



## Area Planning Committee (Central and East)

**Date** Tuesday 13 February 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 9 January 2024 (Pages 3 - 28)
4. Declarations of Interest, if any
5. Applications to be determined by the Area Planning Committee (Central and East)
  - a) DM/23/03610/OUT - Rodridge Farm, Station Town, Wingate, TS28 5HG (Pages 29 - 50)  
Outline consent for residential development of up to 9 no. dwellings (all matters reserved) (resubmission).
  - b) DM/23/03850/TEL - Land West of 8A Church Close, Peterlee, SR8 5QT (Pages 51 - 62)  
Installation of mast and associated apparatus.
6. Such other business as, in the opinion of the Chair of the meeting, is of sufficient urgency to warrant consideration

**Helen Bradley**  
Head of Legal and Democratic Services

County Hall  
Durham  
5 February 2024

To: **The Members of the Area Planning Committee  
(Central and East)**

Councillor D Freeman (Chair)  
Councillor D Oliver (Vice-Chair)

Councillors A Bell, L Brown, I Cochrane, J Cosslett, S Deinali,  
J Elmer, P Jopling, C Kay, D McKenna, R Manchester,  
I Roberts, K Robson, K Shaw and A Surtees

**DURHAM COUNTY COUNCIL**

**AREA PLANNING COMMITTEE (CENTRAL AND EAST)**

At a Meeting of **Area Planning Committee (Central and East)** held in **Council Chamber, County Hall, Durham** on **Tuesday 9 January 2024** at **9.30 am**

**Present:**

**Councillor D Freeman (Chair)**

**Members of the Committee:**

Councillors D Oliver (Vice-Chair), L Brown, I Cochrane, J Elmer, L Fenwick (substitute for S Deinali), P Jopling, D McKenna, E Peeke (substitute for J Cosslett), I Roberts, K Robson, K Shaw and A Surtees

**Also Present:**

Councillors L Hovvels, E Mavin, L Mavin and J Miller

**1 Apologies for Absence**

Apologies for absence were received from Councillors A Bell, J Cosslett, S Deinali, C Kay and R Manchester.

**2 Substitute Members**

Councillor E Peeke substituted for Councillor J Cosslett and Councillor L Fenwick substituted for Councillor S Deinali.

**3 Minutes**

The minutes of the meeting held on 12 December 2023 were confirmed as a correct record by the Committee and signed by the Chair.

**4 Declarations of Interest**

Councillor L Brown, in relation to Items 5a and 5b, noted she was a Member of the City of Durham Parish Council, however, she was not a member of their Planning Committee and had not had any input into their submission in objection to applications on the agenda.

She added that she was a member of the City of Durham Trust, however she was not a Trustee and had not been party to their submissions in objection to applications on the agenda.

The Chair, Councillor D Freeman, in relation to Items 5a and 5b, noted he was a Member of the City of Durham Parish Council, however, he was not a member of their Planning Committee and had not had any input into their submission in objection to applications on the agenda. He added that he was a member of the City of Durham Trust, however he was not a Trustee and had not been party to their submissions in objection to applications on the agenda.

Councillor D Oliver, in respect of Item 5a, noted he was a member of the South Durham College Advisory Board, however, he had not had any input into their submission in objection to application on the agenda.

Councillor P Jopling, in respect of Item 5a, noted she was a member of the Adults, Wellbeing and Health Overview and Scrutiny Committee, however, she had no involvement in respect of the application on the agenda.

## **5 Applications to be determined by the Area Planning Committee (Central and East)**

### **a DM/23/02622/FPA - Land South of South College, The Drive, Durham, DH1 3LD**

The Senior Planning Officer, Steve France 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 Senior Planning Officer advised that some Members of the Committee had visited the site and were familiar with the location and setting. The application was a full planning application for the erection of a 74-bed care home facility (Class C2 Use), with associated access road, car parking, cycle storage, landscaping, boundary treatments and refuse facilities and was recommended for approval, subject to the conditions and Section 106 Legal Agreement as set out in the report.

The Chair thanked the Senior Planning Officer and asked Sarah Douglas, Senior Commissioning Manager, Adult and Health Services to speak in respect of the application.

The Strategic Commissioning Manager noted there were 95 care homes in County Durham looking after older people and added that care homes fell under her area of responsibility.

She added that the occupancy rate for care homes in County Durham was 86.5 percent, which was not high enough to be sustainable, with one expecting levels of around 92 to 93 percent. She explained there was concern from care homes in terms of sustainability and noted the recent closure of a care home in Durham in September 2023 and with new care homes opening at Spennymoor and Consett, alongside two planned for Bishop Auckland and Newton Aycliffe. She added that additional care homes placed pressure on existing care homes in terms of numbers and occupancy.

The Strategic Commissioning Manager noted that care spending was the single largest area of spend for Durham County Council. She added that the developer had not engaged with the Strategic Commissioning Team and the proposals were not in line with the Council's or national policy in respect of aiming to keep older persons in their own home wherever possible. She noted there was no need for further care homes in County Durham. She added that more care home sites would impact upon care home staff recruitment, and pressure and competition for care home staff was an issue that she felt that the Committee should be mindful of.

The Strategic Commissioning Manager noted that additional care homes would increase pressure on the NHS and would increase the need for staff, including District Nurses, Advanced Practitioners and at the nearby Accident and Emergency Department.

The Chair thanked the Strategic Commissioning Manager and asked Roger Cornwell, representing the City of Durham Trust, to speak in support of the application.

R Cornwell thanked the Chair and Members and explained that on behalf of the City of Durham Trust, he was asking the Committee to support the Officer's recommendation to approve the application. He added he had two points to make.

Firstly, R Cornwell explained that the objection from the Principal of South College was not an official University one, nor was he saying it was. He added that there had been no comment from Durham University itself. R Cornwell noted that students did not have an unlimited right to enjoy a lifestyle with our regard to their neighbours, adding that it was one of the jobs of a college Principal to keep student behaviour within bounds.

Secondly, R Cornwell explained that the City of Durham Trust accepted that there was pressure on capacity of the Claypath Medical Practice and not just that NHS facility. He noted that it was a broader issue for the wider NHS and needed to be addressed at a higher level than that of one medical practice.

He added that the housing developments in the pipeline for Sherburn Road and Sniperley Park would add possibly 6,000 to 9,000 extra patients for the medical practices in the Durham area. He noted the impact of the 74 extra patients, even with additional needs, paled into insignificance. He noted that plainly we needed more Doctors in Durham and refusing the application would not solve that problem.

R Cornwell noted that research the City of Durham undertook when developing the Durham City Neighbourhood Plan (DCNP) predicted that there would be an additional 1,500 people aged over 75 in the wider Durham area by 2035 looking to the future, which would equate to a need for around 150 extra places in care homes. He noted the closure of the Hallgarth care home in the past year, and more broadly in County Durham in the past three months there had been proposals for care homes in Stanhope and Shotley Bridge which had been replaced by apartments and a hotel respectively.

R Cornwell concluded by noting that with an aging population we needed more care homes and asked if Members would please approve the application.

The Chair thanked R Cornwell and asked Ian Ward, representing the Applicant, Torsion Care, to speak in support of their application.

I Ward explained that Torsion Care was based in Leeds and operated care home sites within the Midlands and North East of England. He noted they developed, built and ran care homes, assisted living and extra care facilities and as main contractor and operator, Torsion Care had a vested interest in the full life of such developments.

I Ward explained that within a five-mile radius of the site, only 14 care homes had been developed, with five since 2000 and non in the last five years. He explained that the proposed development was sympathetic to its surroundings, and the standard Torsion Care layout was designed for efficiency. He noted that the development would generate a minimum of 70 jobs for those in the local area, including in terms of builders and tradespersons in construction of the care home. He noted the design had an energy performance certificate (EPC) rating of A, adding that BREEAM and low carbon were at the forefront when developing the application. He noted the inclusion of air source heat pump and solar panels, alongside underfloor heating, all contribute to a development that would be of great benefit to the area.

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

Councillor P Jopling noted she had attended the site visit and had noted the close proximity to the college. She added she did not feel that any amount of screening would be able to prevent noise from the nearby students, and while it was all well to ask students to not be noisy, their behaviour would be impacted from alcohol consumption as there was a bar. Those issues aside, Councillor P Jopling noted that she felt the largest issue was that of health, as set out within pages 22 to 24 of the report pack. She noted that it was stated that there was no need for another care home, and that the county was not short of care home beds, the Council's own figures and as referred to by the Officer in attendance. She added that she was extremely concerned in terms of the impact on the Medical Practice's existing patients and noted she felt the £15,000 contribution was a derisory amount. She noted she would have felt different if a facility of this size had included an in-house Doctor and that, as it stood, it would leave larger problems for the Local Authority. She noted she had spoken to one of the Local Members, Councillor L Brown, and understood that there should have been another Doctors Surgery in the city and from her understanding the Accident and Emergency Department at the University Hospital of North Durham was busy.

Councillor P Jopling noted that older people represented a greater impact upon the NHS and require more care, in general, compared to younger people. She reiterated that she felt that should the application be granted, the problems would be passed on to the Council and the surrounding community. She added she also felt that it would not be fair on the college either. Councillor P Jopling noted that in her view the proposals were too close to the college, would cause trouble for the future, were not based upon need, and were in the city centre where she felt many older people would not want to live. She concluded by noting she may vote against the proposals.

Councillor L Brown noted she had some questions and observations. She asked how far the living accommodation was from the college hub and new purpose build student accommodation (PBSA). She noted that Claypath Medical Practice had two surgeries, however, noted they served the 22,500 students and remaining residents in the city centre. She noted that the Masterplan for the Mount Oswald site had included a GP Surgery, however, that had fallen by the wayside and therefore there would be an impact in terms of community assets and asked if any National Planning Policy Framework or County Durham Plan (CDP) policies would apply in that respect.

The Senior Planning Officer noted that the report did discuss the proximity of those buildings at paragraph 141, with the hub being 32 metres away, though to the service side of the building.

He noted that the 850 bed PBSA was only at the outline phase and therefore there was no definitive distance from that development, though noted it was likely to be around 30 to 40 metres, although as there was some open space between the two sites, and a cycleway and some trees with a tree preservation order, it could be up to around 60 to 70 metres. Councillor L Brown asked for the minimum distance to a living area, the Senior Planning Officer reiterated 32 metres.

The Chair noted the reference to healthcare and the statement from Claypath Medical Practice. He noted that he understood that the Practice was looking to expand in the city as they could not accommodate the number of patients they have currently. He added that while it had been stated that there was sufficient care home provision within the county, that was not the same as saying there was sufficient care home provision within the city area. He noted the closure of the Hallgarth care home and added that was not purely as a result of low occupancy, as there had been an application to have student accommodation on that site, refused at Committee.

Councillor J Elmer noted the issue of need, in respect of additional care homes, and asked if that was a material consideration. He asked if there was an understanding of need across the whole County versus that of the city area. He noted his personal experience in trying to secure a care home place for family and that he had been required to travel some distance out of the city area to obtain such care. He added that he was not convinced by the argument that there was not sufficient need.

Councillor J Elmer noted the position in respect of medical provision was quite strange, with the large 850 bed PBSA approved at the outline stage, and with other major developments amounting to between 6,000 to 9,000 new residents in the near future. He added that would result in a considerable uplift, and that the impact of the proposals in from of Members seemed so tiny compared to those larger upcoming developments. He added it seemed strange Claypath Medical Practice had objected to this application, however, had not objected to those developments that would result in an additional 6,000 to 9,000 residents.

The Chair allowed the Strategic Commissioning Manager to respond to the question from Councillor J Elmer. The Strategic Commissioning Manager noted that the level of occupancy in Durham City was 84 percent, less than the County Durham average. She noted that Chester-le-Street had an overprovision of care home places and that there had been a reduction in the number of nursing beds in the county, and region, that many 'deregistering' as nursing homes and moving to being 'residential' homes.



She added that was a situation that was being closely monitored, however, the general trend was for a focus on 'extra care' noting seven sites, and in-house provision, with specialist dementia care at Spennymoor, and Poppy Dene at Peterlee being examples of the focus on 'extra care'. She added that Members would be familiar with the Care Quality Commission (CQC) and explained that there had assessed the quality of care within County Durham and that 90.5 percent were assessed as either good or outstanding, a very good statistic which demonstrated that our market in County Durham was very good.

The Senior Planning Officer reminded Members that while relevant in terms of impact upon the NHS, and as a material planning consideration, each application was looked at on its own merits. He noted that the objections in terms of need raised by Adult and Health Services were at a strategic level, however, the applicant had provided their own assessment which demonstrated need at the local, divisional level. He added that the applicant had noted that within a three to five mile radius of the application site, it was likely that many of the future care home residents would already be patients of the Claypath Medical Practice and not represent an additional burden. He noted that the NHS response received by the Planning Department was that the contribution via the Section 106 Agreement was sufficient to mitigate the increased demand from the application. He added that if any new permission were sought in the area, a similar imposition would be placed and therefore he would caution against too much weight being placed upon need.

Councillor K Shaw noted the Strategic Commissioning Manager had explained the County Durham position and the impact seemed clear. He noted Members had sat in the chamber and heard evidence in terms of other need, such as housing need, and noted he would not be supporting the application.

Councillor P Jopling asked Officers if they felt that the £15,000 contribution towards NHS provision was sufficient. The Senior Planning Officer explained that the NHS had standard formulae relating to contributions, based on the number of people, type of development and so on. He added that the North East and North Cumbria Integrated Care Board (NENCICB) had provided their response to consultation noting a requirement for a £15,000 contribution to be secured via Section 106 Legal Agreement. He added that the amount for each Section 106 contribution relating to any new development was provided on a per-application basis.

Councillor P Jopling noted the issue she had was that even if the provision was extended at the Medical Practice, there were already issues in getting an appointment with a Doctor.

She added that it was frustrating that, if the application was agreed, we would not be sure that any additional GP provision would be in place for a long time, similar to other housing developments that were still without shops or transport in place long after development had been completed. She added she felt that the Committee had a duty of care to the existing patients and that the issue was one of amenity. She reiterated there were three pages within the report noting the impact upon health provision.

The Chair noted existing permissions, and those in the near future, would amount to around 6,000 to 9,000 additional patients and therefore the additional medical provision required for this application appeared to be a 'drop in the ocean' when compared to those developments.

The Lawyer (Planning and Highways), Neil Carter noted the discussion in respect of the need for the type of development and sustainability. He explained that there was no policy requirement in respect of need, and therefore the number of care home places or sustainability or impact upon the sustainability of other care homes sat outside of the Planning system. He noted that his advice to the Committee was that any refusal relating to need would be unsustainable. He added that the NHS contribution decided upon had been as a result of the official response and while that was in discord with the comments from the local Medical Practice, the official body had responded to the consultation noting a £15,000 contribution would be appropriate. He added it would be for the local Medical Practice to approach the official body in order to make their representations, and for the Committee to consider the application as set out.

Councillor P Jopling noted she still felt it was an issue of impact upon amenity, and therefore was it not an issue for Policy 29 or 31 of the CDP. The Lawyer (Planning and Highways) noted that Policy 31 referred to residential amenity and therefore would relate to the impact of the scheme on the college and vice-versa. Councillor P Jopling reiterated she felt that the impact of healthcare was an impact upon amenity. The Lawyer (Planning and Highways) reiterated that healthcare was outside of planning in terms of the need or sustainability, with the impact upon amenity being subjective.

Councillor L Brown asked if the Medical Practice could be considered as a community asset and policies associated apply. She also noted that, if the application were to be approved, if the construction start time within Condition 11 could be altered from 0730 to 0800.

The Senior Planning Officer noted that 'asset of community value' referred to village greens and the like and did not apply to GP Surgeries. He noted that Part 8 of the NPPF noted that elements of any community should be placed together, namely such facilities.

He reiterated that the response from the standard NHS consultee had been to suggest a contribution that would mitigate the impact of the development and therefore any refusal on the healthcare provision would likely prove difficult to defend given that response. He added that while there may be some time lag in terms of any contribution, he felt that if the Medical Practice were looking for a new site, the contribution may be available quite quickly.

Councillor L Brown moved that the application be approved, as per the recommendation set out within the report, subject to an amended Condition 11 to have the commencement of works at 0800.

Councillor A Surtees asked if the economic impact of the development was a material planning consideration. The Lawyer (Planning and Highways) noted that economic benefits or disbenefits could be a material consideration. Councillor A Surtees noted she did not agree with the figure relating to provision being around 84 percent occupied and noted that many people from all over the county were living in care homes in the East of the county. She noted that the impact of an additional care home would impact upon the economics of all the care homes in County Durham and that if there were more built, based upon the current numbers, we would not be able to forward plan in terms of numbers. She added she would not be supporting the application.

Councillor J Elmer noted he was torn over the issue of need, and while not a material consideration, it was difficult to rule out, as stated by Councillor A Surtees. He noted in respect of the residential amenity, he felt the University would be able to manage any impact. He recalled the Sheraton Park development, where the University had a nearby bar located and they themselves had stated the situation between their bar and the residential properties would be 'manageable'. Councillor J Elmer clarified that, in relation to medical provision, there was a high likelihood that a high proportion of the new residents of the proposed care home were already existing patients of the Claypath Medical Practice and for that, and the other reasons stated, he would second Councillor L Brown's motion for approval of the application.

Councillor K Shaw noted he supported the comments made by Councillor A Surtees.

The Chair noted a motion for approval had been made by Councillor L Brown, seconded by Councillor J Elmer and upon a vote being taken the motion was **LOST**.

Councillor K Shaw proposed the refusal of the application, based upon the economic impact. He was seconded by Councillor A Surtees.

The Lawyer (Planning and Highways) advised that while Cllr Surtees' had eloquently expressed her motion in terms of economic disbenefits, in truth this still amounted to an issue of need or competition relating to care homes, which was not for the planning system to determine. He added he was still of the view that such a refusal would be unsustainable at any subsequent appeal.

Councillor A Surtees noted that existing provision would be impacted by the proposed development. The Chair noted he felt that was still referring to need. Councillor P Jopling noted she felt it was amenity, given the close proximity to the college. The Lawyer (Planning and Highways) noted the motion for refusal had been made and seconded in relation to economic impact and added that amenity had not been raised as an issue to include. He asked if the comments from Councillor P Jopling were meant as a rival motion for refusal, or if she wished to amend the existing refusal motion to include amenity as a second refusal reason. Councillor P Jopling noted that she felt there was no amenity to service the proposed care home, and that there would be a greater impact as older people in care homes required more care and therefore there would not be the amenity to cope in terms of the existing GP provision.

The Lawyer (Planning and Highways) said he understood that Cllr Jopling was proposing an amendment to the refusal motion to add a second refusal reason and that this would need to be supported by Members if it were to be voted upon. He also, reiterated that his advice was that a refusal based upon economic impact would not be sustainable at appeal. In terms of amenity, he reiterated that impacts on the NHS in terms of healthcare would not fall within the amenity policy although would fall within other policies but he would need to understand why the contribution requested by the NHS would not be sufficient.

Councillor A Surtees noted her motion was for refusal based upon the economic impact on existing care home provision, similar to the impact of any new university upon the existing university, or any new supermarket on existing supermarkets, with a new care home impacting upon existing care homes. The Lawyer (Planning and Highways) noted that was effectively a reference to competition, as spoken about by the Strategic Commissioning Manager, in terms of the impact of an additional care home on the economics of the area. Councillor P Jopling noted she felt it was for Planning Officers to find policies to support the Committee in terms of any refusal.

The Senior Planning Officer noted that Policy 31 referred to residential amenity, for example whether a property was being overlooked. He reiterated the comments from the Lawyer (Planning and Highways) in that medical provision sat elsewhere, and not within planning.

He noted the planning remit was quite narrow and urged caution and reiterated Officers had noted they did not feel the reasons for refusal given would be defensible. He reiterated that amenity referred to in Policy 31 was residential amenity. Councillor P Jopling noted when residential development was considered, the provision of sustainable transport was considered and therefore was healthcare provision a similar amenity. The Chair noted that Councillor A Surtees did not appear to support Councillor P Jopling's interpretation of amenity and there was a motion put by Councillor A Surtees, seconded by Councillor K Shaw for refusal.

Councillor P Jopling asked what policy was being cited in the refusal, adding she was happy to go with the motion put by Councillor A Surtees just that she felt adding Policy 31. The Lawyer (Planning and Highways) noted that whilst there appeared to be some confusion in relation to Policy 31, he asked if there was any appetite to add it to the proposed refusal. Councillor P Jopling asked why health provision was not amenity. The Lawyer (Planning and Highways) reiterated that healthcare provision was not amenity as referenced within Policy 31.

The Senior Planning Officer noted that Policy 31 referred to impact upon health, living, the natural environment and that refusal should set out any reason why it was felt that any mitigation against those impacts was not sufficient. He added the at the CDP and DCNP noted that, in principle, that such development was good, and that any shortfall should be met via mitigation. He asked whether Members were saying that the issues could only be mitigated at a strategic level.

Councillor P Jopling noted that Members were here to make a decision and if they were just being asked to agree applications then why were Members invited to the meeting. She added she felt that Officers were saying Members could not make a decision. The Chair noted that was not what Officers were saying, they were simply providing advice in terms of the refusal reasons suggested. He noted there was no support for adding Policy 31 (amenity) to the refusal proposed so far, and therefore Councillor P Jopling was not in a position to move forward on those grounds. At this stage Cllr Jopling said she would withdraw her motion.

The Chair reiterated that a motion for refusal had been put forward by Councillor A Surtees and seconded by Councillor K Shaw, and upon a vote being taken it was:

## **RESOLVED:**

That the application be **REFUSED** as the development will result in unacceptable economic impacts upon existing older persons accommodation provision and providers in County Durham, compromising economic growth, taking into account both local business needs and wider opportunities for development, contrary to paragraph 85 of the National Planning Policy Framework (NPPF).

### **b DM/23/03302/VOC - 12 Ferens Park, Durham, DH1 1NU**

The Principal Planning Officer, Paul Hopper gave a detailed presentation on the report relating to the above mentioned 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 Principal Planning Officer advised that some Members of the Committee had visited the site and were familiar with the location and setting. The application was for the variation of Condition 2 (Approved Plans) of approval reference DM/22/02767/FPA to add a north facing window in the side wall of the rear extension, east facing window in the side utility extension and remove north facing side window in snug area and was recommended for approval, subject to the conditions as set out in the report.

The Principal Planning Officer highlighted that the matter before Members was solely the variation of condition application, and not the other works which had already been previously agreed. He noted the City of Durham Parish Council had highlighted the concerns raised by residents and had suggested obscure glazing as a possible solution. He added there had been objection from a neighbour who noted several reasons including a severe impact upon residential amenity, privacy and failure to meet minimum separation distances.

The Principal Planning Officer noted that the comments from objectors had been taken into account, however, Officers felt that the application represented a minor impact to an existing scheme and would have a neutral impact upon the Conservation Area. He concluded by noting the application was in accord with the relevant policies and was recommended for approval.

The Chair thanked the Principal Planning Officer and asked Prof Neil Walton, local resident who had objected, to speak in relation to the application, noting he had some slides to accompany his presentation.

Prof N Walton explained he was the resident of 15 Ferens Park and was objecting to the north facing window.

He referred Members to a photograph of 12 Ferens Park, as part of his presentation slides, and explained that the window was well within the 21-metre minimum separation distance required and had significant views over the rear of his property. He added that windows on side elevations were not a requirement and that guidance stated that, if they were to be included, they should use obscure glazing. Prof N Walton noted that the Officer had agreed that the application was not compliant in this regard. He explained that he disagreed with the view of the Officer and felt that the window represented severe harm and that the mitigation proposed would not work due to the height and angle. He noted that he felt the window was not essential, however, if it was determined to be essential it should be obscure glazing and remain so in future.

Prof N Walton asked why planning policy had not been followed, noting two previous applications that had been incorrect and that the amended scheme had a new window 0.5 metres closer to his property, now in a large kitchen/living area. He reiterated that the amended scheme introduced a larger non-compliant window, closer in context of his living room and was not obscured glazing. He noted the mitigation proposed was the fence, however, the position was highly elevated, with the window at their ground floor being at his properties first floor level. He added that the window would have views on to all eight windows of his property, not just the kitchen, including his bathroom. He concluded by noting that all of his bedrooms were within 21 metres and therefore the proposed window should be removed, or a condition placed to require obscure glazing in perpetuity.

The Chair thanked Prof N Walton and asked Dr Peter Newman, the applicant, to speak in support of his application.

Dr P Newman noted that there had in fact been a window in the location proposed for around 20 years, and when constructed at the time permission had been granted. He noted the window was very important and its use, in addition to light, was to be able to view down on to the grassed area within his own garden to be able to check on his three children playing. Without the window, he would not be able to view on to his garden. He explained there had been a number of serious concessions made following complaints from neighbours in terms of the number of windows and views on to 'primary habitat', with a balance being for some windows to have obscured glazing.

Dr P Newman noted that guidance as regards a 21-metre separation distance was not rigid in its application, adding there was no direct line of sight when the mitigating fence was installed. He noted that there were three windows within the distance, not 10. He added there would be no impact upon privacy, below the 1.8 height and being a reduced size, width when compared to the window that had been in place for the previous 20 years.

Dr P Newman noted other concessions included the removal of a side door, bay window and raising of the fence by two metres with the introduction of foliage. He asked therefore if the new window impacted more than the existing window, noting that it would not be visible to the lower floor of the neighbouring property and that the angle of the window to the neighbouring property also had to be taken into account. Dr P Newman noted he did not wish for more upheaval for his family, especially the impact on his children not being able to live in the property while works were ongoing.

The Chair thanked Dr P Newman and asked the Committee for their comments and questions.

Councillor P Jopling noted she had attended the site visit and asked the Principal Planning Officer to stand at the proposed window inside the extension in order to be able to appreciate the line of sight from the position and the internal floor levels. She noted that to be able to see into the neighbouring property, one would need to be seven feet tall, adding it would be very difficult to see into the ground floor of the neighbouring property. She noted that the screening proposed would be ample and she could not see an issue with the window and mitigation as proposed, the applicant having done as much as possible in that regard. Accordingly, she moved that the application be approved as per the Officer's recommendation. Councillor E Peeke seconded the motion for approval and upon a vote being taken, it was:

## **RESOLVED**

That the application be **APPROVED** as per the conditions set out within the report.

### **c DM/23/00476/FPA - Whitehouse Farm, Wheatley Hill, Durham, DH6 3LX**

The Planning Officer, Michelle Penman 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 Planning Officer advised that some Members of the Committee had visited the site and were familiar with the location and setting. The application was for the temporary siting of mobile home for a period of 3 years to be occupied by the farm manager and was recommended for refusal, for reasons set out in the report.

The Planning Officer noted that consultee responses included no objection from the Highways Section, accepting the short-term, 3-year use.



She added that Wheatley Hill Parish Council offered support to the application, noting the struggle of the farm manager commuting from Peterlee. The Planning Officer explained that the Landscape Section noted that they would not support the application on a permanent basis, however, would support a temporary permission, provided some mitigation measures were undertaken. She noted other statutory consultees had no objections, however, offered some advice in respect of the nearby public right of way. It was added that no public representations had been received.

The Planning Officer noted that development within the countryside was not permitted, with a few exceptions and that CDP Policy 12 did allow for new rural worker's dwellings. It was noted that in this case, there was an existing farmhouse on the site and the applicant had failed to demonstrate that the additional mobile dwelling was needed. She noted that accordingly, as the application was contrary to NPPF Paragraph 84, and Policies 10 and 12 of the CDP, it was recommended for refusal.

The Chair thanked the Planning Officer and asked Local Member, Councillor J Miller, to speak in respect of the application.

Councillor J Miller noted that he would offer his support to the application and had called it to Committee so that Members could determine the application. He noted that he could not see why the recommendation was for refusal, in respect of one caravan, temporarily, for a farm worker to be able to help secure the farm. He added if the application was refused, the farm would not have a qualified person on site and noted a recent incident where a number of quad bikes had been racing in the field nearby, causing issues with livestock. He noted he agreed with the Parish Council in their support of a local job, noting while only a short commute by car, it was problematic by public transport, especially given the very early starts required for farming.

Councillor J Miller noted paragraphs 33 to 35 of the report noted there had been no concerns raised from Officers in terms of the application, and that the Highways Section had noted they would only have concerns if the arrangement was permanent. He added that paragraph 49 wrongly stated that the existing farmhouse could accommodate any farm worker, however, the property was occupied by an existing tenant. He noted he felt that it was inappropriate for the Local Authority to suggest that the applicant make a tenant homeless to accommodate a farm worker.

Councillor J Miller reiterated that he fully supported the application and noted he could see no negatives from the application, the site being barely visible from the main road. He noted a much more intrusive illegal caravan park nearby that had not yet been dealt with. He asked that Members approve the application.

The Chair thanked Councillor J Miller and asked Local Member, Councillor L Hovvels, to speak in respect of the application.

Councillor L Hovvels noted she felt strongly in respect of the application and had attended Committee to show that support and represent her local residents. She noted the farm had been in operation for over 70 years and that it was difficult to get a bus to the farm from Peterlee at the times required, if not impossible. She noted a fishing pond nearby, and in terms of the rural aspect of the site, there had been no issues with this farm in the past. She noted the issues with farming in general across the wider County and felt it was important that we supported farms in terms of their viability. She asked the Committee for a common-sense approach, noting that while there was new development at Marley Fields, the house prices would be such that they would not present a viable option.

The Chair thanked Councillor L Hovvels and asked Edward Dinning, Agent on behalf of the applicant, to speak in support of the application.

E Dinning noted that the application had been validated on 17 February 2023, in response to pre-application advice being sought. He noted that it had taken 11 months for the application to get to Committee for determination. He explained that the applicant's husband's health had deteriorated, and he had been unable to help with the work associated with the farm. He noted it had been at a critical time in terms of winter and therefore it was necessary for a live-in farm manager. He noted that the only other alternative would have been to make the farm manager redundant and to close the farm and evict the residents of the farmhouse.

E Dinning noted that NPPF Paragraph 84 stated that development could take place if there was an established need, he added that a livestock farm required a 24-hour presence. He noted that if the farm manager happened to have a majority share in the farm itself, he would have been permitted to build a house. He added that CDP Policy 10 supported new buildings, as long as they were of an appropriate size, construction and commensurate with the use. He added that having a 24-hour presence was also required in terms of preventing vandalism of the site. He noted that CDP Policy 12(e) referred to permanent dwellings and reiterated the need on site and a lack of other viable options. He added that the applicant would be happy for a condition to be included with any permission granted, that would require removal of the temporary structure should the farmhouse become available for use within the three-year period.

E Dinning noted he would dispute the claims that information had not been provided, with an accountant's letter having been provided.

He noted that paragraph 83 of the report conceded that the visual harm was not sufficient that it could not be mitigated, and other statutory consultees had equally provided no objections to the proposals. He noted that if the Committee agreed with the Officer's recommendation, then they would be required to evict the tenants of the farmhouse, breaking the word given to the tenants by the applicant.

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

Councillor P Jopling noted she had attended the site visit and asked what would happen in three years' time if the position was the same in terms of requiring a farm manager on site, however, the farmhouse was still occupied. The Planning Officer noted that the permission, if granted, would lapse after three years, with the applicant having to remove the mobile home, or seek a new planning permission. Councillor P Jopling noted that if it was recommended for refusal now, would it not be the same case in three years' time.

Councillor A Surtees asked if there was permitted development rights in terms of such a temporary structure, and that if the application was refused, would there be a circumstance where the applicant could fall back on permitted development rights. The Principal Planning Officer, Jennifer Jennings noted that there were no permitted development rights in this case, with the conversion of agricultural land to residential. Councillor A Surtees noted she understood that in terms of Government guidance that if required as a function of the use of the land, then it would be permitted development rights, adding she recalled such use when looking at other applications. The Principal Planning Officer noted that permission for the erection of a dwelling on the land could not be given via permitted development.

Councillor K Shaw asked if there were any conditions that Planners felt could be applied to make the application permissible. The Principal Planning Officer noted that the temporary nature and reinstatement after were in the application's favour, however, it was being recommended for refusal on principle, with no need demonstrated or detailed financial information as required by CDP Policy 12.

Councillor J Elmer noted that, as the Agent and Officers had pointed out, Policies 10 and 12 did provide a way to grant permission, though frustratingly there had not been the evidence required presented. He noted the condition was temporary and asked, as suggested by the Agent, for a condition to move into the farmhouse should it become vacant. The Principal Planning Officer noted that, should the temporary permission be granted, after three years, the permission would lapse, and any new application would be assessed.

She noted that if a new tenant occupied the farmhouse, she felt we would be in the same position. She added she did not think any condition as suggested would meet the tests as outlined in planning policy guidance, if permission were to be granted.

The Lawyer (Planning and Highways) noted the suggestion from Councillor J Elmer, however, he explained that the granting of permission for a period of three years, albeit temporary, was implying that the farmhouse was not available or suitable for that period. He added he felt it would not be necessary to include such a condition as suggested.

Councillor D Oliver noted he was torn in respect of the application, adding his disappointment in terms of a lack of evidence provided. He explained that intuitively he felt there was a need for the mobile home and a presence on site and noted his sympathy for the applicant's situation.

Councillor L Brown noted that the caravan on-site was visually prominent, you could see it from the main road. She added that should Members be minded to approve the application, would there be a condition as regards landscape mitigation in that respect. She asked, following the farm manager living on site, whether their presence had impacted in terms of thefts or anti-social behaviour at the site.

The Chair allowed the Agent to respond to the question. E Dinning noted that the farm manager had only recently been in occupation, therefore it was perhaps too soon to be able to note any impact. He reiterated that the applicant would be happy for the farm manager to move into the farmhouse if the tenants moved out. He noted the application was for three years initially, if they knew the farmhouse would be vacant in say six months, they would have sought six months permission. Councillor L Brown noted that if the current tenants were living rent-free, it may prove difficult to convince them to vacate.

Councillor A Surtees noted that refusal was recommended as there had not been sufficient evidence of a functional need and asked therefore if Members could move for a deferral in order to provide the applicant time to provide such evidence as required, or any slight re-siting of the caravan as required. She added that she felt there was a case in terms of economic viability, accepting that it had taken 11 months to come before the Committee. The Planning Officer noted that there had been much discussion back and forth between the Council and the applicant over the 11 months, the applicant had not been forthcoming in respect of the financial information required, that this information had not been brought forward was one of the reasons why the application had been scheduled for determination by the Committee.

Councillor E Peeke noted the farmhouse was on land for use by the farmer and farm manager, adding she felt that was what should be used.

Councillor D McKenna noted he had reflected upon the comments from the Local Members and noted that their knowledge of the area should be taken into account, adding he felt if the permission was only temporary for three years, he would agree to permission being granted.

Councillor K Shaw noted he understood the position of the Planning Officers, the time taken over the 11 months to get to Committee and the functional element having not been demonstrated. He asked if there was any benefit of deferral of the application to get such information, and if it was not forthcoming, then the Committee would be in the same position in terms of a refusal recommendation. The Lawyer (Planning and Highways) noted that may be a question to pose to the applicant and their Agent. He added that if they could provide additional information then there could be reason for deferral, however, if all information had been provided, there would be no real reason to defer.

The Chair allowed the Agent to respond. E Dinning noted that all financial information had been provided, the farm had operated for over 70 years and therefore must be viable, else it would have closed down. He added that the applicant's accountant had noted the business was viable and that three years' worth of back accounts had been requested, that only being a requirement for new businesses, not existing businesses. The Lawyer (Planning and Highways) noted that the Agent had indicated that they had provided all the information they felt was required and therefore there did not appear to be any benefit in deferral of the application.

Councillor L Brown moved that the application be refused as per the Officer's recommendation, she was seconded by Councillor E Peeke and upon a vote being taken, it was:

## **RESOLVED**

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

*Councillors D McKenna and I Roberts left the meeting at 12.10pm*

**d DM/23/02725/FPA - 4 Monks Crescent, Gilesgate, Durham, DH1 1HD**

The Principal Planning Officer, Paul Hopper 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 Principal Planning Officer advised that some Members of the Committee had visited the site and were familiar with the location and setting. The application was a change of use from dwellinghouse (Use Class C3) to house in multiple occupation (HMO) (Use Class C4) and was recommended for approval, subject to the conditions as set out in the report.

The Principal Planning Officer noted that when visiting the site, Members had noted that works to install additional parking had been completed. He noted that the percentage of HMOs within a 100-metre radius of the property was 1.2 percent and including two unimplemented permissions for HMOs at 5 and 9 Monks Crescent increased the percentage to 2.4 percent. He noted that with those two, and the proposed permission, that would result in a 3.4 percentage of properties within 100 metres.

The Principal Planning Officer noted seven letters of objection to the application, and objections from Local Members and Belmont Parish Council had been received, with Local Members and a representative from the Parish Council being present at the meeting.

The Principal Planning Officer concluded by noting that while the objections had been taken into account, Officers felt the application was in line with policies and did not represent an adverse impact upon residential amenity or highway safety and therefore was recommended for approval.

The Chair thanked the Principal Planning Officer and asked Parish Councillor Patrick Conway to speak on behalf of Belmont Parish Council.

Parish Councillor P Conway thanked the Chair and Committee and noted that the longstanding issue of the proliferation of HMOs was once again back in front of Members. He noted that the Parish Council, and Local Members, were increasingly being asked about the issue from local residents. He noted that the issue was a judgement call, especially in respect of Policy 16. He explained the applicant has referred to a 'tipping point', with Policy 16 setting out the 10 percent threshold, however, it was becoming apparent more and more that this was less useful as a metric. He noted that when Planning Officers were invited to a meeting of the Parish Council, they had said that Policy 16 was only one policy amongst many others within the CDP.

Parish Councillor P Conway noted that the applicant had not stated that there was any need for such HMO provision, with the University having already stated that there was no further HMO need in Durham City.

Parish Councillor P Conway noted that the NPPF set out that social, economic and environmental impacts should be taken into account, and the Parish Council felt there should be further discussion on those areas. He added that the Parish Council felt that those elements had not been demonstrated and that therefore the principle should be questioned. He referred to residential amenity and explained that a small cluster of HMOs within an area of family homes, with a bedroom on the ground floor opposite a family home, would have an adverse impact. He noted that student properties were often untidy and their gardens unkempt, another impact upon residential amenity. He added that while there would be parking provided on-site, it was known that the increase in visitor vehicles and movements associated with an HMO were noted, especially with the property in question being located close to a junction.

Parish Councillor P Conway noted that local residents were concerned as regards the sustainability of a balanced community, and in keeping homes affordable in their neighbourhood for future generations, as set out within the developing Neighbourhood Plan. He reiterated that CDP Policy 16 was only one of a number of policies for the Committee to consider, and he would say that judgement could be made to reject the application based on policies and the reasons stated.

The Chair thanked Parish Councillor P Conway and asked Local Member, Councillor L Mavin to speak in respect of the application.

Councillor L Mavin thanked the Chair and Committee and noted that the current 100 metre radius, as set out within Policy 16, did not work in situations such as the application before Members, a cul-de-sac. She explained that 28 properties were in the cul-de-sac and noted that with numbers 5 and 9 Monks Crescent already being HMOs, the application would in fact take the number to three out of 28, representing 10.7 percent, over the 10 percent threshold and contrary to Policy 16.

Councillor L Mavin noted that the encroachment of HMOs would encourage people to move out of the area, accelerating the unbalancing of the local community. She noted that it was essential to maintain that balance and students were by their nature transient and not part of the local community. She added that there would be detrimental impact upon residential amenity, contrary to Policies 29 and 31 of the CDP and she would urge the Committee to refuse the change of use of the property to an HMO.

The Chair thanked Councillor L Mavin and asked Gary Swarbrick, Agent for the applicant to speak in support of the application.

G Swarbrick noted the concerns raised by the Parish Council and Local Councillors and reminded Committee that Policy 16 referred to a 10 percent threshold within 100 metres of an application property. He noted that 10 percent was therefore the defined 'tipping point' in policy and as stated by the Officer, that 10 percent had not yet been reached.

He noted that this 10 percent threshold was that which had been endorsed by the Planning Inspector in his endorsement of the CDP. G Swarbrick noted that demonstration of need was not a material planning consideration and therefore the application could not be refused on such grounds. He noted that as the application, and including permissions not yet undertaken, did not reach the 10 percent threshold of HMOs within 100 metres, by definition, there was not an over-proliferation of HMOs, and any refusal on those grounds would be contrary to policy and previous permissions granted, especially those where the percentage was greater than in this case, though still below the 10 percent threshold.

G Swarbrick noted that the location of the property, on the outskirts of the city, were such to be more attractive to students wanting a quieter location, with those wishing for more a 'party' atmosphere likely to chose other areas. He noted that notwithstanding this, there would be clauses within tenancy agreements as regards standards of behaviour, and the University too had codes of conduct for students, and the Police and Council had powers to act in cases of anti-social behaviour as necessary. He added that while the concerns were noted as regards the possibility of anti-social behaviour, it would need to be demonstrated to be taking place, not just as a possibility.

G Swarbrick concluded by noting that there was sufficient parking provided, the property was in a sustainable location, and that the NPPF stated that overturning Officer's professional recommendation should be 'rare and exceptional', therefore Members should approve the application.

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

Councillor A Surtees noted that objectors within their submissions had stated there was a covenant on the property and requested details of how such covenants work. The Lawyer (Planning and Highways) noted that while there may be a covenant in place, such were a separate issue to planning permission and would be private law matter, outside of the planning process. However, in terms of how they would usually work, the burden would attach to one property, the benefit to another and it would therefore be up to the property with the benefit, to enforce any breach.



Councillor L Brown noted the Agent had referred to Policy 16, and that the application was compliant. She reiterated the point made by the Parish Council, that other policies existed within the CDP, most notably Policies 29 and 31. She added that while on site she had noted that 7 Monks Crescent had been sold it being in between 5 and 9 Monks Crescent, those properties already having HMO consent. She noted that the likelihood was an HMO application for that property may follow in due course. She asked as regards cycle storage if the garage was to be converted to a bedroom. The Principal Planning Officer noted that the expectation was for cycle storage in the garage in perpetuity, to be secured by condition, with no change to that unless a further application in that regard was submitted and approved.

Councillor L Brown noted that construction seemed complete from the site visit, and asked if floorplans could be checked in terms of conversion back to a family home. She reiterated that Policies 29 and 31 should be given more prominence.

Councillor J Elmer noted he felt that consistency with previous decisions was important, and recently the Committee had refused some HMO applications where Members had felt the application was contrary to Policy 31 in terms of impact upon residential amenity. He noted he felt this type of application would impact on residential amenity, in terms of noise and untidy properties, wherever there were family properties. He noted that another factor was the transient nature of students, not integrating into communities. Councillor J Elmer noted the comments from the Parish Council in terms of there was no need for further HMOs, however, there was a demonstrable need for more family homes. He added he disagreed with Officers in respect of need not being required to be taken into account, adding that surely it was for the Planning Committee to consider what was needed in terms of balance within a community. He noted he felt Policy 31 provided sufficient weight in order to refuse the application.

Councillor P Jopling noted that there would be impact in terms of continually approving HMO applications. She added that developers would continue to buy and convert properties to HMOs, to the detriment of those looking for a family home. She noted that HMOs were known to be generally not kept to a high standard and she felt parking would become an issue over time. She noted she was not minded to support the application.

Councillor D Oliver noted the sense of déjà vu in respect of another HMO application before Committee. He added that, to be consistent with other decisions, there were not sufficient reasons for refusal.

In respect of previous decisions by the Committee to refuse HMO applications, Councillor D Oliver asked if there had been any determinations or information from the Planning Inspectorate that may be relevant. The Chair noted he had visited Grey College recently and they had a number of unoccupied rooms available.

The Principal Planning Officer noted that six applications were at the appeal stage with the Planning Inspectorate. He noted the appeal closest to resolution was that relating to The Larches, however, that referred to a large HMO development, different in scale to the application before Committee.

He noted that while Members may have some concerns in respect of Policy 16, and the 10 percent threshold and how it was applied in situations, such as cul-de-sacs and the impact upon balanced communities, there were other policies within the CDP and Members could refer to other policies, noting Policies 6, 29 and 31 had been referred to within comments.

Councillor E Peeke noted that she would second Councillor J Elmer if he was proposing refusal of the application.

Councillor D Oliver noted he was not confident in a refusal, and asked if deferment to await appeal decisions was an option. He noted that the evidence in terms of impact were clear and set out in a policy that seemed sensible in aiming to reduce overall impact. He noted he would be minded to go with the Officer's recommendation.

The Lawyer (Planning and Highways) noted the refusal motion and asked if Members could drill down to explain what exactly they felt was contrary to Policies 29 and 31 in this case, and what evidence base was being referred to in terms of sustainability of such refusal reasons. Councillor J Elmer noted Policy 31 referred to residential amenity, and this would be impacted upon in terms of noise and anti-social behaviour and that the untidy nature of student properties, would negatively impact upon the cohesion of the local community. He noted the evidence was that of Local Members and Committee Members over the last 10 years looking at such HMO applications within the city and surrounding suburbs.

The Principal Planning Officer asked for some specific reasons, noting those provided could be said of any HMO development, not just the application being considered. Councillor J Elmer noted that it was based upon the Committee's experience of these specific types of HMO applications. Councillor P Jopling noted that if you looked at Durham City, where former social housing had been converted, there was clear evidence of overloading of students. The Lawyer (Planning and Highways) noted that he felt any refusal on such grounds would struggle to be substantiated at appeal. Councillor J Elmer noted he felt that it should be tested at appeal.

The Lawyer (Planning and Highways) reiterated his concerns and added that there was the potential for costs to be awarded against the Authority in respect of such testing.

The Chair noted that many streets within his Electoral Division were considerably over the 10 percent threshold and while not directly comparable to areas in the suburbs, there were a number of recent decisions for refusal by the Committee. Councillor L Brown noted she agreed with the Chair and Councillor P Jopling and added that if we were able to take a Planning Inspector to such areas, they would find it beneficial.

Councillor D Oliver asked again whether deferral was a useful option, given he felt refusal was a concern at any appeal stage. The Principal Planning Officer noted one of the previously referred to appeals was for non-determination, and therefore it would be likely a similar situation should the application be deferred. He recited the Committee's previous refusal reason, as referred to by Members, adding that reference to Policy 6 could be removed if Members did not feel it was relevant in this case. Councillor J Elmer agreed and noted his motion for refusal as per his previous statement and using the refusal reason recited by the Principal Planning Officer. It was noted he had been seconded by Councillor E Peeke and upon a vote being taken, it was:

## **RESOLVED**

That the application be **REFUSED** as the change of use of the property to a house in multiple occupation (Use Class C4) within this locale would unbalance the community and have a detrimental impact upon community cohesion and adversely affect the amenity of residents within the local area from increased noise and disturbance. Therefore, the proposal is contrary to Policies 29 and 31 of the County Durham Plan.

This page is intentionally left blank

## Planning Services

# COMMITTEE REPORT

---

### APPLICATION DETAILS

---

<b>APPLICATION No:</b>	DM/23/03610/OUT
<b>FULL APPLICATION DESCRIPTION:</b>	Outline consent for residential development of up to 9 no. dwellings (all matters reserved) (resubmission)
<b>NAME OF APPLICANT:</b>	Mr Richard Anderson
<b>ADDRESS:</b>	Rodridge Farm, Rodridge Lane, Wingate, TS28 5HG
<b>ELECTORAL DIVISION:</b>	Blackhalls
<b>CASE OFFICER:</b>	Lisa Morina Senior Planning Officer Telephone: 03000 264877 <a href="mailto:Lisa.morina@durham.gov.uk">Lisa.morina@durham.gov.uk</a>

---

### DESCRIPTION OF THE SITE AND PROPOSALS

---

#### The Site

1. The application site is located outside of any settlement and is situated approximately mid-way between Station Town and Hutton Henry. The site is currently open however it previously contained a large warehouse building that housed an internet company but this appears to have been demolished sometime after 2018, according to Google Earth imagery.
2. Residential properties are located to the north of the application site, consisting of converted barns. Open fields are located to the east, south and west of the site.

#### Proposal:

3. Outline consent is sought for the erection of 9 dwellings with all matters reserved. An indicative layout plan has been submitted which shows a cul-de-sac layout arrangement with access off the road, named in the Council's gazetteer as Road from Station Town to Hutton Henry. The applicant however references this road as Rodridge Lane.
4. A similar development was approved in 2018 under planning reference DM/17/02687/OUT however this was not progressed for various reasons and has now expired as the reserved matters application was not submitted within the required timescale.
5. A change in policy has occurred since this time with the introduction of the County Durham Plan and as such a further application was then submitted in 2022 to renew the above consent however this was refused under the policies contained within the County Durham Plan which has now been adopted. This refusal was not appealed.

6. The reasons for refusal were as follows:
  1. The application site lies within the open countryside in a position that is outside of, and not well related to, the settlement of Station Town and Hutton Henry and is not considered to accord with any of the exceptions listed as acceptable through Policy 10 of the County Durham Plan, nor deemed permissible by other specific policies in the Plan, in particular Policy 6. The principle of the development in this location is therefore considered unacceptable.
  2. Due to the site being poorly related to the main built up area of Station Town, the proposal for residential properties in this location would be deemed unsustainable with future residents being reliant on unsustainable modes of transport to meet their essential everyday needs contrary to Policy 10p) of the County Durham Plan and Part 9 of the NPPF.
  3. The proposal is considered to be harmful to the intrinsic character of this countryside area by reason of its location, contrary to Policies 10 and 39 of the County Durham Plan and Parts 12 and 15 of the NPPF.
7. The application is presented to committee by Councillor Rob Crute as there has been a change in planning policy since the 2018 permission with the introduction of the County Durham Plan.

---

## **PLANNING HISTORY**

---

8. DM/17/02687/OUT Demolition of existing buildings and erection of 9 dwellings (outline) Approved subject to S106 27th February 2019
9. DM/22/01523/OUT - Outline consent for residential development of up to 9 no. dwellings (all matters reserved). Refused 21.06.2023.

---

## **PLANNING POLICY**

---

### **NATIONAL POLICY**

10. A revised National Planning Policy Framework (NPPF) was published in July 2023. The overriding message continues to be that new development that is sustainable should go ahead without delay. It defines the role of planning in achieving sustainable development under three overarching objectives – economic, social and environmental, which are interdependent and need to be pursued in mutually supportive ways.
11. *NPPF Part 2 Achieving Sustainable Development* - The purpose of the planning system is to contribute to the achievement of sustainable development and therefore at the heart of the NPPF is a presumption in favour of sustainable development. It defines the role of planning in achieving sustainable development under three overarching objectives - economic, social and environmental, which are interdependent and need to be pursued in mutually supportive ways. The application of the presumption in favour of sustainable development for plan-making and decision-taking is outlined.
12. *NPPF Part 4 Decision-making* - Local planning authorities should approach decisions on proposed development in a positive and creative way. They should use the full range of planning tools available, including brownfield registers and permission in

principle, and work proactively with applicants to secure developments that will improve the economic, social and environmental conditions of the area. Decision-makers at every level should seek to approve applications for sustainable development where possible.

13. *NPPF Part 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.
14. *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.
15. *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.
16. *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.
17. *NPPF Part 12 Achieving Well-Designed Places* - The Government attaches great importance to the design of the built environment, with good design a key aspect of sustainable development, indivisible from good planning.
18. *NPPF Part 14 Meeting the Challenge of Climate Change, Flooding and Coastal Change* - The planning system should support the transition to a low carbon future in a changing climate, taking full account of flood risk and coastal change. It should help to: shape places in ways that contribute to radical reductions in greenhouse gas emissions, minimise vulnerability and improve resilience; encourage the reuse of existing resources, including the conversion of existing buildings; and support renewable and low carbon energy and associated infrastructure.
19. *NPPF Part 15 Conserving and Enhancing the Natural Environment* - 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.

## **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.

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

## **LOCAL PLAN POLICY:**

### County Durham Plan

21. 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.
22. Policy 10 (Development in the Countryside) states that development will not be permitted unless allowed for by specific policies in the Plan or Neighbourhood Plan or unless it relates to exceptions for development necessary to support economic development, infrastructure development or development of existing buildings. The policy further sets out 9 General Design Principles for all development in the Countryside.

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

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

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

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) 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.
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 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.

28. Policy 29 Sustainable Design details general design principles for all development stating that new development should contribute positively to an areas' character, identity, heritage significance, townscape and landscape features, helping to create and reinforce locally distinctive and sustainable communities.
29. 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.
30. 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.
31. 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.

32. 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.
33. 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.
34. 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.
35. 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.
36. Policy 42 (Internationally Designated Sites) states that development that has the potential to have an effect on internationally designated sites, either individually or in combination with other plans or projects, will need to be screened in the first instance to determine whether significant effects on the site are likely and, if so, will be subject to an Appropriate Assessment.

Development will be refused where it cannot be ascertained, following Appropriate Assessment, that there would be no adverse effects on the integrity of the site, unless the proposal is able to pass the further statutory tests of 'no alternatives' and 'imperative reasons of overriding public interest' as set out in Regulation 64 of the Conservation of Habitats and Species Regulations 2017.

Where development proposals would be likely to lead to an increase in recreational pressure upon internationally designated sites, a Habitats Regulations screening assessment and, where necessary, a full Appropriate Assessment will need to be undertaken to demonstrate that a proposal will not adversely affect the integrity of the site. In determining whether a plan or project will have an adverse effect on the integrity of a site, the implementation of identified strategic measures to counteract effects, can be considered. Land identified and/or managed as part of any mitigation or compensation measures should be maintained in perpetuity.

37. 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.
38. Residential Amenity Standards SPD – Provides guidance on the space/amenity standards that would normally be expected where new dwellings are proposed.
39. Parking and Accessibility SPD – provides guidance on road widths and parking standards for new developments.

#### Neighbourhood Plan

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

*The above represents a summary of those policies considered most relevant in the Development Plan the full text, criteria, and justifications of each may be accessed at <http://www.cartoplus.co.uk/durham/text/00cont.htm>*

---

## **CONSULTATION AND PUBLICITY RESPONSES**

---

### **STATUTORY RESPONSES:**

41. Highways – Concern raised regarding the access

### **INTERNAL CONSULTEE RESPONSES:**

42. Environmental Health (Contamination) – Pre-commencement conditions required
43. Environmental Health (Noise) - No objection
44. Spatial Policy - Considers proposal contrary to policy 10.
45. Arborist – Further information required.
46. Landscape Section - Concerns raised in respect of impact on landscape.
47. Ecology Section - Payments required in respect of HRA buffer and also a payment towards BNG.
48. Affordable Housing Team – Payment required as the proposal is within the rural area

### **PUBLIC RESPONSES:**

49. The application has been advertised by means of site notice and by notifying neighbouring residents by letter. To date, 8 letters of support have been received with the following:

- The proposal will result in good quality housing in the area which would compliment the area and is needed
- The re-development of a brownfield site is better than a greenfield site
- Site has already been prepared
- Mr Anderson has been unfairly treated

50. A further letter of representation has been received which while supporting the proposal does express some concern regarding light and privacy to their property being a neighbour.

**APPLICANT'S STATEMENT:**

51. The application site is brownfield land extending south from the rear of properties at Rodridge Farm. The site previously contained a large 30,000 sq ft. warehouse building that filled the entire site which supported the applicants' intensive retail business. This was demolished on the basis of the 2019 planning approval for the same development as proposed now (DM/17/02687/OUT) for up to 9 dwellings.

52. Notwithstanding this due to covid the applicant failed to submit the reserved matters application in time to secure the reserved matters of the approved development, as such the planning approval lapsed.

53. The applicant then reapplied for the same development in 2023 which was refused on the basis that the location is not well related to Station Town, the site in an unsustainable location and the development would harm the character of the area.

54. To address these points a Planning Barristers opinion was sought which confirmed that the site is sustainable and well related to Station Town. The site has not moved since the previous approval for the same development. Indeed, the Council's delegated report from the planning team confirmed that **"the proposed housing development could be viewed in the context of the existing built up area in this location"** and that **"the site is within walking distance to nearby bus stops, which provide good access to the nearby settlements of Hutton Henry and Station Town"**.

55. Whilst it is agreed a residential development would affect the character of the area, this is much less of an effect than the huge warehouse building and associated HGV traffic and residential in this location is no different to Hart Bushes which is a matter of 100m away from the application site or the surrounding properties in the immediate area.

56. Developing on a brownfield site is always preferably to a greenfield site. It is also important to note that the previous approval was not granted on the basis of a lack of a 5 year housing supply, this was verified in the Council's delegated report confirming in excess of 6 years and yet on the basis of planning policies similar to the County Durham Plan approval for the development was recommended and granted.

57. Essentially the only difference between this scheme and the 2019 development approved which has now lapsed is that the large commercial warehouse has been removed. To penalize the applicant for progressing the site and tidying the area in anticipation of development is unreasonable.

58. The applicant is advancing a previously developed site for redevelopment at a time when there has been pressure for the Council to deallocate Green Belt land to allow for housing development to come forward. The brownfield first approach is relevant

in this proposal, and would see an underutilized former commercial warehouse site redeveloped into much needed quality housing. It is requested that the Planning Committee support the applicant and approve the development.

*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**

---

59. As identified in Section 38(6) of the Planning and Compulsory Purchase Act 2004 the key consideration in the determination of a planning application is the development plan. Applications should be determined in accordance with the development plan unless material considerations indicate otherwise.
60. The NPPF is a material planning consideration in this regard. The County Durham Plan (CDP) is the statutory development plan and the starting point for determining applications as set out at Paragraph 12 of the NPPF. The NPPF advises at Paragraph 219 that the weight to be afforded to existing Local Plans depends upon the degree of consistency with the NPPF.
61. The County Durham Plan is now adopted and is considered to represent the up-to-date Local Plan for the area. Consequently, consideration of the development should be led by the plan if the decision is to be defensible.
62. In this context, it is considered that the main planning issues in this instance are as detailed below:

### Principle of the Development

63. The site is considered to be physically detached from both Station Town and Hutton Henry and as such is located within the open countryside for planning purposes, removed from the main built-up areas of either settlement. It is not allocated for housing within Policy 4 of the County Durham Plan (CDP). Therefore, the development should be assessed against Policy 10 (Development in the Countryside) of the County Durham Plan (CDP).
64. Policy 10 of the CDP relates to development within the countryside and states that this will not be permitted unless allowed for by specific policies in the Plan (as identified in footnote 56), relevant policies within an adopted neighbourhood plan relating to the application site or where the proposal relates to one or more of a list of exceptions within the policy itself.
65. There is no adopted neighbourhood plan relevant to the area and the proposal is not considered to meet any of the economic development or infrastructure exceptions listed in policy 10. In respect of the specific policies detailed in footnote 56 this includes housing allocations; employment land allocations; development on unallocated sites; visitor attractions and accommodation; equestrian development; rural exceptions; travellers; green infrastructure; rural workers dwellings; low carbon and renewables, all applicable policies relating to minerals and waste development; and transport routes (roads, cycle-ways and rail), and none of which apply (other than development on unallocated sites) in this instance.
66. Policy 6 is one of the exceptions in policy 10 listed above as it relates to development on unallocated sites. This policy states that the development of sites

which are not allocated in the Plan or in a Neighbourhood Plan can be supported 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 subject to a number of criteria. When assessing whether a site is well-related supporting text notes that the physical, spatial and visual relationship of the site to the existing built-up area of the settlement will be a key consideration.

67. The site is not allocated in the CDP, and there is no NP for the area. Nor is the site within the built up area, therefore it falls to be considered against paragraph ii) of Policy 6. In consideration of the current proposal, it is clear that the site is physically and visually separate from the built up areas associated with Station Town and Hutton Henry which are the two closest settlements to this site. Distances to the main built up areas of these settlements are approximately 580m and 650m respectively, with access to these along narrow, unlit footways which are considered undesirable access routes. Whilst the applicant considers the proposal to be contained within the settlement, due to the location of the village sign some 34 metres to the east of the site entrance, it should be noted that this does not determine or define the boundary of a settlement in planning terms, and wider considerations need to be given to the form and layout of the built up area.
68. From assessing the pattern of development at Station Town, it is clear that the main area of the settlement largely ends at Ellerbourne Terrace, that provides a clear urban character at this point, due to the density of development here. Emanating from this in an eastward direction, there is a run of individual properties that have sporadically been built just beyond the settlement edge of Station Town, each with varying planning history associated with them. These properties read as ribbon development and are largely contained to the north of the main road connecting Station Town to Hutton Henry with the southern side of the road clearly reading as open countryside. An exception to this relates to the Hartbrushes development, formerly a Council depot site that was granted permission for housing development in 1999, under the now elapsed Easington District Local Plan. Beyond this to the east are four properties, including Hurworth Cottage, associated with the adjacent equestrian site, and Rodridge Farm.
69. These properties read as individual, semi-isolated homes within the countryside and very much appear separate and disconnected from the main built up area of the settlement of Station Town. As such there are significant concerns with regards the further development of this site for up to nine new dwellings, given its distance and visual separation from the main settlement. On this basis, it is not considered that the development is well related to a settlement, in accordance with paragraph ii) of policy 6, given the poor relationship it has in visual and spatial terms to the main settlement of Station Town.
70. Further to this point and in respect of locational sustainability, various appeal decisions have been provided by the applicant to demonstrate other decisions that have assessed the sustainability of sites and accessibility to services. In assessing the various appeals submitted, it is noted that a sizeable proportion relate to appeal decisions that were issued prior to the adoption of the County Durham Plan.
71. In relation to the more recent appeal decisions included in support of the application, it is considered that they do not directly relate to the current scheme, being located in different parts of the County with differing circumstances in terms of proximity to services and size of nearby settlements. In any case, each application must be assessed on its own merits.

72. In relation to the locational sustainability of the current site, it is noted that a bus stop is located in close proximity to the site however, this has a very limited service with the 58 running westbound towards Durham only from Hartlepool. Buses run once an hour Monday to Saturday with the last bus at this stop being just after 9pm on an evening. No return journey to Hartlepool is available along this route. In addition the only available service running east bound is a round trip to Peterlee which again runs sporadically with one an hour Monday to Saturday with the last service being around 19.40. No journeys operate on a Sunday. Given this, it is clear that limited public transport access to larger towns can be provided and future residents would be highly reliant on unsustainable modes of transport to meet their essential everyday needs, contrary to policy 10p) of the CDP.
73. In addition, both the settlements of Hutton and Station Town are considered to provide limited services, with Hutton scoring poor in the most recent settlement study. Station Town is considered to be within a cluster with Wingate which is located further north than Station Town itself however, the majority of the services are located within Wingate as opposed to Station Town which results in further travel to appropriate services. The proposal therefore, is not considered to be within a sustainable location and this further highlights the poor physical relationship of the site to the main settlement.
74. Paragraph 83 of the NPPF states that to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. Planning policies should identify opportunities for villages to grow and thrive, especially where this will support local services. Where there are groups of smaller settlements, development in one village may support services in a village nearby. It is not considered however that this will be met in this instance given how poorly related the site would be to nearest services, as set out above.
75. Based on this assessment, the development site is considered to be located in an unsustainable location within the open countryside and is not well related to any existing settlement and as such cannot be considered to accord with policy 6 of CDP. When assessed against policy 10 as stated above, it is not considered to meet any of the exceptions as listed and as such is considered to be contrary to the aims of policy 10 of the CDP and cannot be supported.
76. It is acknowledged that a planning permission was previously granted in 2018 for the same proposal and this constitutes a material consideration that must be taken into account in the determination of this application. It is also of note that the 2018 permission was considered against saved policies of the Easington District Local Plan which represented the Local Plan at the time. It is duly noted that as part of the delegated report for this proposal, the site was deemed to be located outside of the settlement boundary and within the countryside. However, relevant housing policies within this plan were out of date, and it was disputed as to whether the Council could provide an appropriate 5 year housing land supply, and as such, the tilted balance associated with paragraph 11 of the NPPF came into play.
77. In this particular case, the 2018 permission identified a benefit to the removal of the unsightly large industrial warehouse buildings, with a smaller scale residential development. At the time, the replacement development was not considered to be visually harmful, given the existing situation.
78. The circumstances associated with the previous permission have now substantially changed, with the site having been cleared of the warehouse buildings and the policy landscape has also changed with the adoption of a new development plan and the tilted balance in paragraph 11 of the NPPF no longer engaged. As such and also

noting that this planning permission was never implemented and is now time expired, it is considered that this particular material planning consideration can be given very limited weight in the determination of the current application.

79. As part of the applicant's case, reference is made to the Hartbushes development which is located further west of the application site, but is considered to have a similar character to what is proposed in the current scheme, projecting southwards from the main road between Station Town and Hutton Henry as a cluster of some 12 dwellings. This was approved a significant number of years ago and on inspection of the planning file and history of the site, it would appear that there had been various complaints regarding the use of the site as a Council Depot. The proposal itself was considered contrary to policy at that time, in that it would be inappropriate development within the Countryside, however the Committee considered there was adequate justification and material grounds to approve the development, considering that it would improve amenity for nearby residents, by comparison to the previous use. It is noted however, that the Committee confirmed that this would not establish a precedent for other applications within the vicinity.
80. It is also of note that whilst different conclusions were drawn by the case officer in 2019 on how the development would fit with the settlement and its sustainability credentials, these are essentially planning judgments about which opinions can reasonably differ and Officers are not bound to follow previous such judgements.

#### Landscape and Visual Impact including impact on trees

81. NPPF Paragraph 174 advises that planning decisions should recognise the intrinsic character and beauty of the countryside. In line with this, CDP Policy 10 sets out seven general principles for all development in the countryside. Criterion i) requires the siting, scale and design of development in the countryside to avoid harming the intrinsic character, beauty or tranquillity of the countryside which cannot be adequately mitigated or compensated for. Criterion n) does not permit development that would contribute to ribbon development. In addition, CDP Policy 39 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.
82. Policy 40 of the CDP states that proposals for new development will not be permitted that would result in the loss of, or damage to, trees, hedges or woodland of high landscape, amenity or biodiversity value unless the benefits of the scheme clearly outweigh the harm. Proposals for new development will be expected to retain existing trees and hedges or provide suitable replacement planting. The loss or deterioration of ancient woodland will require wholly exceptional reasons and appropriate compensation.
83. Trees on site are not currently protected by a tree preservation order. However, they nevertheless play an important part in the visual amenity of the area. Further information is therefore, required in the form of an Arboricultural Impact Assessment (AIA) as per sections 5.4 of BS5837:2012 Trees in relation to Design, Demolition and Construction. All plans should show individual trees/groups clearly identified in relation to proposed dwellings, paths, roads. All trees should be categorised as per section 4.5 of BS5837 as well as identifying their Root Protection Area (RPA). Any areas of impact on the RPA should be highlighted, with any mitigation clearly described in the appropriate report mentioned above. It is considered that this could form a condition to be provided at reserved matters stage, and would not therefore form the basis of a reason for refusal.



84. The applicant considers that the proposal would fit appropriately with the existing buildings on site. It is not disputed that there are other properties in close proximity to the application site, however, this does not mean that the application site can be considered to be well related to the defined settlement of Station Town.
85. In addition, there is concern that a development of an additional 9 dwellings in this location would conflict with the general design principles highlighted within policy 10, which states that new development in the countryside must not by virtue of their siting, scale and design result in 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. It is considered that the proposed development would conflict with these design principles, through introduction of a dense urban residential character in a location that represents open countryside with limited, sporadic development. The form of development proposed would be at odds with the existing character that predominates in this location and is discussed in more detail below.
86. The application site lies within the countryside and Landscape Officers have provided comments on the proposal. It is acknowledged that there was a previous building on the site which was understood to be in commercial use however, this is no longer in place and therefore, the site is considered as cleared.
87. The site is in part visually filtered by existing vegetation however removal of this vegetation to accommodate housing would increase the visual prominence of development in this location and the dwellings would appear out of keeping within the area with expected views being from buildings associated with the existing farm.
88. Whilst it is acknowledged that an existing building was in place the site is now cleared and it is considered therefore, that the erection of any dwellings on the site would fundamentally alter the open character to the detriment of the visual amenity of the surrounding countryside by introducing a cluster of up to 9 dwellings in close proximity to nearby dwellings which are considered to be spaciouly laid out and form the character of the area in that respect which is mainly linear. The dwellings in question are proposed to extend to the south which would be an encroachment into the Countryside, given the existing building is no longer in place, and would therefore be viewed as being out of keeping with the surrounding rural landscape character.
89. It is not considered that mitigation measures could overcome the identified harm on the landscape. Therefore, the proposal is considered to be contrary to CDP Policy 10 and 39 and Part 15 of the NPPF.

#### Highway and Pedestrian Safety

90. CDP Policy 21 requires that all development ensures that any vehicular traffic generated by new development can be safely accommodated and have regard to Parking and Accessibility Supplementary Planning Document.
91. NPPF Paragraph 104 advises that planning decisions should that safe and suitable access to the site can be achieved for all users. NPPF Paragraph 115 advises that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.
92. Criterion q) of CDP Policy 10 does not permit development in the countryside that would be prejudicial to highway safety. CDP Policy 21 states that all development shall deliver sustainable transport by 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 congestion.

93. The 9 no. residential units must be served by an adoptable highways infrastructure which complies with the DCC Highways Standards for Residential Development. Matters of access however have been reserved for a future application.
94. The highways officer has provided the following comments:
95. The proposed development is located to the south of the classified road C22 and is located just to the west of where a change of speed limit from 40mph to 30mph exists. The 30mph speed limit in this location however lacks credibility due to the rural nature of the road. The resulting vehicle speeds are therefore, higher than the posted speed limit and a relatively recent speed survey indicates the 85th percentile speed to be 41mph.
96. As such, visibility splays to be provided in each direction should be a minimum of 2.4 x 120 metres. These splays must be checked and demonstrated on any submitted plans through reserved matters for the access to be acceptable. The C22 is furnished with a system of street lighting past the proposed site junction up to the change of speed limit to the east. A footway is present on the north side of the C22 and a bus stop located immediately to the east of the existing farm access which would be affected by the proposed site junction.
97. The circa 2 metres verge between the red line application site boundary at the proposed site junction and the carriageway on the C22 is not public highway and as such the red line application site boundary must be extended to include this area.
98. The proposed junction does not comply with adoptable standards. The radii indicated on the Proposed Site Plan drg. no. SK\_775\_103 Rev. A scale off at circa 3.5 metres on the west side and 4 metres on the east side which are not acceptable. The junction must be designed with 10 metres radii. The estate road scales off at circa 5 metres which must be increased to the minimum width of 5.5 metres. The redesign of the new junction will affect the red line boundary. From the submitted plan it does not appear that an acceptable junction can be provided.
99. The Highways Officer goes on to acknowledge that it is an outline consent however and raises concern that an acceptable development from a highways viewpoint could be achieved due to the requirement of the radii required etc. This was put to the agent to see if they wished to submit any further information however they have confirmed this would be dealt with as part of the reserved matters application. In considering whether a highway safety refusal could be considered in this instance, albeit access being reserved for future matters, it was felt that that the applicant would need to demonstrate that the visibility splay can be achieved within land in their ownership or if not in their control (albeit outside of the red line boundary) to ensure that they have a reasonable prospect of having the ability to undertake the necessary works at this outline stage. A land registry document has been provided which shows that land either side of the proposed access is within the ownership of the applicant and as such if the application was considered acceptable a Grampian condition could be added to achieve this.
100. Comments are also provided with regards to the relocation of a bus stop and provision of footpaths which would be subject to an Agreement under Section 278 of the Highways Act and also provides advice regarding the internal layout of the scheme in that the turning heads within the site appear to be of insufficient length.

The stub leading to Plot 3 should be increased circa 2 metres and the hammer head should be increased by 3 metres. They also provide advice on parking spaces and that a Section 38 plan showing the proposed adoptable infrastructure should be submitted with any future reserved matters application.

101. Given the above, it is considered that the applicant has provided enough information to ensure that land within their ownership could be used to provide the access however full details of a safe and adequate access would need to be achieved at any future application. As such it was considered that a refusal reason could not be sustained in this instance on highway grounds.

#### Scale/Design/Layout/Mix of Dwellings/Residential Amenity

102. CDP 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.
103. Paragraph 135 of the NPPF advises that planning decisions should create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.
104. In line with this, CDP Policy 31 states 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 should be integrated effectively with any existing business and community facilities. Proposals which will have an unacceptable impact such as through overlooking, visual intrusion, visual dominance or loss of light, noise or privacy will not be permitted unless satisfactory mitigation measures can be demonstrated.
105. Layout and Scale is a reserved matter however an indicative layout plan has been provided. On the basis of the indicative details there is no reason to doubt that an acceptable scheme for residential development can be achieved within the site.
106. Concern is raised that relevant separation distances and a rear garden length of 9m, as set out by the Council's adopted Residential Amenity Standards SPD, could not be met and as such the number/type of dwelling may need to be re-considered. This has also been raised as a concern by a neighbour due to the close proximity to their property in respect of light and privacy. However this would need to be considered in full at the reserved matters stage, if an outline consent was considered acceptable. Officers are satisfied that an acceptable layout (although potentially on a reduced scale) could be achieved.
107. CDP Policy 15 also aims to meet the needs of older people and people with disabilities. On sites of 5 units or more, 66% of dwellings must be built to Building Regulations Requirement M4 (2) (accessible and adaptable dwellings) standard.
108. 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.

109. CDP Policy 19 states that on all new housing developments the council will seek to secure an appropriate mix of dwelling types and sizes, taking account of existing imbalances in the housing stock, site characteristics, viability, economic and market considerations.
110. No details have been provided given the proposal is in outline form. Officers consider that an acceptable scheme would be achievable and as such this would be considered in detail at the reserved matters stage should an application be considered acceptable.

#### Landscape/Impact on Trees

111. 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.
112. CDP 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 and optimise the potential use of the site.
113. There are a small number of trees and also hedges on the site that could be impacted by the proposed development therefore if the application was to be approved, then further tree information would be required. As the principle is not supported, further information has not been requested at this stage however should the application be considered acceptable then this can be requested at reserved matters stage and should be used to inform design layout options. Again in respect of this, it is officer opinion that a scheme could be achieved albeit potentially on a reduced scale, details of which would be fully assessed as part of a reserved matters submission.

#### Contamination

114. Paragraph 189 of the NPPF advises that planning decisions should ensure a site is suitable for its proposed use taking account of ground conditions and any risks arising from land instability and contamination. In line with this, CDP 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.
115. The application has been assessed by the Land Contamination Officer who has assessed the historical maps and submitted information.

116. Based upon the information given, it is considered that a phase 2 site investigation would need be carried out, which would include a sampling and analysis plan. If the Phase 2 identifies any unacceptable risks, a Phase 3 remediation strategy would be produced and where necessary include gas protection measures and method of verification. It is considered that this could be controlled via condition to ensure compliance with CDP policy 32.

## Drainage

117. CDP 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.
118. Whilst CDP 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.
119. No details regarding the disposal of surface or foul water have been provided with the application. Further details would be required and could be secured via a suitably worded planning condition. Subject to conditions, the proposal, therefore, could be considered acceptable in respect of Policies 35 and 36 of the County Durham Plan.

## Ecology

120. Part 15 of the NPPF seeks to ensure that when determining planning applications, Local Planning Authorities seek to conserve and enhance biodiversity. CDP Policy 41 seeks to resist proposals for new development which would otherwise result in significant harm to biodiversity or geodiversity, which cannot be avoided, or appropriately mitigated, or, as a last resort, compensated for. Proposals for new development will be expected to minimise impacts on biodiversity by retaining and enhancing existing biodiversity assets and features and providing net gains for biodiversity including by establishing coherent ecological networks.
121. The supplied Ecological Impact Assessment dates from 2017 however information is provided in the 2022 Biodiversity Net Gain (BNG) report that updates the earlier report and confirms the site is of low ecological value and no further surveys are therefore required.
122. The BNG report confirms that the habitats present on site have changed since the earlier surveys and now concludes that the development proposal will result in a net loss of 1.22 habitat units and will provide a 0.31 net gain in hedgerow units.
123. No information is provided to detail how the 1.22 units will be compensated for however, this could be controlled by a financial contribution that would need to be secured through a S106 Agreement.

124. The proposed on-site habitat creation to be undertaken as part of the BNG requirement should be detailed in a Biodiversity Management and Monitoring Plan that includes reporting to DCC in years 2,5,10,15, 20, and 30. This could be controlled through a legal agreement if the proposal was considered acceptable.
125. Subject to a financial payment and conditions as stated above the proposal would be considered acceptable in respect of policy 41 of the CDP and part 15 of the NPPF.
126. CDP Policy 42 (Internationally Designated Sites) states development proposals that would potentially have an effect on internationally designates site(s), ( including all development within 0.4 km of the sites, as shown on Map B of the policies map document), either individually or in combination with other plans or projects, will need to be screened in first instance to determine whether significant effects on the site are likely and, if so, will be subject to an Appropriate Assessment.
127. Development will be refused where after an Appropriate Assessment, it cannot be ascertained that there would be no adverse effects on the integrity of the site, unless "no alternatives" and "imperative reasons for overriding public interest" as set out in Regulation 64 of Conservation of Habitats and Species Regulations 2017 apply. In such circumstances where tests are met, appropriate compensation will be required in accordance with Regulation 68.
128. Where development proposals are likely to lead to an increase in recreational pressure upon internationally designated sites, a Habitats regulations screening assessment, and possible full Appropriate assessment will be required to demonstrate that the proposal will not adversely affect the integrity of the site. In making such determination of whether a plan/project will have adverse impact on the integrity, the implementation of identified strategic measures to counteract effects, can be considered during the Appropriate Assessment.
129. The Council's Ecologist notes that the proposed development is within the 6km Durham Coast HRA buffer therefore a financial contribution to the Coastal Access and Monitoring Measures Programme is required to mitigate impacts as a result of new housing development in lieu of onsite mitigation.
130. Durham County Council has carried out screening in compliance with the Habitats Regulations, this work was done in conjunction with Natural England, and after Appropriate Assessment, concluded that there is likely to be a significant effect on the Northumbria Coast SPA and Durham Coast SAC from new housing development within 6km of the coastal European sites due to increased recreational impacts including dog walking and coastal erosion. It was agreed that mitigation for those identified impacts upon the European protected sites will include the provision of alternative green space suitable for off-lead dog walking and/or a financial contribution to the Coastal Access and Monitoring Measures Programme designed to limit the identified impacts.
131. Subject to a payment of £756.61 per dwelling (amounting to £6,809.49) towards Coastal Access and Monitoring Measures Programme Tier 2 being paid which should be secured through a S106 Legal Agreement, it is considered that the proposed development would accord with saved Policy 42 of the County Durham Plan and Part 15 of the NPPF, both of which seek to protect and enhance the natural environment.

## Other Policy Matters

132. CDP Policy 27 states that new residential development should be served by a high speed broadband connection. This will need to be directly accessed from the nearest exchange and threaded through resistant tubing to enable easy access to the cable for future repair, replacement and upgrading. Where it can be demonstrated that this is not appropriate, practical or economically viable, developers will be encouraged to provide appropriate infrastructure to enable future installation.
133. CDP Policy 29 requires a sustainability assessment in relation to criterion c) and d) which requires that new development should seek to minimise the use of resources, including energy, water and materials by minimising waste and encouraging recycling.
134. Further details would be required to demonstrate accordance with these policies and as the application is in outline only with all matters reserved, it would be considered appropriate to secure these via a condition, should the application be approved.
135. The site is located within a designated rural area. Policy 15 of the County Durham Plan states that affordable housing will be sought on sites of 10 or more units and in line with percentages set out within the plan. For developments of below that number, in designated rural areas, schemes of between 6 and 9 units must provide a financial contribution towards the delivery of affordable housing. As the application proposes up to 9 units, a financial contribution would need to be secured if the principle of the development was considered appropriate.

Whether there are other material planning considerations which outweigh the conflict with policy.

136. The application makes reference to legal opinion by a KC to dispute the refusal reasons put forward for the previous application, centred around the existence of a previous consent, the fact that the land constitutes previously developed land and benefits of the previous approved scheme. The opinion highlights that the previous planning permission is in law a material consideration to which weight can be given and highlights the balancing exercise which is required on any assessment of a planning application, namely whether there are any material planning considerations which indicate that the application should be determined otherwise in accordance with the development plan.
137. In reviewing the legal opinion, the Council agrees that planning history at the site does constitute a material planning consideration. However, and as highlighted above, this previous permission can only be afforded very limited weight given the significant changes in both planning policy and physical changes on site since the lapsed permission.
138. In terms of housing numbers, Paragraph 73 of the NPPF maintains the requirement for Local Planning Authorities (LPAs) to identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of five years' worth of housing against their housing requirement set out in adopted strategic policies, or against their local housing need where the strategic policies are more than five years old.
139. It is established under the adoption of the CDP that the Council can demonstrate in excess of 5 years housing land supply (6.3 years). The CDP was adopted in October 2020 and therefore, in accordance with paragraph 74 of the NPPF, a five year supply of deliverable housing sites, with the appropriate buffer can be demonstrated.

140. Accordingly, the benefit by reason of a boost to housing supply is clearly less than in instances where such a healthy land supply position could not be demonstrated and whilst it is a benefit to be weighed up, it is considered to be of low magnitude.
141. The fact the proposal is on previously developed land and the land has also been partially prepared in that the outbuilding has been demolished has also been raised by the applicant and supporters of the proposal and as part of the consideration of the previous 2018 permission, the removal of the previous industrial warehouse which occupied the site was considered as the major benefit of the previous application. However, the context of the current application is on the basis of development of open land, given that the building has been removed.
142. Whilst it is acknowledged that part t) of policy 10 states that where applicable, new developments should maximise the effective use of previously developed (brownfield) land providing it is not of high environmental value, this is not the single determining factor in assessing whether a development is acceptable in principle or not.
143. As already highlighted, the development does not meet the requirements of policy 6 and does not meet any of the exceptions listed under policy 10 and as such is deemed unacceptable in principle. As the warehouse buildings have been removed, the benefit of removal of those buildings has already been achieved and cannot therefore be considered as a benefit of the current proposal. Nevertheless, the re-use of PDL is a benefit of the development to be weighed up.
144. The applicant has also raised concern as to the financial burden to himself and his wife due to the proposal being refused and the fact that he has already demolished the warehouse. In addition, he noted that he was informed that he could demolish the warehouse and build the houses as he was told this by an officer of the Council. Supporters also state that the applicant has been unfairly treated.
145. It has been explained to the applicant that the consent was outline in principle and a further application would have been required and as such this was not submitted. The applicant's personal circumstances are a material planning consideration to be weighed up in the overall balance.
146. The economic benefits, in terms of construction employment and local expenditure are also benefits to be weighed up.
147. In balancing all of the relevant planning considerations, Officers are of the view that the material considerations are not sufficient in weight to outweigh the policy conflict and to indicate that the application should be determined otherwise than in accordance with the development plan.

#### Public Sector Equality Duty

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



---

## **CONCLUSION**

---

150. The application site is located outside of a settlement and is not well related to either Station Town or Hutton Henry and so lies within the countryside. The erection of new dwellings in the countryside does not meet any of the exceptions within CDP policy 10 or the requirements of policy 6 and is accordingly, contrary to both of these policies.
151. Furthermore, the proposal would constitute a development within the open countryside that would be harmful to the intrinsic character of this countryside area contrary to policies 6, 10 and 39 of the County Durham Plan and parts 12 and 15 of the NPPF.
152. The site history, applicant's personal circumstances and the benefits of the scheme in terms of re-use of Previously Development Land, contribution towards housing supply and economic benefits during the construction phase are not considered to be sufficient to outweigh the planning harm arising by reason of conflict with the policies identified above.

---

## **RECOMMENDATION**

---

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

1. The application site lies within the open countryside in a position that is outside of, and not well related to, the settlement of Station Town and Hutton Henry and is not considered to accord with any of the exceptions listed as acceptable through Policy 10 of the County Durham Plan, nor deemed permissible by other specific policies in the Plan, in particular Policy 6. The principle of the development in this location is therefore considered unacceptable.
2. Due to the site being poorly related to the main built up area of Station Town, the proposal for residential properties in this location would be deemed unsustainable with future residents being reliant on unsustainable modes of transport to meet their essential everyday needs contrary to Policy 10p) of the County Durham Plan and Part 9 of the NPPF.
3. The proposal is considered to be harmful to the intrinsic character of this countryside area by reason of its location, contrary to Policies 10 and 39 of the County Durham Plan and Parts 12 and 15 of the NPPF.

---

## **STATEMENT OF PROACTIVE ENGAGEMENT**

---

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

## BACKGROUND PAPERS

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

The National Planning Policy Framework (2021)

Residential Amenity Standards Supplementary Planning Document

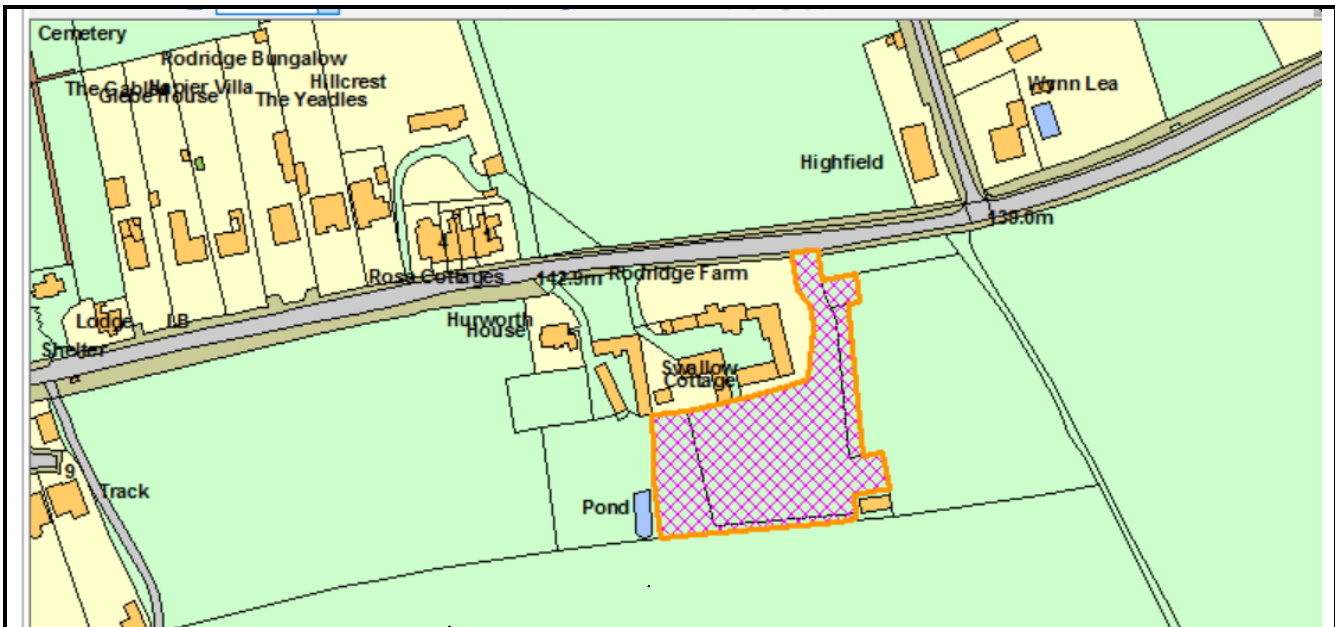
National Planning Practice Guidance Notes

County Durham Plan

Statutory, internal and public consultation responses

The Council Residential Amenity Standards SPD

Parking and Accessibility SPD



<p><b>Planning Services</b></p>	<p>Outline consent for residential development of up to 9 no. dwellings (all matters reserved) (resubmission) at Rodridge Farm, Station Town, Wingate, TS28 5HG</p> <p>Application Reference: DM/23/03610/OUT</p>	
<p>This map is based upon Ordnance Survey material with the permission of Ordnance Survey on behalf of Her Majesty's Stationary Office © Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceeding. Durham County Council Licence No. 100022202 2005</p>	<p><b>Date:</b> February 2024</p>	<p><b>Scale</b> NTS</p>

# COMMITTEE REPORT

---

## APPLICATION DETAILS

---

<b>APPLICATION NO:</b>	DM/23/03850/TEL
<b>FULL APPLICATION DESCRIPTION:</b>	Installation of mast and associated apparatus
<b>NAME OF APPLICANT:</b>	EE Limited
<b>ADDRESS:</b>	Land West Of 8A Church Close Peterlee SR8 5QT
<b>ELECTORAL DIVISION:</b>	Peterlee East
<b>CASE OFFICER:</b>	David Richards Planning Officer 03000 261955 <a href="mailto:david.richards@durham.gov.uk">david.richards@durham.gov.uk</a>

---

## DESCRIPTION OF THE SITE AND PROPOSALS

---

### The Site

1. The application site relates to a grassed area off O'Neill Drive in a predominantly residential area to the south of Peterlee Town Centre. Quinn Close is situated to the west, Church Close to the east and The Sunshine Day Nursery is approximately 20 metres to the north. An area of woodland is situated to the east and southeast which forms part of an Area of Higher Landscape Value.

### The Proposal

2. Prior notification is given to the Local Planning Authority of the applicant's intention to install a 20-metre-high Phase 7 streetworks monopole, together with 3 cabinets and other associated infrastructure. The colour of the mast and ground-based equipment would be fir green RAL 6009. The supporting information states that the proposed installation is required to replace an existing installation at Ridgemount House due to redevelopment of this building to maintain and subsequently improve coverage in the area.
3. Notwithstanding the above, under provisions of the prior approval process detailed through Part 16 of the GDPO, the Local Planning Authority (LPA) are only able to determine whether the prior approval of the LPA will be required as to the siting and appearance of the development, not the principle of development itself, as this is established by The Town and Country Planning (General Permitted Development) (England) Order 2015. The current application before the committee therefore relates

solely to considering whether prior approval is required in relation to the siting and appearance of the proposal and if so, whether such prior approval should be granted or refused. In determining the application, the LPA must consider any representations made to them as a result of consultations and those notices undertaken.

4. The application is reported to Planning Committee at the request of Councillor Diane Howarth who considers that due to the scale, appearance and impact on the character and appearance of the area the application should be considered by the committee.

---

## **PLANNING HISTORY**

---

5. No relevant history

---

## **PLANNING POLICY**

---

### **NATIONAL POLICY**

#### National Planning Policy Framework

6. The following elements of the National Planning Policy Framework (NPPF) are considered relevant to this proposal:
7. NPPF Part 10 Supporting High Quality Communications - The development of high speed broadband technology and other communications networks also plays a vital role in enhancing the provision of local community facilities and services. Local planning authorities should support the expansion of electronic communications networks, including telecommunications and high speed broadband.
8. NPPF Part 12 - Achieving Well-Designed Places. The Government attaches great importance to the design of the built environment, with good design a key aspect of sustainable development, indivisible from good planning.

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

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

9. The Government has consolidated several planning practice guidance notes, circulars and other guidance documents into a single Planning Practice Guidance Suite. This document provides planning guidance on a wide range of matters. Of particular relevance to this application is the practice guidance with regards to; historic environment; design process and tools; determining a planning application; healthy and safe communities; neighbourhood planning; noise; and use of planning conditions.

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

### **LOCAL PLAN POLICY:**

#### The County Durham Plan

10. The following policies of the County Durham Plan (CDP) are considered relevant to this proposal:

11. Policy 27 Proposals will be permitted for new or extensions to existing energy generation, utility transmission facilities, telecommunication masts or other broadcast and broadband equipment which facilitate the electronic transfer of data where:
  - a. it can be demonstrated that the scheme will not cause significant adverse impacts or that its benefits outweigh any adverse negative effects;
  - b. it is located at an existing mast or transmission site, where it is technically and operationally feasible and does not result in visual clutter. Where a new site is required applicants must demonstrate to the council's satisfaction that the use of existing sites in the area have been fully explored and are not feasible. Equipment must be sympathetically designed and camouflaged and not result in visual clutter; and
  - c. where applicable, it does not cause significant or irreparable interference with other electrical equipment, air traffic services or other instrumentation operated in the national interest.
12. 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
13. 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.

---

## **CONSULTATION AND PUBLICITY RESPONSES**

---

14. Peterlee Town Council – The Town Council offer their objection to this application on the grounds of it being an inappropriate location and recommending that an alternative non-residential site be identified.
15. Cllr Louise Fenwick - I strongly object to the proposed communications mast and associated apparatus at O'Neill Drive.

It will undoubtedly change the landscape and aesthetics of this green and pleasant area and it will dominate the skyline, basically it will stick out like a sore thumb and will have a detrimental effect on the whole housing estate being the first thing to greet you as you enter.

I agree with other objectors regarding the ample alternative locations for the mast on any of the commercial land that surrounds us, the police station, the Magistrates Court and the large plot of land at the leisure centre on St Cuthberts Way. The cheapest, easiest option is not always the best for everyone.

I was part of the community improvement group, Community Spirit that a few years back, along with many neighbours, took part in raising funds to purchase spring bulbs to plant to enhance our environment. Some of the planting took place in the exact spot that the mast is proposed to be. Every year about this time we all look for the first signs of the bulbs sprouting up and every year we all proudly admire our hard work and toil as the bulbs open up into beautiful crocus flowers. The positioning of the mast will completely ruin the whole ethos of our original idea of improving our environment.

I cannot accept that this is the best position for a 20m high mast! Please take time to consider how this will impact on residents.

### **Internal Consultee Responses:**

16. DCC Highway Authority - This application raises no concerns over road safety.
17. DCC Landscape Section - The proposal will be built close to the carriageway. The Sunshine Day Nursey, a single storey building, and its car park are located to the north of the site. The immediate surrounds are otherwise generally residential in nature with the housing estate opposite characterised principally by two storey semi-detached properties. The wide grass verge and trees associated with Castle Eden Dene (Area of High Landscape Value) to the east of O'Neill Drive contribute positively to a verdant character and visual amenity of road.

The development will be visible within the street scene and will be seen from multiple receptors, although due to the screening effects of the trees it will not be seen from within the AHLV.

The proposed development would be of functional appearance, typical of telecommunications equipment seen in urban environments and whilst in views along O'Neill Drive, in both directions, the proposal would be seen in the context of and viewed alongside the streetlighting columns and other items of street furniture, due to its height (20m) being considerably higher than these existing vertical features and its siting within the verge, the proposed mast and associated apparatus would be a prominent feature in the street scene and would be somewhat at odds with the prevailing residential and verdant character of O'Neill Drive.

The proposal would however be read partly against the backdrop of the adjacent trees (approx.. 15m in height), and together with its proposed colour of Fir Green (RAL6009) would assist in its assimilation of the mast into the street scene.

18. Whether these mitigating factors outweigh the effects of the development and the extent to which they would be in conflict with Policies dealing with these matters, I defer to the judgement of the case officer.
19. DCC Trees Officer - I have viewed the application details to consider potential impacts on trees. It does not appear the scheme will have any direct impact and I therefore make no objection, however I would recommend the adjacent tree belt is protected by installing a protective fence, e.g. herras type along the woodland edge to exclude all associated activities directly adjacent to the trees, e.g. prevent dumping of waste/spoil etc, maintain a buffer to keep all works away from the trees and vegetation, e.g. position herras fence 1m from woodland edge adjacent to all proposed construction/access areas.
20. DCC Ecology Section – No objection.

## **PUBLIC RESPONSES:**

21. The application has been advertised by way of a site notice and individual notification letters to neighbouring residents.
22. To date, 32 letters of objection have been received (including a letter from Grahame Morris MP). The letters of objection raise the following concerns:
  - Not suitable for a residential area or close to nursery
  - The monopole is unsightly out of character with the area
  - Impact on property value
  - More appropriate sites available including on existing buildings in the town centre
  - Noise from the mast
  - Impact on health
  - Recent mast erected adjacent to the William Brown Centre, so why is another one needed
  - New mast and ancillary equipment could be vandalised
  - Impact from construction vehicles during installation
  - Overshadowing of nearby properties

*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/simpleSearchResults.do?action=firstPage>*

## **APPLICANT'S STATEMENT:**

23. None received. Applicant notes within cover letter with application that there is an existing site located at the Ridgemount House, off Bedeway, Peterlee, that provides sufficient network coverage to the area. However, following landowner redevelopment plans to redevelop the vacant office block that currently hosts the infrastructure, there is an urgent requirement to decommission and remove the existing installation. Therefore, a new location for a replacement installation in order to maintain and improve coverage to this area is required. Further details contained within 'Design, Access and Supporting Statement' received 22 December 2024 in support of the application.

---

## **PLANNING CONSIDERATIONS AND ASSESSMENT**

---

24. Under the prior approval route as provided under Part 16 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended, the Local Planning Authority (LPA) are only able to determine whether the prior approval of the LPA will be required as to the siting and appearance of the development, not the principle of development itself, as this is established within The Town and Country Planning (General Permitted Development) (England) Order 2015.
25. In determining the application, the LPA must take into account any representations made to them as a result of consultations and notices undertaken.
26. Part 10 of the NPPF supports high quality communications. Paragraph 118 advises that advanced, high quality and reliable communications infrastructure is essential for economic growth and social well-being. Paragraph 119 states that where new sites are required, equipment should be sympathetically designed and camouflaged where appropriate.

27. Paragraph 121 advises that applications for electronic communications development (including applications for prior approval under the General Permitted Development Order) should be supported by the necessary evidence to justify the proposed development. This should include:
  - a) the outcome of consultations with organisations with an interest in the proposed development, in particular with the relevant body where a mast is to be installed near a school or college, or within a statutory safeguarding zone surrounding an aerodrome, technical site or military explosives storage area; and
  - b) for an addition to an existing mast or base station, a statement that self-certifies that the cumulative exposure, when operational, will not exceed International Commission guidelines on non-ionising radiation protection; or
  - c) for a new mast or base station, evidence that the applicant has explored the possibility of erecting antennas on an existing building, mast or other structure and a statement that self-certifies that, when operational, International Commission guidelines will be met.
28. Paragraph 122 goes on to advise that Local Planning Authorities must determine applications on planning grounds only. They should not seek to prevent competition between different operators, question the need for an electronic communications system, or set health safeguards different from the International Commission guidelines for public exposure.
29. Policy 27 of the County Durham Plan (CDP) states that proposals for new telecommunications masts will be permitted where:
  - a. it can be demonstrated that the scheme will not cause significant adverse impacts or that its benefits outweigh any adverse negative effects;
  - b. it is located at an existing mast or transmission site, where it is technically and operationally feasible and does not result in visual clutter. Where a new site is required applicants must demonstrate to the council's satisfaction that the use of existing sites in the area have been fully explored and are not feasible. Equipment must be sympathetically designed and camouflaged and not result in visual clutter; and
  - c. where applicable, it does not cause significant or irreparable interference with other electrical equipment, air traffic services or other instrumentation operated in the national interest.
30. In addition, CDP Policy 29 relates to sustainable design and states that all proposals will be required to create spaces that are adaptable to changing social, technological, economic and environmental conditions and include appropriate and proportionate measures to reduce vulnerability, increase resilience and ensure public safety and security.
31. As outlined above the local planning authority are only able to determine whether prior approval will be required as to the siting and appearance of the development, not the principle of development itself, as this is established within The Town and Country Planning (General Permitted Development) (England) Order 2015.

## Siting and appearance



32. Policy objectives within the NPPF are clear that sites for mast installation should be kept to a minimum consistent with efficient operation of the network and applications should be determined on planning grounds. On this basis, Part 12 of the NPPF requiring good design is applicable, whereby planning decisions should address the integration of new development into the natural and built environment (Paragraph 135). Paragraph 139 states that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.
33. As already discussed, Policy 27(a) of the CDP requires proposals to demonstrate that the scheme will not cause significant adverse impacts or that its benefits outweigh any adverse negative effects. Paragraph 5.272 of the supporting text of CDP Policy 27 advises that, in accordance with the NPPF, all new infrastructure installations should, where possible, minimise the number of masts and new sites required and be sympathetically designed and camouflaged where appropriate. Policy 29 requires development proposals to achieve well designed buildings and places and to create spaces that are adaptable to changing social, technological, economic and environmental conditions.
34. The monopole is proposed to be 20m high and located on a grass verge off O'Neill Drive. Whilst O'Neill Drive is not a main route through Peterlee, the monopole would still be in a prominent location given its proximity to the roundabout to the northwest. The applicant has stated that the proposed site will benefit from the adjacent tree belt that runs along the east side of O'Neill Drive by screening the development and providing a natural vertical context for the site to assimilate. They go on to say that consideration is given to the existing highways infrastructure around Peterlee which provides good visual and utilitarian context against the mast which would be viewed within, and the proposed 'streetworks streetpole' structure will be of a similar appearance to the existing street lighting columns along O'Neill Drive.
35. Whilst it is acknowledged that the tree belt would provide some screening in views of the site from the east, the site would still be highly visible from views approaching from the west and south and short-range views from many residential properties near to the site. The site, whilst close to the town centre, is not within it and so would not be viewed within this 'utilitarian context'. The context is different despite its proximity to the larger commercial buildings to the northeast, being in a typical residential suburb. Indeed, the surrounding buildings comprise of single storey and two storey residential properties, and the single storey Sunshine Day Nursery to the north. The monopole would tower above all these buildings and would also surpass the height of the established tree line. Furthermore, it is not considered that the monopole would be a similar appearance to the existing lighting columns which are 10m in height, given that the monopole would be 20m in height and also the headframe and width of the column would be considerably greater than any of the existing street furniture in the area.
36. Of relevance is a recent appeal decision related to another proposed 20m high mast in St Cuthberts Road which was refused by the LPA and subsequently dismissed at appeal. The inspector concluded that as the pole would be double the height of existing streetlamps and would be significantly taller than surrounding buildings, the monopole would be an incongruous addition in a prominent location harming the character and appearance of the area. Whilst the application site is not considered as prominent as the appeal site, it is still considered prominent, and similarly to the appeal site, the monopole would be significantly higher than surrounding buildings and existing street furniture.
37. Apart from the street light columns and loading restrictions signs, O'Neill Drive is otherwise free from visual clutter. In this setting, the proposed monopole would appear

as an incongruous addition in a prominent location, and painting the structure green would not overcome these concerns.

38. The application site comprises the centre of a grassed highway verge that is located away from tall buildings in a residential suburb. There is currently no telecommunications equipment at the site or in the immediate vicinity. The site has a prominent location within the streetscene, and the 20m high monopole would be at a significantly greater height than the buildings and street furniture in the vicinity. Therefore, the mast is considered to have a significant adverse impact upon the character and appearance of the surrounding area, contrary to CDP Policy 27 and 29 and Part 10 and 12 of the NPPF.

#### Applicant's case and justification

39. In consideration of the points above, particularly relating to consultations with organisations, it is appreciated that the development is not within a statutory safeguarding zone and the applicant confirms within their Site-Specific Supplementary Information Document (SSSI) that Sunshine Day Nursery (approximately 20m away) were notified of the proposal prior to the submission of the application and no response was received.
40. In line with NPPF Paragraph 121, the applicant has provided a certificate of conformity with ICNIRP Public Exposure Guidelines and as such officers do not raise concerns in relation to the development impacting upon the health of residents. It is acknowledged that objections have been received from residents in relation to the potential impacts of the development on public health. However, the NPPF is clear that local planning authorities should not determine health safeguards or set health safeguards different from the International Commission on Non-Ionizing Radiation Protection (ICNIRP) for public exposure. The applicants have confirmed that the proposal would be in full compliance with these guidelines, and this is accepted by the LPA.
41. Paragraph 119 of the NPPF advises that the number of radio and electronic communications masts, and the sites for such installations, should be kept to a minimum consistent with the needs of consumers, the efficient operation of the network and providing reasonable capacity for future expansion. As already noted, Paragraph 121 advises that applications for electronic communications development (including applications for prior approval under the General Permitted Development Order) should be supported by the necessary evidence to justify the proposed development.
42. The application is supported by a SSSI and Design and Access Statement which provides justification for the proposed siting and a list of discounted sites. The Site Specific Supplementary Information states that there is an existing site located at Ridgemount House that has historically provided network coverage to the area, however due to redevelopment plans of the building that hosts the infrastructure there is a requirement to remove the existing installation and find another site to maintain and improve coverage to the area. However, within the same document there is a contradiction as it states that 'there is currently an adequate provision of EE service in this area provided by the existing site. However, two sites are required in order to maintain and subsequently improve vital services to the area.'
43. In terms of providing the 'necessary evidence to justify the proposed development' along with 'evidence that the applicant has explored the possibility of erecting antennas on an existing building, mast or other structure' (NPPF para. 121) it is considered that the supporting information falls far short of this requirement.

44. Policy 27 of the County Durham Plan (CDP) states that proposals for new telecommunications masts will be permitted where: it is located at an existing mast or transmission site, where it is technically and operationally feasible and does not result in visual clutter. Where a new site is required, applicants must demonstrate to the council's satisfaction that the use of existing sites in the area have been fully explored and are not feasible.
45. The Design and Access Statement contains a list of 16 discounted sites with a map showing their locations and a very brief summary why each site was discounted. D13 relates to a site on St Cuthbert's Road which was discounted because the Network Planner confirmed this site would not provide the required coverage to the target area. However, the LPA recently determined an application that prior approval was required and approved for a mast on St Cuthbert's Road (DM/23/01976/PNT) very close to the discounted site and approximately 190 metres from this application site. Therefore, it is not clear why this existing mast cannot be used in line with the NPPF paragraph 121. No information has been provided why it is not technically and operationally feasible to use this mast in line with CDP Policy 27. D15 relates to Peterlee Leisure Centre which was discounted due to 'likely lengthy acquisition timescales involved along with proposed redevelopment plans for the leisure centre'. However, other buildings nearby including Peterlee Job Centre and ASDA supermarket were not explored as options as required by the NPPF.
46. Site D8 (Castle Dene Shopping Centre) was discounted due to the site not providing the required coverage of the target area. However, it is noted that the existing site (Ridgemount House) is situated close to the east, so it is not clear why this would be the case. Other sites discounted include D7 (Yoden Way) and D16 (St Adens Way) which were both dismissed due to greater visual impact on adjacent properties. However, given the proximity of the application site to residential properties, the application site has similar constraints as those discounted sites.
47. The SID states that the option put forward is identified as the optimum location in both planning and technical terms, however as discussed above the justification for the discounting of some sites is far from comprehensive which casts doubt over the site selection process.
48. Given the discrepancies identified with the submitted information and the potential alternatives discussed, the list of discounted sites is far from exhaustive, and the applicant has not satisfactorily demonstrated that there are no preferable locations for the proposal which would give rise to less harm in respect of the effects on the character and appearance of the area. Therefore, the application fails to meet the requirements of CDP Policy 27 b.

#### Other matters

49. Other issues raised by objectors include vandalism, overshadowing of nearby properties, noise from the mast, impact during construction period and property values. Whilst the concerns are noted in respect of vandalism, this issue could happen in any location in Peterlee and would be a criminal matter if it did occur. It would therefore not be considered a reason to justify refusal of the application in this location. The impact of the proposal on property values is not a matter which can be taken into consideration.
50. Disruption during the construction period was also raised by objectors. However, any impact from construction would likely be short term and not significant enough to warrant a refusal of the application. Regarding overshadowing, whilst the monopole

would be larger than existing street furniture, it is not considered that the structure would be large enough to cause any significant impact in this regard.

51. With respect of noise impact, the Framework is clear that local planning authorities should not determine health safeguards or set health safeguards different from the International Commission on Non-Ionizing Radiation Protection (ICNIRP). The applicant has confirmed that the proposal would be in full compliance with these guidelines.

#### Public Sector Equality Duty

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

---

## **CONCLUSION**

---

54. The Local Planning Authority is mindful of the importance and benefits of required improvements to the Services Networks. However, having assessed the details submitted in support of the application, the development is considered to be poorly sited, appearing as a visually incongruous and dominant feature that would be harmful to its surroundings.
55. The proposal is considered to be contrary to Part 10 of the NPPF, which requires, amongst other things that equipment on new sites to be sympathetically designed and camouflaged where appropriate. It would also be contrary to the requirement that the applications for electronic communications development should be supported by the necessary evidence.
56. The proposal is also considered to be contrary to Policy 27 of the County Durham Plan which outlines that telecommunications development will be permitted where it will not cause significant adverse impacts and equipment must be sympathetically designed and camouflaged; and that where a new site is required, applicants must demonstrate to the council's satisfaction that the use of existing sites in the area have been fully explored and are not feasible.
57. Overall, the benefits of the development in terms of improvement to network coverage are not considered to be sufficient to outweigh the harm arising by reason of the identified policy conflicts.
58. On that basis, it is considered that the prior approval of the LPA is required in relation to the above matters, however, for the reasons above, should be refused.

---

## **RECOMMENDATION**

---

That Prior Approval is required for siting and appearance of the development and **REFUSED for the following reasons:**

1. The installation of the mast would appear as an incongruous and dominant addition in the street scene that would adversely affect the character and appearance of the area, contrary to policies 27 & 29 of the County Durham Plan and parts 10 and 12 of the National Planning Policy Framework;
2. Insufficient information has been provided to demonstrate to the Council's satisfaction that the use of existing sites, has been fully explored and are not feasible, contrary to Policy 27(b) of the County Durham Plan.

---

## **STATEMENT OF PROACTIVE ENGAGEMENT**

---

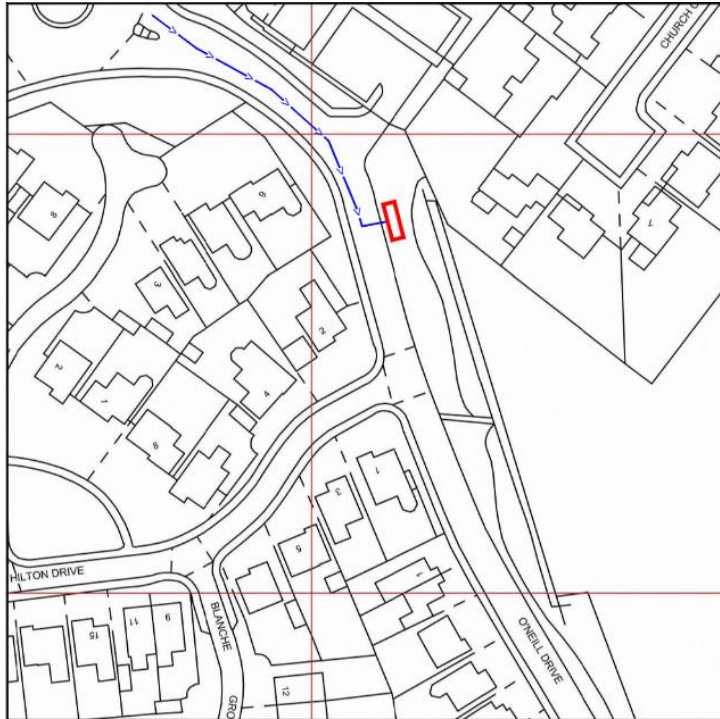
The Local Planning Authority in arriving at its decision to approve the application has, without prejudice to a fair and objective assessment of the proposals, issues raised, and representations received, sought to work with the applicant in a positive and proactive manner with the objective of delivering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

---

## **BACKGROUND PAPERS**

---

- Submitted application form, plans, supporting documents.
- Statutory, internal and public consultation responses
- The National Planning Policy Framework (2021)
- National Planning Practice Guidance Notes
- County Durham Plan (2020)
- Residential Amenity Standards SPD (2020)



Reproduced by permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationary Office  
All rights reserved. © Crown Copyright licence no. 100022432

NGR E: 443018 N: 540381

<p><b>Planning Services</b></p>	<p>Land West Of 8A Church Close Peterlee SR8 5QT</p>	
<p>This map is based upon Ordnance Survey material with the permission of Ordnance Survey on behalf of Her Majesty's Stationary Office © Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceeding. Durham County Council Licence No. 100049055 2023.</p>		
	<p><b>Date</b></p>	<p><b>Scale</b> NTS</p>