from the A691 and Iveston Lane in the immediate setting of the historic village. It would be seen in the context of the existing equestrian building and 'The Pavilion' but would appear divorced and separate from the village which lies further onto the ridge, largely concealed by intervening ground and vegetation. The design of the proposal would introduce an urban character which would be out of keeping with their rural location. Garden spaces to the west of the buildings would be visually open in views from the roads and any visual clutter from domestic activities would add to the incongruity of the buildings. The proposal would cause harm to the character, quality and distinctiveness of the local landscape as a result of the loss of the openness of

the parcel of land. It is considered that the effects of the development would be significant at a local level.

The AHLV in and immediately around the village covers much of the conservation area and areas of former linear strip fields to the north. The proposals would be harmful to the AHLV in respect of its role in the setting of the village in the approach from the west.

The proposals would entail development in the narrow gap between the historic village of Iveston and later wayside development along the A691. This would entail coalescence. Development would erode the legibility of the character of the village as an isolated ridge top settlement. It would be poorly related to the village, would be incongruous in their design and would not contribute positively to the area's townscape or local distinctiveness. The proposals would cause some harm to the character, quality and distinctiveness of the local landscape. The harm would be locally significant.

50. *Tree Officer* – No objection.
51. *Design and Conservation* – Advise that the proposed development reflects that previously approved in relation to the design of the dwellings and therefore, the comments provided in relation to the previous application are still relevant in design terms. It is noted that whilst the design itself has not changed, the policy position has. Previous comments noted that the proposal would result in a degree of harm to the conservation area, however, the innovative design and process of design outweighed the harm. Given the change in policy this position may have changed. This is a matter for the case officer to determine.
52. *Environmental Health Nuisance* – Advise that the reports demonstrate that the proposed development could lead to negative impact upon existing commercial operations which are the restaurant to the north and the equestrian centre adjacent.

In relation to the commercial restaurant, the current noise emitted breaches the levels within the Noise Technical Advice Note and as such, future occupants could be affected by noise. The BS 4142 assessment demonstrates that noise at night from the air handling plant serving the restaurant would lead to a significant impact at the proposed sensitive receptor.

In regard to the equestrian centre, the supporting information outlines that this is no longer operational. However, allowing residential development in such close proximity could act as an agent of change and could restrict or prevent the use of the equestrian centre.

The dominant noise source appears to be from traffic using the nearby road. Mitigation measures are proposed and would provide suitable attenuation of the traffic noise in all areas, apart from parts of the outdoor amenity area but this would raise no concerns.

The proposed mitigation measures would likely to provide adequate attenuation for noise from the neighbouring commercial sources, although future occupants could not be compelled to use such measures which could lead to an impact upon the existing commercial operations.

A condition should be imposed to require the sound attenuation measures as proposed to be implemented on the site in full prior to the first occupation of the dwellings and retained in perpetuity.

53. *Environmental Health Contamination* – No requirement for a contaminated land condition.
54. *Archaeology* – No objection. The site is thought to be on the route of a roman road, and there is potential for it remains to survive in the site. Archaeological work would need to mitigate the impacts of the proposal in the form of a Strip Map and Record type application that could be secured via planning condition.

Public Responses:

55. The application has been advertised by way press and site notice alongside individual notification letters being sent to 19 neighbouring properties.
56. One letter of objection has been received with the following concerns:
 - The design of the dwellings as they do not fit the aesthetic of the area and look like industrial units rather than dwellings.
 - Increased traffic on Iveston Lane and A691 junction as this road is dangerous and should have a lower speed limit.

Applicants Statement:

57. The development subject of this application seeks planning permission for the development of 2no. dwellings. The application site was previously granted consent in 2019 for the same development, however the permission has since lapsed and the applicant wishes to renew the consent. Under application reference DM/19/01080/FPA the LPA recognised that the benefits of high quality/innovative design and the executive housing benefits result in a balance in favour of approving the development. The officer report concluded that the relationship between the proposed dwellings are developed as a result of the site constraints and bespoke design. Whilst generally the LPA would encourage greater separation distances officers were satisfied sufficient residential amenity was achieved by the design.
58. Following approval of development in 2019 Durham County Council introduced their Local Plan which seeks to ensure development across the county is appropriately located. Upon review of the Plan, we consider Policy 6 and 39 are of particular relevance.
59. Policy 6 relates to the development of unallocated sites, allowing developments which are within or outside of the built-up area provided they are well related to

the settlement. The application site lies to the west of the village, close to existing residential development, which would not extend the settlement beyond the existing built form, is well related to the settlement, and compatible with its surroundings. The site is currently vacant, and it is considered residential development could make better use of the land whilst not prejudicing any existing, allocated or permitted use of adjacent sites.

60. The development would ultimately provide a logical extension to Iveston, with development which is reflective of the existing built form in terms of design and layout, a matter to which the LPA previously agreed. It is believed that the development complies with Policy 6 and the principle of residential development can be considered acceptable. It should also be noted that the NPPF supports sustainable development in rural areas where it will enhance or maintain the vitality of rural communities. Local authorities should enable the provision of development where it will allow villages to grow and thrive. In this instance Iveston is a smaller settlement and the proposed development will enable a proportionate extension whilst retaining the core shape and character of the village.
61. Notwithstanding this, the site is located within an Area of Higher Landscape Value and the landscape is a key consideration under Policy 39. The councils landscape officer has advised that the proposal could adversely affect the character of the site and would be locally significant. However the officer does conclude that whether the benefits of the proposal outweigh the harm is a matter of planning judgement. Upon review of these comments the applicant has provided updated layout plans and visuals defining areas of proposed landscape planting and boundary treatments. Likewise, Southern Green have provided a Landscape Visual Appraisal in support of the application which provides a number of potential viewpoints confirming there would be minimal impact or change to the surrounding area.
62. In light of this it is considered the minor change to the landscape as a result of the development can be deemed acceptable and any potential impact would be outweighed by the provision of additional high quality housing within the settlement of Iveston. Whilst the AHLV was not in place during approval of the previous application the comments and weight afforded to the design of development by the planning officers should be taken into account. The design of the properties remain unchanged therefore the question is does the development adversely affect the landscape and therefore warrant refusal. Taking note that the same development was recently deemed appropriate and development could have commenced last year.
63. The applicant therefore considers the proposed development can be supported.

PLANNING CONSIDERATION AND ASSESSMENT

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

otherwise. In accordance with advice within the National Planning Policy Framework (NPPF), the policies contained therein are material considerations that should be taken into account in decision making. Other material considerations include representations received. In this context, it is considered that the main planning issues in this instance relate to the principle of the development; locational sustainability; landscape and visual impact; scale, design and historic environment; highway safety; ecology; residential amenity; ground conditions; sustainable construction and other matters.

Principle of Development

65. Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The NPPF is a material planning consideration. The County Durham Plan (CDP) is the statutory development plan and the starting point for determining applications as set out in the Planning Act and reinforced at Paragraph 12 of the NPPF. The CDP was adopted in October 2020 and provides the policy framework for the County up until 2035 and is therefore considered up to date.
66. NPPF Paragraph 11c requires applications for development proposals that accord with an up-to-date development plan to be approved without delay. NPPF Paragraph 12 states that where a planning application conflicts with an up-to-date development plan (including any neighbourhood plans that form part of the development plan), permission should not usually be granted. Local planning authorities may take decisions that depart from an up-to-date development plan, but only if material considerations in a particular case indicate that the plan should not be followed.
67. Planning permission was granted for broadly the same scheme in July 2019 (DM/19/01080/FPA) however, this consent has expired and does not represent a fallback position for the site. The 2019 application was determined under the policies of the Derwentside Local Plan 1997, before the adoption of the County Durham Plan (CDP) and against the backdrop of national policy directives which emphasised delivery of development in areas that did not have an up-to-date local plan in place. This application will be determined under the up-to-date plan, the County Durham Plan and therefore, there has been a significant planning policy change between the determination of the 2019 application and the current proposal which is imperative to its assessment. Since the 2019 application, the site has been allocated as an Area of Higher Landscape Value (AHLV).
68. The site relates to a parcel of agricultural land which is unallocated within the County Durham Plan. In determining proposals for development on unallocated sites, which are in the vicinity of the built-up area, Policies 6 and 10 of the CDP work in combination to inform the decision-making process. Policy 10 restricts most new build residential development in the open countryside, except where it is deemed acceptable in accordance with Policy 6.

69. Firstly, the proposal will need to be assessed against Policy 6 of the CDP in the first instance which relates to 'Development of Unallocated Sites'.
70. Policy 6 seeks to support the development of sites which are not allocated in the Plan or in a Neighbourhood Plan which are either (i) within the built-up area; or (ii) outside the built-up area (except where a settlement boundary has been defined in a neighbourhood plan) but well-related to a settlement and where the proposal complies with all the criteria of Policy 6 which includes:
- a. are compatible with, and not prejudicial to, any existing, allocated or permitted use of adjacent land;
 - b. do not contribute to coalescence with neighbouring settlements, would not result in ribbon development, or inappropriate backland development;
 - c. do not result in the loss of open land that has recreational, ecological or heritage value, or contributes to the character of the locality which cannot be adequately mitigated or compensated for;
 - d. are appropriate in terms of scale, design, layout, and location to the character, function, form and setting of the settlement;
 - e. would not be prejudicial to highway safety or have a severe residual cumulative impact on network capacity;
 - f. have good access by sustainable modes of transport to relevant services and facilities and reflects the size of the settlement and the level of service provision within that settlement;
 - g. do not result in the loss of a settlement's or neighbourhood's valued facilities or services unless it has been demonstrated that they are no longer viable;
 - h. minimise vulnerability and provides resilience to impacts arising from climate change, including but not limited to, flooding;
 - i. where relevant, make as much use as possible of previously developed (brownfield) land; and
 - j. where appropriate, reflect priorities for urban regeneration.
71. In considering the requirements of Policy 6, the application site is situated outside the built-up area of Iveston as the proposal would encroach beyond the existing settlement confines into a prominent, sloping open area of countryside which has no physical relationship to the built-up area. Iveston is a traditional historic village with the form of development clustered primarily around the Village Green. The core of the village is not visible from the A691 to the west as it is situated on land at a considerable higher level than the A691. As you approach Iveston, there is extensive boundary planting beyond the eastern boundary of the site which acts as a transition buffer between the open

countryside and the settlement. The site is framed as an open parcel of land which contributes to the setting of the village. Therefore, due to the characteristics of the site, it is not considered to be within the built-up area nor to be well-related to the settlement of Iveston.

72. The site is within the Iveston Conservation Area and Area of Higher Landscape Value. Criteria (c) of Policy 6 outlines that that development will be permitted where it does “not result in the loss of open land that has recreational, ecological or heritage value, or contributes to the character of the locality which cannot be adequately mitigated or compensated for;”. It is identified under the County Durham Landscape Value Assessment as being of elevated value for its historic interest and rarity, primarily because of its role in forming the setting of the historic village of Iveston. Therefore, the open land has heritage value as well as making a positive contribution to the character of the locality. The development of this parcel of land would result in the loss of open land of heritage value which cannot be adequately mitigated or compensated for as it would erode the legibility of the character of Iveston as an isolated ridge top settlement which would fail criteria (c) of Policy 6.
73. The application therefore fails to comply with Policy 6; as it is not within a built-up area nor well-related to the settlement by virtue of its location and characteristics. It would also result in the loss of open land which has heritage value as open land framing Iveston Conservation Area which would fail Policy 6 (c). Therefore, as the site does not comply with Policy 6, it is within the open countryside.
74. As the site is located within the open countryside, Policy 10 of the CDP would apply. As the proposal is for open market dwellings, there is no policy support for the development under Policy 10.
75. Overall, the principle of the development would fail to accord with Policy 6 and 10 of the County Durham Plan and would be unacceptable.

Locational Sustainability of the Site

76. Criteria p of Policy 10 sets out that development must not be solely reliant upon unsustainable modes of transport. New development in countryside locations that is not well served by public transport must exploit any opportunities to make a location more sustainable including improving the scope for access on foot, by cycle or by public transport.
77. Criteria f of Policy 6 sets out that development must have good access by sustainable modes of transport to relevant services and facilities and reflects the size of the settlement and level of service provision within that settlement.
78. Policy 21 of the CDP requires all developments to deliver sustainable transport by providing appropriate, well designed, permeable and direct routes for walking, cycling and bus access, so that new developments clearly link to existing services and facilities together with existing routes for the convenience of all users. At paragraph 110 the NPPF states that appropriate opportunities

to promote sustainable transport modes should be taken whilst paragraph 112 amongst its advice seeks to facilitate access to high quality public transport.

79. The County Durham Settlement Study 2018 is an evidence-based document which seeks to provide an understanding of the number and range of services available within the settlements of County Durham. Iveston is identified as a settlement under the study.
80. In considering the services and facilities within the area, whilst the site is within walking distance of bus stops with access to Lanchester, Durham and Consett, Iveston is a small rural settlement with no shops, education or health facilities. The sole facility in the settlement is a restaurant (The Pavilion). The site would rely upon the services and facilities found primarily in Consett and Lanchester.
81. Therefore, overall, the site is not considered to be a sustainable location and fails to comply with Policies 6, 10 and 21 of the County Durham Plan and paras 110 and 112 of the NPPF.

Landscape and Impact upon Iveston Conservation Area

82. CDP Policy 6 sets out that development must not result in the loss of open land that recreational, ecological or heritage value, or contributes to the character of the locality which cannot be adequately mitigated or compensated for.
83. CDP Policy 10 under the general design principles states that development in the countryside must not give rise to unacceptable harm to the heritage, biodiversity, geodiversity, intrinsic character, beauty or tranquillity of the countryside either individually or cumulatively, which cannot be adequately mitigated or compensated for.
84. CDP Policy 39 states proposals for new development will be permitted where they would not cause unacceptable harm to the character, quality or distinctiveness of the landscape, or to important features or views. Proposals would be expected to incorporate appropriate measures to mitigate adverse landscape and visual effects. Development affecting Areas of Higher Landscape Value will only be permitted where it conserves, and where appropriate enhances, the special qualities of the landscape, unless the benefits of development in that location clearly outweigh the harm.
85. CDP Policy 44 relates to the historic environment and outlines in regard to conservation areas that regard shall be had to the manner in which the proposal responds positively to the findings and recommendations of conservation area character appraisals and management proposals. It also states regard shall be made in respect for, and reinforcement of, the established, positive characteristics of the area in terms of appropriate design (including pattern, layout, density, massing, features, height, form, materials and detailing).
86. Planning (Listed Buildings and Conservation Areas) Act 1990 under Section 72 sets out that special attention shall be paid to the desirability of preserving and enhancing the character or appearance of the conservation area.

87. Parts 12 and 15 of the NPPF promotes good design and sets out that the planning system should contribute to and enhance the natural and local environment by (amongst other things) recognising the intrinsic character and beauty of the countryside and optimise the potential use of the site.
88. The application site is within the Area of Higher Landscape Value and the Iveston Conservation Area. It is understood that the County Durham Landscape Value Assessment (2019) assessed the larger landscape unit surrounding the site as being of elevated value for its historic interest and rarity, primarily due to its role in forming the setting of the historic village of Iveston. Therefore, the Iveston Conservation Area and Area of Higher Landscape Value are inherently linked. The openness of the site contributes to the Area of Higher Landscape Value and the setting of the village and Conservation Area.
89. The Council's Landscape Team have been consulted on the application who identify that the site lies within the West Durham Coalfield County Character Area which forms part of the larger Durham Coalfield Pennine Fringe National Character Area (NCA 16). It lies in the Northern Coalfield Uplands Broad Character Area which belongs to the Coalfield Upland Fringe Broad Landscape Type. The site is made up of open grassland/pasture bound by a dry stone wall with an ornamental garden entrance off Iveston Lane. The site occupies an elevated position and is visible in near views from Iveston Lane and A691.
90. The proposals would involve the incursion of built development of a domestic nature into the open countryside on a prominent sloping site visible at close quarters from the A691 and Iveston Lane in the immediate setting of the historic village. It would be seen in the context of the existing equestrian building and 'The Pavilion' but would appear divorced and separate from the village which lies further onto the ridge, largely concealed by intervening ground and vegetation. The design of the proposal would introduce an urban character which would be out of keeping with their rural location. Garden spaces to the west of the buildings would be visually open in views from the roads and any visual clutter from domestic activities would add to the incongruity of the buildings. The proposal would cause harm to the character, quality and distinctiveness of the local landscape as a result of the loss of the openness of the parcel of land and the role the AHLV plays in the setting of the village from the approach from the west. It is considered that the effects of the development would be significant at a local level.
91. In relation to the AHLV, Policy 39 of the CDP states: "*Development affecting Areas of Higher Landscape Value defined on Map H, will only be permitted where it conserves, and where appropriate enhances, the special qualities of the landscape, unless the benefits of the development in that location clearly outweigh the harm.*" In taking into account the comments from the Landscape Team, the proposal would cause harm to the AHLV and by virtue of this, would not conserve, nor enhance the special qualities of the AHLV. The special qualities in this instance relate to its value for its historic interest and rarity, primarily due to its role in forming the setting of the historic village of Iveston. Therefore, under Policy 39 of the CDP, as assessment of any benefits of the

scheme must be taken into account. It is considered that housing could result in a temporary, small scale economic uplift during construction and provide housing in the locality. However, these benefits are not sufficient to outweigh the policy conflict and harm identified. Therefore, the proposal fails to accord with Policy 39 of the County Durham Plan.

92. Following this, the site is within the Iveston Conservation Area. Accordingly, the Design and Conservation Team have been consulted on the proposal and identify there is a degree of harm to the Conservation Area primarily due to the loss of the openness of the site. They consider that the resulting harm has been minimised as far as possible by the design process. It is considered that the level of harm to the designated heritage asset would be less than substantial.
93. In considering this, Paragraph 202 of the National Planning Policy Framework states: *“Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.”* This is continued in CDP Policy 44 states: *“Development which leads to less than substantial harm to a designated heritage asset will be weighed against the public benefits of the scheme.”*
94. Under the previous application (DM/19/01080/FPA), information was submitted to demonstrate that the scheme delivered a public benefit in its high quality and innovative design through executive housing. However, this application was determined in the context of an absence of a five-year supply of housing land and in the context of out-of-date planning policies (Derwentside Local Plan). Since the 2019 application, both local and national planning policy has changed with a revised National Planning Policy Framework (NPPF) as well as the adoption of the County Durham Plan. In this context, in Officer’s view, the development of two dwellings does not provide any public benefits; any benefits would be private which would not be considered as public. Therefore, the less than substantial harm to the Iveston Conservation Area is not outweighed in the balance by public benefits as none have been identified. Therefore, the proposal would be contrary to Policy 44 of the CDP and Paragraph 202 of the National Planning Policy Framework.
95. Overall, in considering the impact of the proposal upon the Iveston Conservation Area and the Area of Higher Landscape Value, the loss of the open land would result in less than substantial harm to the designated heritage asset and harm to the AHLV. Therefore, it is considered that the proposal would conflict with Policy 6, 10, 29, 39 and 44 of the County Durham Plan and Parts 12, 15 and 16 of the NPPF.

Scale/Design

96. CDP Policy 6 requires development to be appropriate in terms of scale, design, layout and location to the character, function, form and setting of, the settlement.

97. CDP Policy 10 under criteria o requires new development in the countryside, by virtue of their siting, scale, design and operation to not impact adversely upon the setting, townscape qualities, including important vistas, or form of a settlement which cannot be adequately mitigated or compensated for.
98. CDP Policy 29 outlines that development proposals should contribute positively to an area's character, identity, heritage significance, townscape and landscape features, helping to create and reinforce locally distinctive and sustainable communities. In total, Policy 29 sets out 18 elements for development to be considered acceptable, including: buildings being adaptable; minimising greenhouse gas emissions and use of non-renewable resources; providing high standards of amenity and privacy; contributing to healthy neighbourhoods; and suitable landscape proposals.
99. Parts 12 and 15 of the NPPF also seek to promote good design, while protecting and enhancing local environments. Paragraph 127 of the NPPF also states that planning decisions should aim to ensure developments function well and add to the overall quality of the area and establish a strong sense of place, using streetscapes and buildings to create attractive and comfortable places to live, work and visit.
100. The site is located within the Iveston Conservation Area and Area of Higher Landscape Value.
101. In assessing the design of the development, the Design and Conservation Team consider the scheme to represent high quality, innovative design. Therefore, in design terms, the proposal would comply with Policy 29 and Part 12 of the National Planning Policy Framework.

Highway Safety/Access

102. CDP Policy 21 outlines that development should not be prejudicial to highway safety or have a severe cumulative impact on network capacity, expecting developments to deliver well designed pedestrian routes and sufficient cycle and car parking provision. Similarly, Policy 29 advocates that convenient access is made for all users of the development together with connections to existing cycle and pedestrian routes. Criterion e) of Policy 6 requires development to not be prejudicial to highway safety or have a severe residual cumulative impact on network capacity. Criterion q) of Policy 10 does not permit development in the countryside where it would be prejudicial to highway safety.
103. Specifically, the NPPF sets out at Paragraph 110 that safe and suitable access should be achieved for all users. In addition, Paragraph 111 of the NPPF states that development should only be refused on transport grounds where the residual cumulative impacts on development are severe.
104. The development proposes to utilise the existing agricultural access to the site from the Iveston Lane and lower the existing stone boundary wall to improve visibility. Unit 1 will have three parking spaces immediately adjacent the

dwelling and Unit 2 will have an integrated canopy to provide two parking spaces.

105. Concerns have been raised by one member of the public in regard to how the development will lead to increased traffic on Iveston Lane and A691.
106. In assessing the application, the Highway Authority have reviewed the proposal and advise they have no objections to the development subject to a condition requiring the existing boundary wall at the entrance onto Iveston Lane to be lowered in height to improve the visibility at the access point.
107. Overall, whilst the concerns from the member of the public are acknowledged, subject to conditions, the proposal would not adversely affect highway safety and would accord with CDP Policies 6, 10, 21 and Part 9 of the NPPF.

Ecology

108. NPPF Paragraph 180 d) advises that opportunities to improve biodiversity in and around developments should be integrated as part of their design, especially where this can secure measurable net gains for biodiversity or enhance public access to nature where this is appropriate.
109. In line with this, CDP Policy 41 seeks to ensure new development minimises impacts on biodiversity by retaining and enhancing existing diversity assets and features. Proposals for new development should not be supported where it would result in significant harm to biodiversity or geodiversity.
110. Policy 43 sets out that development proposals that would adversely impact upon nationally protected sites will only be permitted where the benefits clearly outweigh the impacts while adverse impacts upon locally designated sites will only be permitted where the benefits outweigh the adverse impacts. Appropriate mitigation or, as a last resort, compensation must be provided where adverse impacts are expected. In relation to protected species and their habitats, all development likely to have an adverse impact on the species' abilities to survive and maintain their distribution will not be permitted unless appropriate mitigation is provided, or the proposal meets licensing criteria in relation to European Protected Species.
111. In this respect the application is supported by a Preliminary Ecological Appraisal (PEA) which assesses the likely presence of protected species or habitats on the site. The PEA concludes that the site is of negligible ecological value. The amenity grassland contained a low number of common species, and the drystone wall is unsuitable for nesting birds and bats. The report recommends that landscape planting should use native plant species and bird nesting boxes and one bat box should be installed on the dwellings.
112. The Council's Ecology Team have been consulted on the application and advise they have no objection to the proposal subject to conditions securing additional native tree planting and the bird and bat boxes.

113. Therefore, using planning conditions, the proposal will have an acceptable impact upon protected species and will deliver a biodiversity net gain to comply with Policy 41 and 43 of the County Durham Plan.

Residential Amenity

114. Parts 12 and 15 of the NPPF require that a good standard of amenity for existing and future users be ensured, whilst seeking to prevent both new and existing development from contributing to, or being put at unacceptable risk from, unacceptable levels of pollution.
115. CDP Policy 31 states that all new development that has the potential to lead to, or be affected by, unacceptable levels of air quality, inappropriate odours and vibration or other sources of pollution, either individually or cumulatively, will not be permitted including where any identified mitigation cannot reduce the impact on the environment, amenity of people or human health to an acceptable level.
116. A Residential Amenity Standards Supplementary Planning Document (SPD) has been adopted by the Council, which recommends that dwellings should benefit from private, usable garden space of at least 9 metres long.
117. The Residential Amenity Standards SPD also sets out the following separation distances for new development to comply with:-
- 'A minimum distance of 21.0m between habitable room windows, where either dwelling exceeds single storey, and a minimum of 18.0m between habitable room windows and both dwellings are single storey.
 - Where a main facing elevation containing a habitable room windows is adjacent to a gable wall which does not contain a habitable room window, a minimum distance of 13.0m shall be provided where either dwelling exceed single storey or 10.0m where both dwellings are single storey.'
118. In regard to this, Unit 1 north elevation will face towards the south elevation of Unit 2. The north elevation of Unit 1 has first floor and ground floor windows; the first-floor windows will be obscurely glazed and will serve a hallway, staircase and a study. The south elevation of Unit 2 is the gable elevation which has a first-floor covered balcony with an external door and integrated parking to the ground floor. It is considered that due to the placement of the windows and the use of obscure glazing, which could be conditioned in perpetuity, there will be no issues in regard to overlooking between the two dwellings.
119. In relation to separation distances, there will be a separation distance of 9 metres between the north elevation of Unit 1 and the south gable elevation of Unit 2 which would be a substandard relationship under the Residential Amenity Standards SPD. However, a site plan has been submitted to demonstrate there will be a separation distance of 13 metres between the external wall of Unit 1 and the first internal wall of Unit 2 on the south elevation due to the ground floor parking area and first floor balcony provided on Unit 2. Due to the internal layout of Unit 2, this level of separation between the two dwellings is acceptable.

120. In terms of the amenity of future occupiers, Unit 1 would provide living accommodation across two levels with a total of 5no. bedrooms. The dwelling would be compliant with the Nationally Described Space Standards (NDSS) which requires 5-bedroom, 8 person dwellings to have 128m² gross internal floor area. Unit 1 would have a gross internal floor area of 201.5m². Unit 2 would provide living accommodation across two levels with a total of two levels with a total of 3no. bedrooms. The dwelling would be compliant with the NDSS which requires a 3-bedroom, 6 person dwelling to have 102m² gross internal floor area. Unit 2 would have a gross internal floor area of 145.4m². Unit 2 will provide an integrated parking area for two cars at the ground floor.
121. Each of the dwellings have a private amenity space which complies with the required 9 metres distance set out in the Residential Amenity Standards SPD.
122. The application site is within proximity to an existing restaurant (The Pavilion) to the north of the site, an existing equestrian business to the southeast and the A691 to the site.
123. Accordingly, the application has been supported by a Noise and Odour Assessment which the Nuisance Action Team have assessed. The Noise Assessment outlines that a significant proportion of the garden areas meet the guideline values and therefore, no mitigation is required. It recommends that acoustic ventilation is installed in noise sensitive rooms (living rooms and bedrooms). The Nuisance Action Team have reviewed the Noise and Odour Assessment and conclude that a condition should be imposed to require the sound attenuation measures as proposed to be implemented on the site in full prior to the first occupation of the dwellings and retained in perpetuity.
124. Overall, the proposals are considered to provide a good standard of amenity for existing and future residents, subject to planning conditions controlling obscure glazing in Unit 1 and sound attenuation measures, according with CDP Policy 31 and Part 12 and 15 of the NPPF.

Drainage

125. Part 14 of the NPPF seeks to resist inappropriate development in areas at risk of flooding, directing development away from areas at highest risk (whether existing or future). Where development is necessary in such areas, the development should be made safe for its lifetime without increasing flood risk elsewhere. Paragraph 167 advises that when determining planning applications, local planning authorities should ensure that flood risk is not increased elsewhere and that where appropriate applications should be supported by a site-specific flood-risk assessment. Paragraph 169 goes on to advise that major developments should incorporate sustainable drainage systems unless there is clear evidence that this would be inappropriate.
126. CDP Policies 35 and 36 relate to flood water management and infrastructure. Policy 35 requires development proposals to consider the effects of the scheme on flood risk and ensure that it incorporates a Sustainable Drainage System

(SUDs) to manage surface water drainage. Development should not have an adverse impact on water quality. Policy 36 seeks to ensure that suitable arrangements are made for the disposal of foul water.

127. The site is not located within a flood zone. The submitted information indicates that the surface water will be dealt with via a sustainable drainage system and the foul water will be disposed into the mains sewer. No details of this arrangement have been submitted. However, the details of the drainage for both foul and surface water can be controlled by a planning condition which would be reasonable in this case to request additional information and detail to be submitted to demonstrate compliance with Policies 35 and 36 of the CDP.
128. Therefore, the application through the use of planning conditions, can ensure that acceptable foul water and surface water drainage is secured on the site to comply with Policies 35 and 36 of the CDP.

Ground Conditions

129. CDP Policy 32 requires sites to be suitable for use taking into account contamination and unstable land issues. Paragraph 183 of the NPPF requires sites to be suitable for their proposed use taking account of ground conditions and any risks arising from land instability and contamination.
130. In this regard, the Council's Contaminated Land Team have been consulted and they confirm there is no requirement for a land contamination condition on the scheme.
131. Also, the application site is within the Coalfield High Risk Area and accordingly, the Coal Authority have been consulted. They advise they have no objection to the development subject to conditions requiring the carrying out of intrusive site investigations and a statement from a suitably competent person to confirm that the site has been made safe.
132. Therefore, based on the comments from the Contaminated Land Team and the Coal Authority, the proposal is considered to comply with CDP Policies 32, 56 and NPPF Paragraph 183 subject to planning conditions.

Sustainable Construction

133. CDP Policy 29 requires new development to minimise the use of non-renewable and unsustainable resources, including energy, water and materials during both construction and use by encouraging waste reduction and appropriate reuse and recycling of materials, including appropriate storage space and segregation facilities for recyclable and non-recyclable water and prioritising the use of local materials.
134. No information in relation to this has been provided. However, it is understood that the site is within the gas network and in the event of an approval of the application, a conditional approach can be adopted to secure the submission of this information to show how the proposal would comply with this policy

requirement, including the use of renewable energy and carbon reduction measures.

135. Policy 27 of the CDP states that any residential and commercial development should be served by a high-speed broadband connection, where this is not appropriate, practical or economically viable, developers should provide appropriate infrastructure to enable future installation.
136. According to the OFCOM availability checker, the site has access to broadband in accordance with Policy 27 of the CDP.

Other Issues

137. CDP Policy 14 states that the development of the best and most versatile agricultural land, will be permitted where it can be demonstrated that the benefits of the development outweigh the harm, taking into account economic and other benefits. NPPF Paragraph 174 states that LPAs should recognise the economic and other benefits of the best and most versatile agricultural land and where significant development of agricultural land is demonstrated to be necessary, local planning authorities should seek to use areas of poorer quality land in preference to that of a higher quality. Best and most versatile agricultural land is classified by the NPPF as grades 1, 2 or 3a.
138. A site-specific agricultural land classification has not been submitted in support of the application. However, the application site is identified as 'Grade 4' in the Agricultural Land Classification which identifies the land as 'Poor' under the standards. Therefore, there would be no loss of best or most versatile agricultural land.
139. The site is thought to be on the route of a roman road and there is potential for its remains to survive in the site. Therefore, the Council's Archaeology Team have requested conditions for a written scheme of investigation and post-investigation assessment to be carried out to fully assess this.

CONCLUSION

140. Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material consideration indicate otherwise. NPPF Paragraph 12 states that where a planning application conflicts with an up-to-date development plan, permission should not usually be granted. Local Planning Authorities may take decisions that depart from an up-to-date development plan, but only if material considerations in a particular case indicate the plan should not be followed.
141. In relation to the principle, the application site is not within a built-up area nor well-related to the settlement by virtue of its location and characteristics. It would also result in the loss of open land which has heritage value as open land

framing Iveston Conservation Area. The site is within the open countryside and therefore, there is no policy support in principle for the development.

142. In terms of design, the proposal is acceptable as it is high quality and innovative. However, the proposal would result in the loss of open space which would result in less than substantial harm to the Iveston Conservation Area and there are no identified public benefits to outweigh this harm. The proposal would fail to comply with Policy 44 of the County Durham Plan and Paragraph 203 of the National Planning Policy Framework.
143. The application would also cause harm to the character, quality and distinctiveness of the local landscape and would not conserve or enhance the special qualities of the Area of Higher Landscape Value which would fail to comply with Policies 6, 10 and 39 of the County Durham Plan.
144. The development would mitigate its ecological impacts, would not impact on highway safety or residential amenity.
145. It is recognised housing in villages can support services in other nearby villages, particularly in rural areas. The development would also result in a temporary economic uplift during construction and provide housing choices in the locality. However, these benefits are not considered sufficient to outweigh the policy conflict and harm identified above and therefore the application is recommended for refusal.

RECOMMENDATION

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

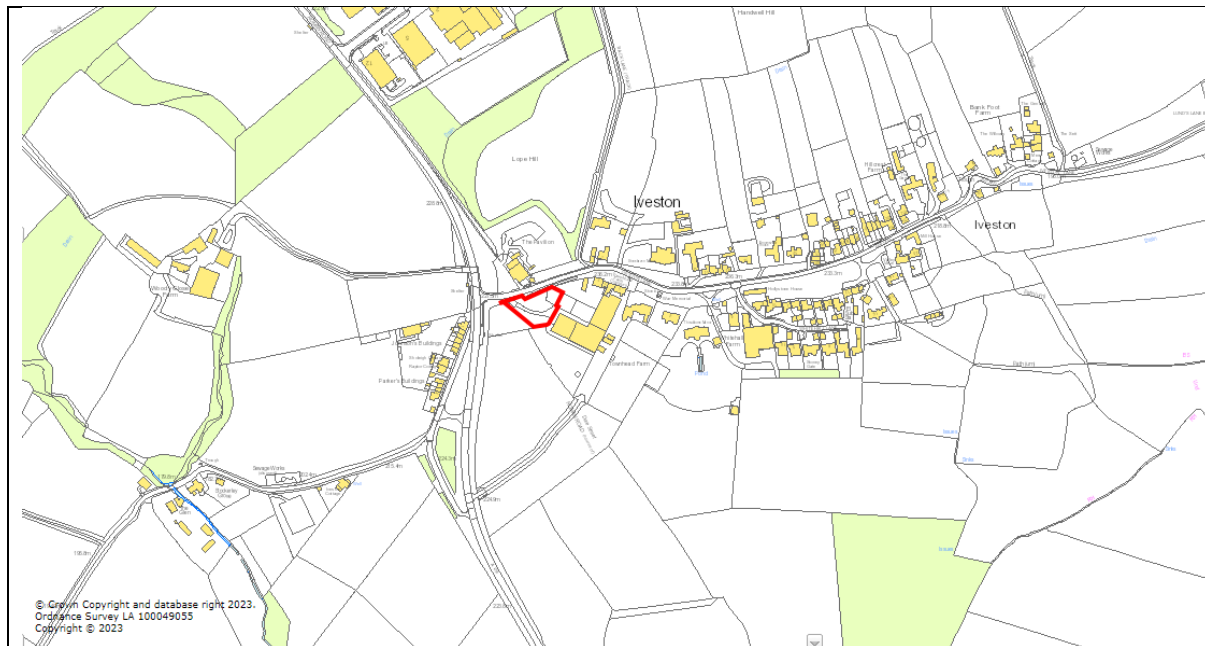
1. The application site is located within the countryside away from any established settlement and does not comply with any of the exceptions set out in Policy 10 of the County Durham Plan for development on such a location and is not permitted by any other specific policy in the County Durham Plan. The development is therefore considered to conflict with Policies 6 and 10 of the County Durham Plan and Part 5 of the National Planning Policy Framework.
2. The proposal would result in the loss of a site which positively contributes to the character of the local area, the Area of Higher Landscape Value and the setting of Iveston Conservation Area. The development does not conserve or enhance the special qualities of the Area of Higher Landscape Value and there are no identified benefits to the scheme to outweigh this harm. The development would lead to less than substantial harm to Iveston Conservation Area and there are no public benefits to outweigh the harm. Therefore, the proposal is contrary to Policies 6, 10, 29, 39 and 44 of the County Durham Plan and Parts 12 and 16 of the National Planning Policy Framework.

STATEMENT OF PROACTIVE ENGAGEMENT

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

BACKGROUND PAPERS

Submitted Application Forms, Plans and supporting documents
 National Planning Policy Framework
 The County Durham Plan (CDP)
 Residential Amenity Standards Supplementary Planning Document January 2023
 Statutory consultation responses
 Internal consultation responses
 External consultation responses



<p>Planning Services</p>	<p>Erection of 2 dwellings with associated landscaping and works</p>	
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	<p>Date: 26th October 2023</p>	

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