



## Area Planning Committee (North)

**Date** Thursday 28 March 2024  
**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 25 January 2024 (Pages 3 - 10)
4. Declarations of Interest, if any
5. Applications to be determined;
  - a) DM//23/00870/OUT - Land To The South Of Greenways Court, Greenways, Delves Lane, DH8 7DH (Pages 11 - 34)  
Outline application (with access) for up to 32 no. affordable residential units and 8 no. self-build/custom build plots (all other matters reserved).
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  
20 March 2024

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, K Shaw, A Sterling,  
A Watson and S Wilson

---

**Contact: Jordan Bell**

**Tel: 03000 269701**

---

**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 25 January 2024** at **9.30 am**

**Present:**

**Councillor E Peeke (Chair)**

**Members of the Committee:**

Councillors W Stelling (Vice-Chair), G Binney, J Blakey, L Brown, L Fenwick (substitute for S Wilson), J Griffiths, P Jopling, J Purvis, K Shaw and A Watson

**1 Apologies for Absence**

Apologies for absence were received from Councillors K Earley, B Moist, A Sterling and S Wilson.

**2 Substitute Members**

Councillor L Fenwick substituted for Councillor S Wilson.

**3 Minutes**

The minutes of the meeting held 30 November 2023 were agreed as a correct record and signed by the Chair.

**4 Declarations of Interest**

There were no Declarations of Interest.

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

### **a DM/22/03451/FPA - Brown Horse Inn, High Stoop, Bishop Auckland, DL13 4HJ**

The Senior Planning Officer, George Spurgeon gave a detailed presentation on the report relating to the abovementioned planning application, a copy of which had been circulated (for copy see file of minutes). Members noted that the written report was supplemented by a visual presentation which included photographs of the site. The application was for the extension to inn to accommodate swimming pool, gym, and 11 additional bedrooms, erection of new building for storage and function use, extension of car park (part retrospective) and was recommended for refusal, as set out within the report.

The Senior Planning Officer noted the location of the site, within 50 metres of the North Pennines Area of Outstanding Natural Beauty (AONB) and explained that works had started in terms of clearing land for the extension to the car park. Members were asked to note proposed elevations and floor plans, with the Senior Planning Officer noting that the plans represented a sizable extension to the existing property.

In respect of consultee responses, the Senior Planning Officer noted that Design and Conservation had concerns in relation to the size and massing, adding that the proposals were not well conceived and did not take into account the local vernacular. He added that the Landscape Section had concerns with the proposals in terms of the negative impact upon views of the AONB gateway, with the AONB Partnership also raised concern. The Senior Planning Officer explained that the Biodiversity Team had raised concern as no biodiversity net gain had been demonstrated, and Visit County Durham had noted that the lack of visitor accommodation was an issue in the county and therefore they supported the application. He noted that there had been six letters of objection, with details set out within the report.

The Senior Planning Officer noted that in terms of County Durham Plan (CDP) Policy 10, the application was an extension to an existing business, however, Officers had concern in respect of the pool and leisure element of the proposals, noting that operational costs did not appear to have been taken into account and the potential impact meant Officer felt the scheme was contrary to Policy 10. He added that Technical Officers responses had raised concerns in respect of the scale, massing, detailing and fenestration as well as not being able to demonstrate biodiversity net gain, or suitable BREEAM rating, and therefore was contrary to Policy 29.

The Senior Planning Officer concluded by noting that while an extension to an existing business would provide benefits, they were not sufficient to outweigh the harms as outlined in the report and presentation and therefore the recommendation was for refusal.

The Chair thanked the Senior Planning Officer and asked Councillor B Coult, Local Member, to speak in respect of the application.

Councillor B Coult thanked the Chair and Committee and noted she represented the Esh and Witton Gilbert Electoral Division. She noted she supported the Officer's recommendation for refusal, noting some works had been carried out without approval. She explained that the design was uncharacteristic and out of keeping with the area and noted that the applicant had not been able to demonstrate the viability of the proposed extension to the business. She added that concerns had been raised in relation to the proximity to the AONB and that there was a biodiversity net loss, with no offset elsewhere. Councillor B Coult noted that she had additional concerns as regards the impact upon the 'Dark Skies Discovery Sites' within the AONB from light pollution from the proposed development. She concluded by asking Members to refuse the application as it was contrary to Policies 8, 10, 29, 38 and 39 of the CDP and also Paragraphs 88, 135, 139 and 180 of the National Planning Policy Framework (NPPF).

The Chair thanked Councillor B Coult and asked Malcom Campbell, local resident in objection, to speak on the application.

M Campbell noted he lived at High House Farm, where there was a collection of five houses, 16 adults and one child and explained that no one used the pub as a local resource. He noted that there appeared to be some confusion as regards the car park, having been built unlawfully, hence the part retrospective application, on a greenfield site. He reiterated that the car park was not on an existing part of the site, rather was on land that had been used as farmland and had been greenfield for at least 200 years. He added that the applicants had built without approval, stripping the topsoil away, creating a bed of clay. He added that the objections from himself and his neighbours also included objection to the visual impact the proposals would have, with the extensions having no resemblance to the host building and were of excessive size.

M Campbell noted that 'Building 2' was freestanding and would be of high visibility from the B6296, of high massing and be visually obtrusive. He added there was no justification for extensions of this size and scale, with no business case being provided in terms of the additional 400m<sup>2</sup> of floor space being asked for. He noted that there was the possibility that 'Building 2' would eventually be converted to a house, adding that if submitted as a separate application, it was unlikely it would be granted.

M Campbell explained he supported the comments from the AONB Partnership in terms of the importance of the gateway into the AONB. He noted that the proposals were for the wrong building in the wrong place and noted no justification for the scale of development. He added that there was use for HGVs stopping overnight at the site, not disclosed to the Highways Section. He noted the business plan would struggle in terms of the number of rooms and swimming pool.

The Chair thanked M Campbell and asked Mike Matthews, Agent for the applicant, to speak in support of the application.

M Matthews explained that the application by Mr and Mrs Baines at the Brown Horse Inn was for a private swimming pool, along with a second building to act as a function suite with and noted that their local research was that a private swimming pool was normally not required to have planning consent. He added that the site was outside the conservation area, furthermore it was off the A68, next door to a caravan storage park, and it was the opinion of the applicant that the new development would enhance the area, showing a marked contemporary look.

M Matthews noted that the proposal involved redevelopment of the existing Brown Horse Inn to allow for much needed growth expansion to cope with additional requirements and new potential customers. He explained that there were two new buildings proposed on the site, with Building 1 to house a private swimming pool, new toilet block, changing facilities, lift to the first floor and bedrooms on the first floor. He noted that a further additional Building 2 was intended to offer a function suite and additional storage on the ground floor. He reiterated that the swimming pool was for guests staying at the Brown Horse Inn and was not being offered open to the public, for private guests only.

M Matthews noted the comment from the Planning Officer in respect of Policy 29 regarding BREEAM and noted that the applicant was not contesting this point, adding that they had offered a full SBEM Calculation along with the BREEAM assessment to be offered as condition, all as part of a fully comprehensive Building Regulations Application prior to the construction phase. He noted furthermore that CDP Policy 29 did not state the BREEAM assessment must be part of the planning documents, merely that the building must comply. He reiterated that the applicant would provide this as part of ongoing design Building Regulations Compliance Documentation, a regulatory requirement on any new building to be compliant.

M Matthews noted that the applicant had redesigned the building heights to comply with the Planning Officer's request and had been working with the Officer on this matter, and only at the late stage in late November did the applicant receive a definitive comment "no new height to exceed that of the existing". He noted that the applicant fully complied and the new height, which had been a major stumbling block from the Planning Officers had been fully approved by the Planner Officer.

M Matthew added that the Planning Officer extremely late in the process, December 2023, now stated that there may be an issue with the width of the building. He reiterated that the applicant had been working with the Planning Officers for over 12 months and had never had any comment, written or verbal until now. He added that he had asked for an extension so that the applicant could address this, however, the Planning Officer had insisted on the application going to Committee with a recommendation for refusal.

M Matthews explained that the applicant had complied with all building issues and in respect of the 10 metres landscape corridor suggested, the applicant owned a 4.85 acre site to the north of the site and would allocate an area within that for biodiversity. He concluded by asking that the Committee approve the application, subject to any conditions as appropriate.

The Chair thanked M Matthews and asked the Senior Planning Officer to address the points made by the speakers.

The Senior Planning Officer noted the Agent for the applicant had implied that planning permission for the pool was not required, however this was not the case, it constituted a building which was development and therefore required planning permission. In respect of Policy 29, he noted that all non-residential development needed to demonstrate a minimum BREEAM rating of very good, and it would be a condition in respect of verification of that rating being demonstrated. He noted that while the applicant noted that Building Regulations would be met, that in itself did not demonstrate that the buildings would meet the very good rating, and there would be additional evidence required for Officers to have confidence that rating could be achieved.

The Senior Planning Officer noted that the applicant had sought pre-application advice and had been in discussions with the Planning Department over an extended period of time, and the issue of the scale, character and design had consistently been raised with the applicant. He noted that original plans were for a four-storey development, scaled back to three storeys upon submission to the Planning Department, and further amended to the acceptable two storey height as in its current form.

He noted that while the Design and Conservation Team supported the principle of development, there were still issues in respect of design, detailing that would require changes. He added that he would disagree with the Agent in terms of the decision to send the application to Committee, noting that there had been six months, a significant amount of time, where appropriate details had not been forthcoming. He added that as the external design was driven by the internal use there would not simply need to be a few design tweaks, rather the applicant would have to fundamentally redesign the scheme to address issues of scale and design. He concluded by noting that no further information as regards demonstrating biodiversity net gain had been provided, therefore the application was contrary to Policy 41.

The Chair thanked the Senior Planning Officer and asked the Committee for their comments and questions.

Councillor K Shaw noted the serious concerns raised by Officers and asked if Officers felt the issues could be addressed if Members were minded to defer the application, or whether it would require a different application to come forward. The Senior Planning Officer noted it was the view of Officers that the application in its current form was quite far away from what would be deemed acceptable. He noted that it would best to draw a line under the current application and for a further application to be submitted.

Councillor L Brown asked for the distance to the nearest public transport links and whether Policy 29 and the Residential Amenity Supplementary Planning Document referred to extensions to be subservient to the original building. The Senior Planning Officer noted that it was usual for extensions to be subservient to the host building, and there had been conversations with the applicant in terms of whether that referred to the original or extended building. He noted that in either case the proposals were of a significant scale. In respect of public transport, the Senior Planning Officer noted there was no realistic possibility of using public transport, a travel via car would be required. He noted that the NPPF did note there may be exceptions where there may not be public transport links in rural areas.

Councillor J Blakey noted the report, speakers and responses from the Officers and explained that she felt that the proposals were not appropriate for the site, given the scale and close proximity to the AONB and therefore she would move refusal of the application, as per the Officer's recommendation.

Councillor P Jopling noted the comments from the Senior Planning Officer and noted that the application was a very ambitious scheme.



She noted she used to trade in that area and understood there was a need for visitor accommodation, however, the scheme to include a pool seemed a step too far. She noted that the type of visitor that would stay at such accommodation would very likely not expect a pool to be made available. She understood from the comments from the Senior Planning Officer that a new application would be required in order to address the issues with the current scheme and therefore she felt in agreement with the Officers. She concluded by noting that while there was a need for additional visitor accommodation, and she felt it was possible for a suitable scheme for this site, the scheme proposed was not brilliant and the pool was unnecessary. She seconded the motion for refusal.

Upon a motion being put, it was:

### **RESOLVED**

That the application be **REFUSED** as per the reasons set out within the report.

This page is intentionally left blank

## Planning Services

# COMMITTEE REPORT

---

### APPLICATION DETAILS

---

<b>APPLICATION No:</b>	DM/23/00870/OUT
<b>FULL APPLICATION DESCRIPTION:</b>	Outline application (with access) for up to 32 no. affordable residential units and 8 no. self-build/custom build plots (all other matters reserved)
<b>NAME OF APPLICANT:</b>	Mr Ray Mansell (Metaco Construction Limited)
<b>ADDRESS:</b>	Land To The South Of Greenways Court Greenways Delves Lane DH8 7DH
<b>ELECTORAL DIVISION:</b>	Delves Lane
<b>CASE OFFICER:</b>	Scott Henderson Senior Planning Officer Telephone: 03000 265286 <a href="mailto:scott.henderson@durham.gov.uk">scott.henderson@durham.gov.uk</a>

---

### DESCRIPTION OF THE SITE AND PROPOSALS

---

#### The Site

1. The application site is a rectangular parcel of land approximately 2.1 Ha in size. It lies to the south of Consett, approximately 3.2km from the town centre and close to Delves Lane industrial estate. The site is classified as amenity green space in the County Durham Open Space Needs Assessment and appears to serve as such for local residents occupying the many houses that surround it on three sides.
2. The site is bounded on all sides save for the currently open aspect to the south-east looking over agricultural land by two storey detached and semi-detached houses, dormer bungalows, single storey bungalows and Greenways Court Care Home. The site is essentially a grassed piece of open space with some areas of trees and hedging on its boundaries. There are no further features within the site nor any formal footways or designated public rights of way.
3. A significant housing development of 288 dwellings (DM/21/03839/FPA) has been approved immediately to the south east of the site on the agricultural land referenced above. This, when built, would therefore enclose the application site with residential units on all sides.
4. Bus stops are located directly adjacent to the site boundary on Greenways providing easy access to Consett town centre and other neighbouring centres. Greenways would also provide vehicle and pedestrian access to the site, and additionally there is a pedestrian link cutting through from Meadow View to the south. There are existing

shops and services within 100m of the site on Briar Dale and Delves Lane, approximately 400m away.

5. There is a fall in the land to the southeast of approximately 7m. The site is in a low risk flood area and a high risk coalfield area. There are no further area-based policy designations affecting the site. Additional amenity green space is located close by (approx. 150m) at Delves Lane Community Association which has a similar sized area of public open space, woodland and sports facilities.
6. The site is currently owned by the applicant but leased to Durham County Council with 60 years remaining on the lease.

## The Proposal

7. The proposed indicative residential development comprises the following elements:
  - 8no. self-build units
  - 8no. 2 bed bungalows
  - 12no. 2 bed houses
  - 12no. 3 bed houses
8. The indicative dwellings are proposed to be a mix of 1 and 2 storey, with at least 66% being built to the M4(2) standard for accessible and adaptable housing. The houses are proposed to be designed to Future Homes standard and will feature air source heat pumps and EV charging points. The housing density would be 19 dwellings per hectare.
9. Vehicle access to the site will be via Greenways with a new spine road running north south serving all units, leading to one of 2 areas of proposed open space with landscaping, drainage swales and Suds pond. New footpath links will be possible linking into the surrounding residential areas and future planned residential development. Street trees are indicated along the spine road and bird boxes are specified to 50% of dwellings. Existing trees and hedgerows are to be retained alongside additional wildflower meadow planting.

---

## PLANNING HISTORY

---

10. The site itself has no directly relevant planning history, however the following application was recently approved directly adjacent to the southern site boundary:
  - DM/21/03839/FPA - Erection of 288 no. dwellings with associated access, landscaping and infrastructure

---

## PLANNING POLICY

---

### NATIONAL POLICY

11. The following elements of the National Planning Policy Framework (NPPF) are considered relevant to this proposal:
12. 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.

13. 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.
14. 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.
15. 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.
16. NPPF Part 9 Promoting Sustainable Transport - Encouragement should be given to solutions which support reductions in greenhouse gas emissions and reduce congestion. Developments that generate significant movement should be located where the need to travel will be minimised and the use of sustainable transport modes maximised.
17. NPPF Part 11 Making Effective Use of Land - Planning policies and decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions. Strategic policies should set out a clear strategy for accommodating objectively assessed needs, in a way that makes as much use as possible of previously developed or 'brownfield' land.
18. 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.
19. NPPF Part 15 Conserving and Enhancing the Natural Environment – Conserving and enhancing the natural environment. The Planning System should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes, geological conservation interests, recognising the wider benefits of ecosystems, minimising the impacts on biodiversity, preventing both new and existing development from contributing to or being put at unacceptable risk from pollution and land stability and remediating contaminated or other degraded land where appropriate.

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

#### **NATIONAL PLANNING PRACTICE GUIDANCE:**

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

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

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

## **LOCAL PLAN POLICY:**

### The County Durham Plan

21. Policy 1 Quantity of Development outlines the levels of employment land and housing delivery considered to be required across the plan period.
22. Policy 6 (Development on Unallocated Sites) supports development on sites not allocated in the Plan or Neighbourhood Plan, but which are either within the built-up area or outside the built up area but well related to a settlement will be permitted provided it: is compatible with use on adjacent land; does not result in coalescence with neighbouring settlements; does not result in loss of land of recreational, ecological, or heritage value; is appropriate in scale, design etc to character of the settlement; it is not prejudicial to highway safety; provides access to sustainable modes of transport; retains the settlement's valued facilities; considers climate change implications; makes use of previously developed land and reflects priorities for urban regeneration.
23. Policy 15 (Addressing Housing Need) establishes the requirements for developments to provide on-site affordable housing, the circumstances when off-site affordable housing would be acceptable, the tenure mix of affordable housing, the requirements of developments to meet the needs of older people and people with disabilities and the circumstances in which the specialist housing will be supported.
24. Policy 19 (Type and Mix of Housing) advises that on new housing developments the council will seek to secure an appropriate mix of dwelling types and sizes, taking account of existing imbalances in the housing stock, site characteristics, viability, economic and market considerations and the opportunity to facilitate self-build or custom build schemes.
25. Policy 21 (Delivering Sustainable Transport) states that all development shall deliver sustainable transport by (in part) ensuring that any vehicular traffic generated by new development, following the implementation of sustainable transport measures, can be safely accommodated on the local and strategic highway network and does not cause an unacceptable increase in congestions or air pollution and that severe congestion can be overcome by appropriate transport improvements.
26. Policy 25 (Developer Contributions) advises that any mitigation necessary to make the development acceptable in planning terms will be secured through appropriate planning conditions or planning obligations. Planning conditions will be imposed where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects. Planning obligations must be directly related to the development and fairly and reasonably related in scale and kind to the development.
27. Policy 26 (Green Infrastructure) states that development will be expected to maintain and protect, and where appropriate improve, the County's green infrastructure network. Advice is provided on the circumstances in which existing green

infrastructure may be lost to development, the requirements of new provision within development proposals and advice in regard to public rights of way.

28. Policy 27 (Utilities, Telecommunications and Other Broadcast Infrastructure) supports such proposals provided that it can be demonstrated that there will be no significant adverse impacts or that the benefits outweigh the negative effects; it is located at an existing site, where it is technically and operationally feasible and does not result in visual clutter. If at a new site then existing sites must be explored and demonstrated as not feasible. Equipment must be sympathetically designed and camouflaged and must not result in visual clutter; and where applicable the proposal must not cause significant or irreparable interference with other electrical equipment, air traffic services or other instrumentation in the national interest. 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.
29. Policy 29 (Sustainable Design) requires all development proposals to achieve well designed buildings and places having regard to SPD advice and sets out detailed criteria which sets out that where relevant development is required to meet including; making a positive contribution to an areas character and identity; provide adaptable buildings; minimise greenhouse gas emissions and use of non-renewable resources; providing high standards of amenity and privacy; contributing to healthy neighbourhoods; providing suitable landscape proposals; provide convenient access for all users; adhere to the Nationally Described Space Standards (subject to transition period).
30. Policy 31 (Amenity and Pollution) sets out that development will be permitted where it can be demonstrated that there will be no unacceptable impact, either individually or cumulatively, on health, living or working conditions or the natural environment and that they can be integrated effectively with any existing business and community facilities. Development will not be permitted where inappropriate odours, noise, vibration and other sources of pollution cannot be suitably mitigated against, as well as where light pollution is not suitably minimised. Permission will not be granted for sensitive land uses near to potentially polluting development. Similarly, potentially polluting development will not be permitted near sensitive uses unless the effects can be mitigated.
31. Policy 32 (Despoiled, Degraded, Derelict, Contaminated and Unstable Land) states [in part] that development will not be permitted unless the developer can demonstrate that the site is suitable for the proposed use, and does not result in unacceptable risks which would adversely impact on the environment, human health and the amenity of local communities.
32. 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.
33. 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 sewage exists. New sewage and waste water infrastructure will be approved unless the adverse impacts outweigh the benefits of the infrastructure. Proposals seeking to mitigate flooding in appropriate

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

34. Policy 39 (Landscape) states that proposals for new development will be permitted where they would not cause unacceptable harm to the character, quality or distinctiveness of the landscape, or to important features or views and that development affecting valued landscapes will only be permitted where it conserves, and where appropriate enhances, the special qualities of the landscape, unless the benefits of the development in that location clearly outweigh the harm.
35. Policy 40 (Trees, Woodlands and Hedges) states that proposals will be expected to retain existing trees where they can make a positive contribution to the locality or to the development, maintain adequate standoff distances between them and new land-uses, including root protection areas where necessary, to avoid future conflicts, and integrate them fully into the design having regard to their future management requirements and growth potential.
36. 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.
37. Policy 56 (Safeguarding Mineral Resources) states that planning permission will not be granted for non-mineral development that would lead to the sterilisation of mineral resources within a Mineral Safeguarding Area. This is unless it can be demonstrated that the mineral in the location concerned is no longer of any current or potential value, provision can be made for the mineral to be extracted satisfactorily prior to the non-minerals development taking place without unacceptable adverse impact, the non-minerals development is of a temporary nature that does not inhibit extraction or there is an overriding need for the non-minerals development which outweighs the need to safeguard the mineral or it constitutes exempt development as set out in the Plan. Unless the proposal is exempt development or temporary in nature, all planning applications for non-mineral development within a Mineral Safeguarding Area must be accompanied by a Mineral Assessment of the effect of the proposed development on the mineral resource beneath or adjacent to the site of the proposed development.

---

## **CONSULTATION AND PUBLICITY RESPONSES**

---

### **STATUTORY RESPONSES:**

#### 38. *DCC Highway Authority*

Having reviewed these proposals, the development would ultimately only have a negligible impact in highway terms on the surrounding streets and wider highway network.

With regards to the indicative layout plan provided the principle of access is acceptable however the highway layout is substandard, a 5.5 metre road has been provided however 1.8m wide footways on each side of the carriageway are needed (with no segregate footways as proposed). The turning head at the end of the cull de sac at plots 23 is too far from the end of the estate road and needs to be provided at plot 28. A raised table type traffic calming feature would also need to be provided at each turning area to reduce traffic speeds at the development. All the in-curtilage parking spaces should be numbered and be large enough to accommodate average sized family vehicles. All parking for the self-build dwellings should be indicated with turning



areas for family vehicles. The footpath link from Meadowview should be built to DCC Highway adoptable standards and connect to an adopted road and not a private driveway and would need to be street lit. All visitor parking should be in layby format and be useable and accessible.

When reviewing the latest information submitted by the applicant my last highway comments remain to be addressed. The applicant has provided a vehicle swept path drawing however the refuse vehicle tracked is not the same size as a DCC refuse vehicle and is substantially smaller. A DCC refuse vehicle is 10.8 metres in length by 2.5 metres wide.

In summary there are still outstanding highway matters to resolve.

39. *The Coal Authority* have no objections subject to standard conditions.
40. *Northumbrian Water* have no objections subject to standard conditions.
41. *NHS NE and Cumbria* have no objections subject to a financial contribution of £19,320 to provide additional capacity in the Derwentside Primary Care Network.
42. *Local Education Authority* - Based on the methodology set out in the Council's adopted Securing Developer Contributions towards Education Provision in County Durham, the proposed development of 40 dwellings would produce 12 pupils of primary school age and 5 pupils of Secondary age. In relation to primary school pupils the development is located within the Consett local school place planning area of which the following schools could serve the development based on a 2 mile safe walking distance:-

Delves Lane Primary  
Leadgate Primary

Based on the projected rolls of the schools, taking into account the likely implementation timeframe of the development, build rates and other committed development there would be sufficient space to accommodate the pupils generated by the development, whilst maintaining a 5% surplus. No contribution is therefore required for additional teaching accommodation.

In relation to secondary schools the development is located within the North Durham local school place planning area. The nearest school to the proposed the development is:-

Consett Academy that has a capacity for 1500 pupils.

Based on the projected rolls of the schools, taking into account the likely implementation timeframe of the development, build rates and other committed development there would not be sufficient space to accommodate pupils generated by the development, whilst maintaining a 5% surplus. In order to mitigate the impact of the development a contribution of £82,770 (5 x £16,554) would be required to facilitate the provision of additional teaching accommodation.

43. *The Environment Agency* did not respond.
44. *The Lead Local Flood Authority* considers that the submitted Drainage Strategy is an acceptable solution for surface water management at outline stage.

#### **INTERNAL CONSULTEE RESPONSES:**

45. *Design and Conservation* comment that the proposed development site is allocated open space and therefore the principle of development without re-providing the open space elsewhere is questionable, as per Policy 26 of the County Durham Plan.

Should the principle of development be deemed acceptable, the following comments would be provided. Due to the shape of the site, the indicative layout is linear and streets are dominated by parked cars. The layout does however positively address and provide natural surveillance of the areas of open space. Given the level of detail submitted it is difficult to provide further comments.

46. *Spatial Policy* note that the application site is identified as amenity open space in the 2018 Open Space Needs Assessment (OSNA). Policies 6 and 26 of the CDP would provide the main criteria for considering development in principle. A key issue would include the loss of recreation land and whether it can be mitigated or compensated for, which would be fully assessed under Policy 26 of the Plan. Criteria 'i' of Policy 6 states that where relevant, development should make as much use as possible of previously developed (brownfield) land.

This is aligned to Section 11 (Making effective use of land) of the NPPF which seeks to promote effective use of land in meeting the need for homes. Para 118 expects planning decisions to give substantial weight to the value of using suitable brownfield land within settlements for homes (part c) and promote and support the development of under-utilised land and buildings, especially if this would help to meet identified needs for housing (part d). This scheme would draw no support from this element of the policy.

Policy 26 sets down provisions which seek to ensure adequate access, quantity and quality of functional open space within settlements. It states development proposals will not be permitted that would result in the loss of open space or harm to green infrastructure assets unless the benefits of the development clearly outweigh that loss or harm and an assessment has been undertaken which has clearly shown the open space or land to be surplus to requirements. Where valued open spaces or assets are affected, proposals must incorporate suitable mitigation and make appropriate provision of equivalent or greater value in a suitable location. It is noted that the OSNA identifies undersupplies across all types of open space (excepting allotments) in this part of the County - there is an undersupply of more than 21ha of amenity green space for the North West Durham area.

The proposal is supported by an Open Space Needs Assessment which sets down that, whilst there is a shortfall in the wider survey area, there is sufficient amenity open space in the local Delves Lane area. The Assessment further states the site is of limited functional value in its present state - the proposed development would lead to an enhancement of the space along with delivering benefits from the delivery of affordable, older persons and custom/self-build housing. The proposal would not however be able to make financial contributions towards existing open spaces elsewhere owing to viability constraints. No viability information has been supplied to evidence this. The scheme proposes some potential benefits in mitigation in the form of additional affordable, bungalows and self build dwellings but officers consider the demand for new affordable units in this area is only moderate.

47. *Affordable Housing* consider there is only a moderate local demand for affordable housing in the area of the application. Whilst there is affordable need in the county the information provided by the applicant does not show how the proposed properties are meeting housing need locally. It is requested that the developer provide more bespoke evidence of affordable housing need of this level. In the absence of that the applicant has not demonstrated sufficient local need.

48. *Ecology Section* consider that the proposals are broadly acceptable subject to additional information/clarification and the submission of an outline Biodiversity Management and Monitoring Plan with additional conditions. Subject to that no objections are raised.
49. *Landscape Section* notes that the site is not part of any local or national landscape designations and no trees on the site are covered by protection orders. The site currently provides open space and approximately 70% of this would be occupied by new development. It is considered that the development would introduce a fundamental and detrimental loss of open green space leading to moderate to substantial adverse landscape impact.
50. *Environmental Health (Nuisance Action Team)* note that the development will see the introduction of forty new residential dwellings, the site is surrounded on three sides by existing sensitive receptors with a further development due to be undertaken to the south of the site, there are no significant environmental impacts in the area which would impact upon future residents, however it is surrounded on three sides by existing sensitive residential receptors, with a further proposed development located to the south of the site. Noise and dust associated with the construction phase of the development is likely, without adequate controls, to give rise to statutory nuisance to Nearby Sensitive Receptors (NSRs). However, it is considered that appropriate planning conditions are sufficient to mitigate the potential of a statutory nuisance and therefore if affixed will remove my objection to the development.
51. *Environmental Health (Contaminated Land)* have no objections subject to the imposition of standard land contamination conditions.
52. *Environmental Health (Air Quality)* consider that additional information in the form of a full Air Quality Assessment is required before any advice can be provided.

**PUBLIC RESPONSES:**

53. At the time of writing a total of 113 representations have been received in response to the consultation exercise which itself involved individual notification letters to nearby dwellings/properties, press and site notices. Of these, 112 object to the proposals whilst 1 is neutral.
54. The main reasons for objection are as follows:
  - Loss of open space
  - Loss of recreation facility
  - Too much development already planned adjacent to the site
  - Impact from construction
  - Impact on the amenity of nearby residents from overlooking and overshadowing
  - Loss of outlook
  - Increased traffic congestion
  - Increased pressure on local services
  - Restrictive covenant preventing new development
  - Impact on wildlife
  - Development should be prioritised on brownfield sites
  - Land conditions are unstable, sink holes have appeared

## APPLICANT'S STATEMENT:

55. The applicant has made a comprehensive case supporting the proposals but has requested the following points are emphasised.
56. Durham is one of the most needy council's in England with regard to a massive deficiency of affordable housing and that the only method of recording it that seems to be used is new affordable housing on the back of market housing schemes. That is a very important consideration within the planning balance.
57. The neighbouring approval for mainly market housing (nearly 300 units) was approved by the council outside development limits on a greenfield site, whereas this proposal is for mainly affordable units within development limits.
58. The land is privately owned and therefore, at the end of its current lease, will revert to the owner who is not obliged to retain it as public space.
59. The new proposed development has less open space overall, but it is of much higher quality and pedestrian links through the site will be retained.

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

---

## PLANNING CONSIDERATIONS AND ASSESSMENT

---

60. 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, loss of public open space, impact upon landscape, highway safety and access, residential amenity, visual impact, ecology, flooding and drainage, and other matters.

### Principle of the Development

61. Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The NPPF is a material planning consideration. The County Durham Plan (CDP) is the statutory development plan and the starting point for determining applications as set out in the Planning Act and reinforced at Paragraph 12 of the NPPF. The CDP was adopted in October 2020 and provides the policy framework for the County up until 2035.
62. Paragraph 11 of the NPPF establishes a presumption in favour of sustainable development. For decision taking this means:-
  - c) approving development proposals that accord with an up to date development plan without delay; or

- d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:
    - i) the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or,
    - ii) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.
63. The extant development plan for the area comprises solely of the County Durham Plan (CDP) (2020). The area is not covered by a Neighbourhood Plan.
64. The proposed development is located within the envelope of the existing settlement of Delves Lane, Consett with residential uses to the north, south and west. The site has easy access to sustainable transport links with bus routes directly to the front of the site on Greenways, providing direct access to Consett town centre and attractions of Durham as well as various other local villages and centres. The proposal will have reasonable pedestrian access to various amenities and services within approx. 400m of the site. It is therefore considered that the site is a suitable sustainable location in line with section 2 of the NPPF and the aspirations of paragraph 79 of the NPPF in supporting the vitality and viability of communities.
65. The site is identified as amenity open space in the Open Space Needs Assessment (2018). Policies 6 and 26 of the CDP would provide the main criteria for considering development in principle. Criteria 'a', 'c', 'd', 'e', 'h' and 'i' of Policy 6 are likely to form the main considerations. A key issue would include the loss of recreation land and whether it can be mitigated or compensated for, which would be fully assessed under Policy 26 of the Plan. It is noted that while the layout is indicative, the applicant makes reference to design features as part of the weighting balance in support of the scheme, for example in relation to layout preserving access through the spine of the site and in relation to open spaces and drainage features.

#### Policy 6 – Development on Unallocated Sites

66. In terms of the identified Policy 6 criteria referenced above the following points are made in response. Whilst the proposed residential use is clearly the same as those uses surrounding the site, the question as to whether the proposal is prejudicial to the existing surrounding uses is of importance and inherently tied to the issue of the loss of the recreation land which is clearly beneficial and of value to local residents, evidenced at least by the level of public representations made in response to the application. The issue is addressed throughout the report, and specifically in response to Policy 26, but at this juncture it is considered that in Policy 6 terms the proposal would fail to accord with criteria 'a' by reason of its removal of a valued local recreation space designed as part of the wider residential estate.
67. The same point is made in relation to criterion 'c' which seeks to retain 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 acknowledged that the applicant contends the proposals would provide a higher standard of open space and landscaping, however this does not in our view offset the fundamental harm caused by the change to the site characteristics and the ability of residents to access a large open space.

68. Criterion 'd' requires development to be appropriate in terms of scale, design, layout and location to the character, function, form and setting of a settlement. The application is outline with access and all matters of scale, design, layout and landscaping are reserved. It is considered that the reserved matters are likely capable of being acceptable in their own right, but moreover concern is raised that the development is inappropriate in principle due to its impact upon the character, function, form and setting of the residential estate. On that basis, and despite the outline nature of the proposal, it is considered it fails to accord with criterion 'd'.
69. Criteria 'e' and 'f' relates to highway safety and transport issues. These are discussed below, but no fundamental issues are identified at this stage.
70. Criterion 'h' requires development to minimise vulnerability and provide resilience to climate change and flooding. The scheme is capable of being in accordance with this requirement.
71. Criterion 'i' of Policy 6 states that where relevant, development should make as much use as possible of previously developed (brownfield) land. This is aligned to Section 11 (Making effective use of land) of the NPPF which seeks to promote effective use of land in meeting the need for homes. Para 118 expects planning decisions to give substantial weight to the value of using suitable brownfield land within settlements for homes (part c) and promote and support the development of under-utilised land and buildings, especially if this would help to meet identified needs for housing (part d). This scheme would draw no support from this element of the policy as this is a greenfield site.

#### Policy 26 – Green Infrastructure

72. Policy 26 of the County Durham Plan sets down provisions which seek to ensure adequate access, quantity and quality of functional open space within settlements. It states development proposals will not be permitted that would result in the loss of open space or harm to green infrastructure assets unless the benefits of the development clearly outweigh that loss or harm and an assessment has been undertaken which has clearly shown the open space or land to be surplus to requirements. Where valued open spaces or assets are affected, proposals must incorporate suitable mitigation and make appropriate provision of equivalent or greater value in a suitable location. Where appropriate there will be engagement with the local community.
73. The site is identified within the Open Space Needs Assessment (OSNA) and would therefore be regarded as a valued open space in policy terms. Therefore, proposals must incorporate suitable mitigation and make appropriate provision of equivalent or greater value in a suitable location. Engagement with the local community (including local members) would also be required to allow further assessment of the value of the space. It is noted that the OSNA identifies undersupplies across all types of open space (excepting allotments) in this part of the County - there is an undersupply of more than 21ha of amenity green space for the North West Durham area. The standards require 1.5ha per 1000 people, however provision across the whole area amounts to around 1.23ha/1000. In addition to these considerations, a proposal site would be required to provide amenity/natural green space and children's play space within the site envelope as well as contributions towards existing open space and green infrastructure in the area however this would be considered within the requirement for mitigation for the loss of the open space.
74. The applicant has prepared an Open Space Needs Assessment which sets down that, whilst there is a shortfall in the wider survey area, there is sufficient amenity open space in the local Delves Lane area. The Assessment further states the site is of

limited functional value in its present state - the proposed development would lead to an enhancement of the space along with delivering benefits from the delivery of affordable, older persons and custom/self-build housing. The proposal would not however be able to make financial contributions towards existing open spaces elsewhere owing to viability constraints. Specific viability evidence would be required to justify this, however this has not been submitted to the Council for consideration. Currently the Council can demonstrate that housing supply exceeds requirements and there is therefore no express requirement to permit development that does not ensure policy conformity in a broader sense.

75. Officers within Spatial Policy have assessed the submitted OSNA and take the view that there appear to be a number of inconsistencies in terms of access and quantity. For example the table on pages 22 and 23 includes Witton Street (referred to as "Broadway" in the OSNA) as being within a satisfactory distance from the Greenways site. However, this site is beyond the 480m access standard, taking an arbitrary measure from Greenways, and predominantly laid out as scrub area. This area of open land also serves a more discrete area locally on the opposite side of Delves Lane, which is also the case with Langdon Close where, anecdotally, accessibility is largely limited to those travelling on foot in the immediate area owing to the nature and circuitous arrangement of footpaths and typography.
76. The site at Briar Dale is included as an expanse of around 3 hectares of amenity land in the Assessment, however the football field should not be included in this calculation as this would be regarded as outdoor sports pitch in typology terms and not part of the amenity provision.
77. Taking these factors into account, it is considered that levels of provision are therefore roughly matched to population levels and the actual nature and layout of the local area i.e. low density, suburban housing on a hill side which hinders accessibility for some. The Assessment does not include any evidence of engagement with local members and residents to assess the intrinsic value of the open space (the site appears well used taking given the evidence of informal 'desire lines' across and around the area). This is also required in accordance with Policy 26 requirements.
78. The applicant within their supporting statement has stated that as the land is privately owned and only leased to the Council as open space. On the expiry of the current lease, the control and management of the land will revert to the applicant who is not obliged to retain it as public space.
79. Whilst this is acknowledged to be the correct. The land was leased to the Council in the 1970s on a 99 year lease and currently has a further 60 years to run. Therefore, whilst this point is acknowledged as a material planning consideration, its weight is limited in the overall determination due to the length of time remaining on the lease for the land to be used as open space, during which public access to the site could not be restricted.
80. A key consideration set down within the policy and the evidence base is around retention of open spaces as a fundamental objective of the strategic planning framework. While there may be an argument to be drawn around relative levels of access in the local area it is important to note that provision standards are minimums and should not be used as a target for ascribing provision at set geographical levels given the overall deficit of provision across the area and typologies. In summary it is considered that the applicant has failed to demonstrate accordance with Policy 26 of the County Durham Plan,

## Policy 15 – Affordable Housing

81. Policy 15 of the CDP states that affordable housing will be sought on sites of 10 or more units. In this case 10% of the homes (4 dwellings) would normally be required for affordable home ownership as the site is in a low value area. Policy 15 also aims to meet the needs of older people and people with disabilities. 66% of dwellings must be built to Building Regulations Requirement M4(2) (accessible and adaptable dwellings) standard. On sites of 10 units or more, a minimum of 10% of the total number of dwellings would required to be of a design and type that would increase the housing options of older people. These properties should be built to M4(2) standard and would contribute to meeting the 66% requirement set out above. It is acknowledged that the indicative proposals are in accordance with this element of the policy. They should be situated in the most appropriate location within the site for older people. Appropriate house types considered to meet this requirement include:
- level access flats;
  - level access bungalows; or
  - housing products that can be shown to meet the specific needs of a multi-generational family.
82. The proposal includes 32 affordable properties and 8 bungalows which is clearly above policy requirements in terms of Policy 15. However, the level of affordable units being indicatively proposed is also being used by the applicant to justify, in part at least, the loss of the existing open space and the lack of any off site financial contributions which is said to be unviable. Therefore, the need for the high level of affordable units needs to be justified and evidenced.
83. The submission includes a Housing Needs Statement which includes quotes from the Council's Housing Development Officer who acknowledges the broader County wide need for affordable units but is not sufficiently robust in demonstrating any particular local need. Given that, and the implications in terms of loss of open space and lack of financial contributions to reflect that, it is not considered that a case for the level of affordable units has been made and based on the information supplied to date it is considered the proposal would not therefore accord with Policy 15 of the CDP.

## Policy 19 – Type and Mix of Housing

84. Policy 19 advises that on new housing developments the council will seek to secure an appropriate mix of dwelling types and sizes, taking account of existing imbalances in the housing stock, site characteristics, viability, economic and market considerations and the opportunity to facilitate self-build or custom build schemes.
85. The Council has an obligation to grant sufficient planning permissions to match the level of demand for serviced plots for self/custom-build which is evident from our register. These must be capable of providing serviced plots within the lifetime of the permission. During base period 4 (31 October 2018- 30 October 2019) 19 individual plots were added to the register. Given this the council had duty to grant planning permission for 19 plots that are suitable for self build and custom housebuilding between the period 31 October 2019 and 30 October 2022 (i.e. 3 years following the end of the base period). During the period 31 October 2019 and 30 October 2022, the council granted planning permission for 208 permissions.
86. In summary the Council are permitting significantly more self-build dwellings than the level of demand based upon our register, and there would therefore be no additional planning benefit to be drawn from permitting this form of development on this site.



87. Policy 25 of the CDP relates to planning obligations and set out requirements for new development to contribute towards the provision and or improvement of physical, social and environmental infrastructure depending on the nature and local/strategic needs. In this in accordance with Policy 25 (Planning Obligations), the development will need to provide certain contributions.

#### Education provision

88. Paragraph 95 of the NPPF confirms that the government places great importance to ensure that sufficient choice of school places is available to meet the needs of existing and new communities and requires LPAs to proactively meet the requirement. The Councils Education team have confirmed that there is insufficient existing educational provision within secondary provision within the area to the extent that a contribution is necessary of £82,770 to mitigate the impact on the development to provide towards additional teaching accommodation.

#### Health Contributions

89. Paragraph 34 of the NPPF required Local Authorities to have regard to setting where contributions are necessary within the Local Plan. In this regard Policy 29(f) of the CDP requires that developments should contribute to healthy neighbourhood and consider the health impacts and needs of the existing and future users. The local NHS Clinical Commissioning Group (CCG) have confirmed that a contribution of £19,320 is necessary to provide sufficient local health service facilities to accommodate future residents of the development.

#### Developer contribution conclusion

90. As detailed above it is considered that in order for the proposal to be in accordance with Policies 25 and 26 of the CDP the developer would be required to mitigate the impact on the development by way of a financial contribution and be subject to the completion of a s106 agreement to secure these obligations. However, the developer has stated that they are not capable of meeting these obligations due to viability constraints of the site.
91. Paragraph 58 of the NPPF confirms that where it is not possible to meet the required contributions of a development it is the responsibility to the applicant to demonstrate through a viability assessment that the scheme would not be viable if these were to be imposed. To date and despite requests for this information the applicant has not provided this evidence.

#### Principle of Development Summary

92. The report has considered the principle of residential use on this site, primarily against policies 6, 26, 15 and 19. In all respects the development has been demonstrated to fail to accord with significant elements of each of these policies. In its most basic terms, the loss of open space is not considered to be justified by the level of affordable housing proposed, which again has not been justified in the information before officers. This loss would not be mitigated by off or on site re-provision or financial contributions to existing open space facilities within the area. The loss of open space would be significant and detrimental to local residents and character, especially in light of the recent planning approval for additional development to the south.

#### Highway and Pedestrian Safety

93. The overriding objective of planning is to contribute to the achievement of sustainable Highways Safety and Access. The application submitted is Outline but does include the matter of access.
94. Policy 21 of the CDP outlines that development should not be prejudicial to highway safety or have a severe cumulative impact on network capacity. It also expects developments to deliver well designed pedestrian routes and sufficient cycle and car parking provision. Similarly, Policy 29 advocates that convenient access is made for all users of the development together with connections to existing cycle and pedestrian routes. Specifically, the NPPF sets out at Paragraph 110 that safe and suitable access should be achieved for all people. In addition, Paragraph 111 of the NPPF states that development should only be refused on transport grounds where the residual cumulative impacts on development are severe.
95. Highway officers consider that the basic impact of the quantum of development proposed would only have a negligible impact upon the surrounding streets and wider highway network. Although the precise layout is not yet fixed and would only be considered in detail at reserved matters stage, a number of layout issues have been identified and flagged to the applicant for consideration. However, it is unlikely these issues cannot be resolved at reserved matters stage. Parking numbers and the provision of EV charging points is acceptable.
96. Overall, there are no fundamental objections to the proposal on highway safety grounds. As such the development is considered to accord with the aims of Part 9 of the NPPF and Policy 21 of the County Durham Plan.

#### Residential Amenity

97. Policies 29 and 31 of the CDP outline that developments should provide high standards of amenity and privacy, minimise the impact of development upon the occupants of existing adjacent and nearby properties and not lead to unacceptable levels of pollution. A Residential Amenity Standards Supplementary Planning Document (SPD) has also been adopted by the Council. The aforementioned policies and SPD can be afforded significant weight. Parts 12 and 15 of the NPPF, which require that a good standard of amenity for existing and future users be ensured, whilst seeking to prevent both new and existing development from contributing to, or being put at unacceptable risk from, unacceptable levels of pollution.
98. Objections have been received from local residents raising the following concerns amongst others:
  - Impact from construction works;
  - Impact on the amenity of nearby residents from overlooking and overshadowing;
  - Loss of outlook;
  - Increased traffic congestion leading to disturbance.
99. The indicative site layout drawing supplied does demonstrate that minimum separation and garden depths, in line with the 2023 Residential Amenity SPD, can be achieved in principle on the site. All units apart from a very few will have garden depths of at least 9m, and those that do not have wider gardens to compensate. Two storey houses achieve at least a 21m separation to existing properties surrounding the site so it is acknowledged that residential amenity should be reasonable for all existing and future residents in this regard. Notwithstanding that, the impact in general outlook from the loss of open space will be more significant, however officers consider this visual impact

not to be so genuinely harmful as to fail to accord with Policy 31. Moreover, harm from the loss of the open space will be more significant in terms of its open space and recreational value and this is assessed later in the report.

100. Policy 29(n) of the CDP requires major new residential development to be assessed against the Building for Life (BfL) supplementary document. However, the supporting text for this policy provides the context as to when this element of policy 29 is applicable, in this regard para. 5.298 of the CDP states that the requirement for a BfL should be in line with the Building for Life SPD which states that the BfL assessment is only applicable on scheme of 50 or more or sites of 1.5ha or more, or smaller scheme in sensitive locations. As this scheme is beneath 50 units, and not in a sensitive location the requirement for a BfL assessment is not necessary. However, a desk based assessment of the application was undertaken by the officer against the BfL scoring matrix (scoring 3 reds, 1 ambers, 2 greens and 0 unknowns). However, notwithstanding the above, this is element of Policy 29 is not relevant in the consideration of this proposal.
101. Policy 27 of the CDP requires that all new residential development should be served by high-speed broadband connections. The UK Government defines superfast internet as speeds in excess 24mbps. It is noted that the website for Ofcom (regulator for the communications services) provides a detailed internet speed checking service for locations within England. In this regard they confirm that the settlement, and the adjacent dwelling are served by Ultrafast internet connections of upto 1000mbps. It is therefore considered that the site is capable of achieving the requirement of Policy 27, subject to an appropriate condition to secure this matter.
102. Crime, and fear of crime are material planning considerations. Paragraph 92(b) of the NPPF states that planning decision should aim to ensure that developments provide health, inclusive and safe places that are safe and accessible, so that crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion. In this regard it is considered that, given that this is an outline application with the majority of matters reserved that these matters will be considered in detail at the reserved matters stage. However, given the proposed use as residential in a residential area it is considered that in principle the proposal has the ability to meets the test of Paragraph 92 of the NPPF and Policy 29(m) of the CDP.
103. DCC Environmental Health Officers have assessed the submitted information and consider that appropriate planning conditions would be sufficient to mitigate the potential of any nuisance, most notably from construction works.
104. DCC Highway Officers are satisfied with the general access arrangements and consider the impact on the highway network to be negligible.
105. In summary, subject to the proposed mitigation measures being implemented, officers consider that any impact to residential amenity will be within reasonable levels and in accordance with Policy 29 and 31 of the CDP and relevant parts of the NPPF.

#### Sustainability and Energy Efficiency

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

107. As this is an outline application, these matters will be considered at the reserved matters stage, as such it is considered that should this application be considered acceptable to secure these requirements by way of a planning condition.
108. In light of the above it is considered that the proposal is acceptable in regard to the provision of Policy 29 c d and o, subject to a planning condition requiring a detailed scheme to be submitted and agreed by the LPA in this regard.

## Visual and Landscape Impacts

109. Policy 29 of the CDP outlines that development proposals should contribute positively to an area's character, identity, heritage significance, townscape and landscape features, helping to create and reinforce locally distinctive and sustainable communities. Parts 12 and 15 of the NPPF also seek to promote good design, while protecting and enhancing local environments. Paragraph 130 of the NPPF also states that planning decisions should aim to ensure developments function well and add to the overall quality of the area and establish a strong sense of place, using streetscapes and buildings to create attractive and comfortable places to live, work and visit.
110. Policy 39 of the County Durham Plan states proposals for new development will be permitted where they would not cause unacceptable harm to the character, quality or distinctiveness of the landscape, or to important features or views. Proposals would be expected to incorporate appropriate measures to mitigate adverse landscape and visual effects. Policy 26 outlines developments are expected to provide new green infrastructure and ensure provision for its long-term management and maintenance. Similar requirements are outlined in Policy 29. Policy 40 seeks to avoid the loss of existing trees and hedgerows unless suitable replacement planting is provided. Parts 12 and 15 of the NPPF promotes good design and sets out that the planning system should contribute to and enhance the natural and local environment by (amongst other things) recognising the intrinsic character and beauty of the countryside.
111. The application site does not lie in an area covered by and national or local landscape designations. It is also worth repeating that this application is outline only with landscaping and detailed design matters reserved. The site is however designated as amenity open space in the County Open Space Needs Assessment of 2018.
112. The applicant has supplied an Arboricultural Impact Assessment (AIA) which states:
  - 2.3.1 *The two southern sections of group 1 will need to be removed to facilitate the development.*
  - 2.3.2 *Trees 3 and 8 have been identified as having defects (detailed in appendix 1) and action may be required regardless of the development. Tree 8 should be removed given the extent of wounding to the trunk and presence of fungal bodies (figure 1).*
  - 2.3.3 *Some parts of group 4 may need to be removed if the recreational pathway is to be located as indicated on the proposed layout. It would be prudent for the pathway to be relocated outside of group 4 to avoid this and retain the group as screening.*
113. There are groups of trees, individual mature trees and hedgerows on the site which are highlighted for retention in the AIA, proposed schematic layout and landscape strategy. The site currently provides open space and approximately 70% of this would be occupied by proposed housing and private gardens.
114. DCC Landscape officers have considered the proposal and commented as follows:

*Landscape effects would be local to the site and as the area is currently accessible open green space, there would be a fundamental change at site level to a residential*

*development. This loss of open green space would be detrimental to the local area surrounding the site, given the density and extent of existing urban housing. Depending on the nature and density of a future layout, the creation of additional housing within existing and recently consented housing, could have a cumulative adverse landscape effect on the existing character of the settlement.*

*The proposed development would result in a reduction in green and open character which would bring about moderate to substantial and adverse landscape effects at completion which would be local to the site. There is potential for the development to assimilate into the surrounding predominantly urban area, as the proposed landscape scheme matures, given that there are some retained areas of open space.*

*Visual effects would be substantial and adverse at completion of the development as there would be a considerable impact on local amenity, given the loss of views across open space overall and the introduction of additional housing. The proposed retention of existing trees and the proposed landscaping would have the potential to reduce adverse effects on visual amenity in the longer term.*

*The landscape strategy plan shows areas of open space with proposed trees and wildlife areas, active frontages where feasible and a tree lined street. These aspects of the design would be beneficial should the principle of design be acceptable. Given that the proposals could potentially include 'self-build/ custom build plots', it would be important to establish an agreed landscape framework and design code for the entire development to avoid a piecemeal approach, to visually unify the whole site and to create a sense of place.*

115. The level of tree and hedge loss on the site is not considered to be significant given the likely replacement proposals and quality of those proposed to be removed.
116. In terms of broader visual impacts, it is difficult to make any recommendation given the outline nature of the proposal. A design code would be required in terms of the self-build element of the scheme, and detailed designs would be considered at reserved matters stage also.
117. The primary issue in terms of landscaping and visual impact relate again to the loss of open space and resulting visual harm that this would create. As referenced previously ordinarily a scheme of new residential properties of this scale (40 units) would need to provide on site amenity space of approximately 1320sqm and although it is unspecified on the site layout plan, this amount appears to have been exceeded in the proposals. Notwithstanding this provision, it is considered that the wider loss of the existing open space has not been sufficiently mitigated for and the applicant has stated that providing off site contributions is not viable. Instead they contend that the replacement landscaping will be of a better standard and that new affordable housing should outweigh any open space loss in the planning balance. Whilst this is a valid viewpoint to take, overall, officers do not agree this gain is sufficient to outweigh the loss of open space contrary to Policies 26, 29 and 39 of the CDP.

## Ecology

118. Policies 26, 35, 41 and 43 of the CDP seek to secure net gains for biodiversity and coherent ecological networks. Policy 43 relates to protected species and nationally and locally protected sites. Part 15 of the NPPF seeks to ensure that developments protect and mitigate harm to biodiversity interests, and where possible, improve them.
119. A Preliminary Ecological Appraisal (PEA) was submitted alongside the planning application, concluding that the site itself consists mainly of amenity grassland with

low value on site habitats for protected species and bats. Overall, the findings were accepted by the Council's Ecology Officer who notes that there is good capacity to realise net gains on the site.

120. A Biodiversity Monitoring and Maintenance Plan would be required but this could be addressed as part of any reserved matters submission when full details of landscaping and layout would be available.
121. Subject to this the proposals are considered to accord with policies 26, 35, 41 and 43 of the CDP and Part 15 of the NPPF.

#### Flooding and Drainage

122. Policies 35 and 36 of the emerging CDP relate to flood water management and infrastructure. Policy 35 requires development proposals to consider the effects of the scheme on flood risk and ensure that it incorporates a Sustainable Drainage System (SuDs) to manage surface water drainage. Development should not have an adverse impact on water quality. Policy 36 seeks to ensure that suitable arrangements are made for the disposal of foul water. National advice within the NPPF and PPG with regard to flood risk advises that a sequential approach to the location of development should be taken with the objective of steering new development to flood zone 1 (areas with the lowest probability of river or sea flooding). When determining planning applications, local planning authorities should ensure flood risk is not increased elsewhere and only consider development appropriate in areas at risk of flooding where a sequential test and some instances exception test are passed, informed by a site-specific flood risk assessment.
123. The application was accompanied by a Flood Risk Assessment and Drainage Strategy. The site lies within Flood Zone 1 with a low risk of flooding and there are public sewers with the site to the south.
124. Officers within the Lead Local Flood Authority have no objections to the proposed drainage strategy subject to additional areas of permeable paving being used on private driveways.
125. Subject to this no issues of flood risk or drainage are raised, and the proposal is considered to accord with Policies 35 and 36 of the CDP and relevant parts of the Framework.

#### Land Conditions

126. Policy 32 states that development will not be permitted unless the developer can:
  - demonstrate that any existing despoiled, degraded, derelict, contaminated or unstable land issues can be satisfactorily addressed by appropriate mitigation measures prior to the construction or occupation of the proposed development;
  - the site is suitable for the proposed use, and does not result in unacceptable risks which would adversely impact on the environment, human health and the amenity of local communities; and
  - all investigations and risk assessments have been undertaken by an appropriately qualified person.
127. A Phase 1 Risk Assessment and Coal Mining Risk Assessment have been submitted, and the findings of both are accepted. Following consultations with Environmental Health and the Coal Authority no objections are raised subject to standard conditions and on that basis the proposal is considered to accord with Policy 32 of the CDP.

## Other Considerations

128. The proposal has generated significant public interest, with 112 representations of objection having been received from local residents. The objections, queries and concerns raised have been taken account and addressed within the report, where appropriate.
129. The issue of a restrictive covenant is not a material planning consideration.

---

## CONCLUSION

---

130. Section 38(6) of the Planning and Compulsory Purchase Act 2004 sets out that planning applications be determined in accordance with the development plan unless material considerations indicate otherwise.
131. In summary, the report has considered the principle of residential use and access on this site. The development has been demonstrated to fail to accord with significant elements of policies outlined in the report. The loss of recreational open space is not considered to be justified by the level of affordable housing proposed, which again has not been justified in the information before officers. This loss would not be mitigated by off or on-site re-provision or financial contributions to existing open space facilities within the area. Additionally, the development would lead to a harmful visual impact and would also fail to make sufficient provision in terms of increased demand for healthcare and education provision.
132. In light of the above the proposal is considered to be contrary with the requirements of policies 6, 15, 25, 26, 29, 31 and 39 of the CDP.

---

## RECOMMENDATION

---

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

1. The development would result in the loss of open space of recreational and visual amenity value and would fail to mitigate this loss through the provision of equivalent or greater value in a suitable location or via a financial contribution contrary to policies 6, 25, 26, 29, 31 and 39 of the County Durham Plan and Paragraph 11 of the NPPF.
2. The development would fail to make financial contributions necessary to mitigate the impact of the development on local education and healthcare facilities contrary to Policy 25 of the County Durham Plan.
3. The development has failed to demonstrate the need for the level of affordable housing proposed on this site, contrary to Policy 15 of the County Durham Plan.

---

## STATEMENT OF PROACTIVE ENGAGEMENT

---

In accordance with Article 35(2) of the Town and Country Planning (Development Management Procedure) (England) Order 2015, the Local Planning Authority has, without prejudice to a fair and objective assessment of the proposals, issues raised and representations received, sought to work with the applicant in a positive and proactive manner

with the objective of delivering high quality sustainable development to improve the economic, social and environmental conditions of the area in accordance with the NPPF.

---

## **BACKGROUND PAPERS**

---

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

Statutory, internal and public consultation responses

The National Planning Policy Framework

National Planning Practice Guidance Notes

County Durham Plan

County Durham Strategic Housing Land Assessment Report (2019)

County Durham Strategic Housing Market Assessment (2019)

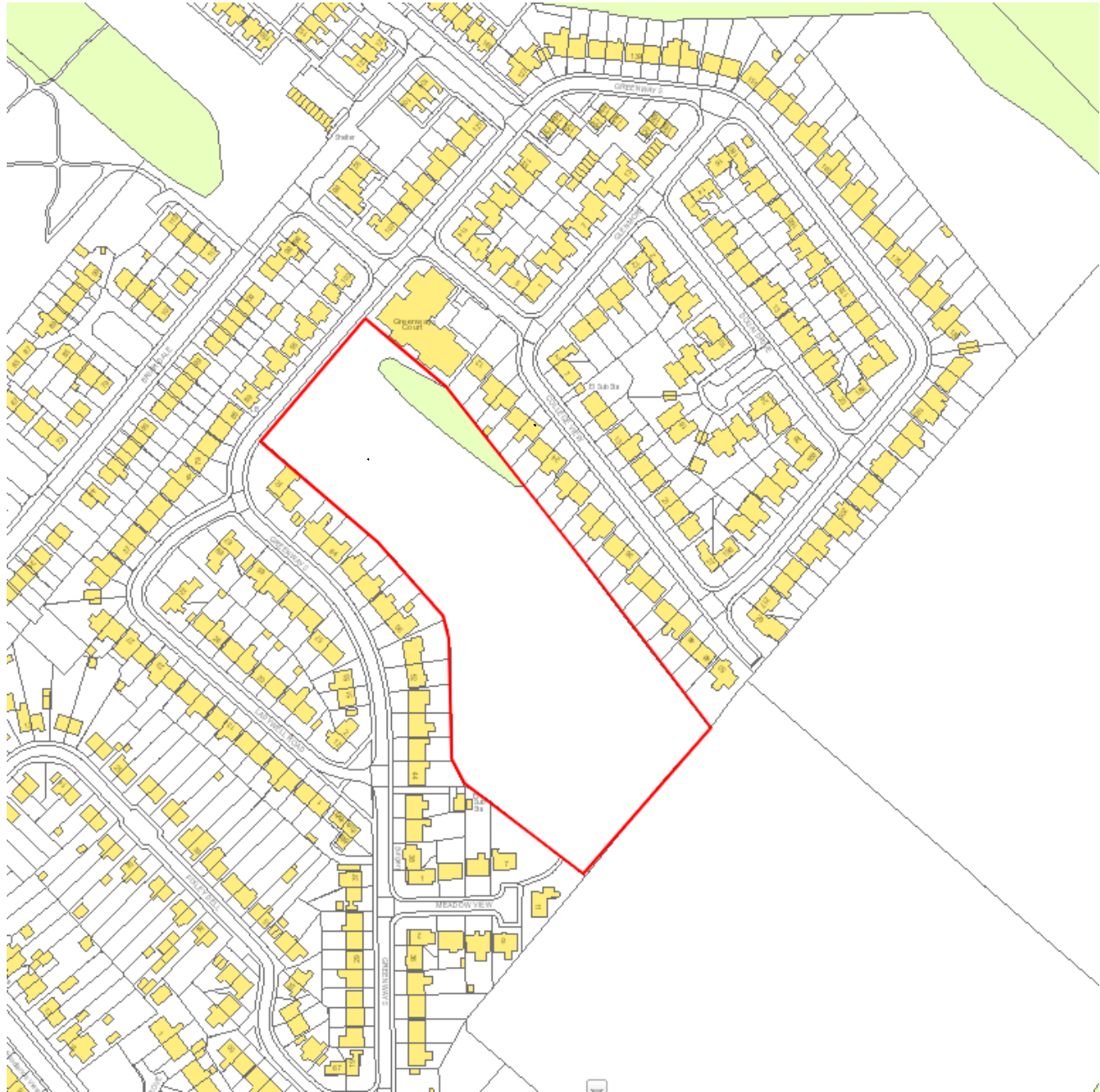
Open Space Needs Assessment (2018)

Residential Amenity Standards SPD (2022)

County Durham Building for Life SPD (2019)

County Durham Landscape Strategy (2008)





**Planning Services**

Land To The South Of Greenways Court  
 Greenways  
 Delves Lane  
 DH8 7DH

This map is based upon Ordnance Survey material with the permission of Ordnance Survey on behalf of Her Majesty's Stationary Office © Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceeding. Durham County Council Licence No. 100022202 2005

**Date** March 2024

**Scale** NTS

This page is intentionally left blank