



## Area Planning Committee (South and West)

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

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### Business

#### Part A

1. Apologies for Absence
2. Substitute Members
3. Declarations of Interest (if any)
4. The Minutes of the Meeting held on 22 June 2023 (Pages 5 - 12)
5. Applications to be determined
  - a) DM/22/01647/FPA - Land East of Roundabout at Junction of Pease Way and Greenfield Way, Newton Aycliffe (Pages 13 - 54)  
23no. Affordable Dwellings
  - b) DM/23/01204/FPA - Kynren, Flatts Farm, Toronto, Bishop Auckland, DL14 7SF (Pages 55 - 72)  
Erection of six aviaries (3 round and 3 longitudinal)
  - c) DM/23/00910/FPA - Richys Stables, Rowntree Lane, Hamsterley, Bishop Auckland, DL13 3RD (Pages 73 - 92)  
Change of use of land to accommodate 24 No. camping and caravanning pitches including provision of portable toilet/shower facilities, external sinks, drinking water stand pipes and associated parking
  - d) DM/23/00921/VOC - Richys Stables, Rowntree Lane, Hamsterley, Bishop Auckland, DL13 3RD (Pages 93 - 110)

Variation of Condition 2 (occupancy restriction) pursuant to planning permission DM/20/01153/FPA to allow Chalet 1 to be occupied as a manager's dwelling linked to the proposed use of the site for camping/caravanning

- e) DM/23/00298/VOC - Bracken Hill Farm Cottage, Bracken Hill Road, Hunwick, DL15 0RE (Pages 111 - 126)

Removal of Condition 9 on planning permission ref: 3/2011/0038 to allow an approved holiday cottage to be occupied as a permanent dwelling (use class C3)

6. Such other business as, in the opinion of the Chairman of the meeting, is of sufficient urgency to warrant consideration.

**Helen Lynch**

Head of Legal and Democratic Services

County Hall  
Durham  
12 July 2023

To: **The Members of the Area Planning Committee (South and West)**

Councillor J Quinn (Chair)  
Councillor A Savory (Vice-Chair)

Councillors E Adam, V Andrews, J Atkinson, D Boyes, D Brown, J Cairns, N Jones, L Maddison, M McKeon, S Quinn, G Richardson, I Roberts, M Stead, S Zair and L Brown

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**Contact: Amanda Stephenson    Tel: 03000 269703**

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## DURHAM COUNTY COUNCIL

At a Meeting of **Area Planning Committee (South and West)** held in the **Council Chamber, County Hall, Durham** on **Thursday 22 June 2023** at **9.30 am**

**Present:**

**Councillor J Quinn (Chair)**

### **Members of the Committee:**

Councillors A Savory (Vice-Chair), V Andrews, J Atkinson, D Brown, J Cairns, L Fenwick (substitute for E Adam), N Jones, L Maddison, M McKeon, S Quinn, I Roberts, M Stead and D Sutton-Lloyd (substitute for G Richardson)

### **1 Apologies for Absence**

Apologies for absence were received from Councillors E Adam, G Richardson and S Zair.

### **2 Substitute Members**

Councillor L Fenwick substituted for Councillor E Adam and Councillor D Sutton-Lloyd substituted for Councillor G Richardson.

### **3 Declarations of Interest**

There were no Declarations of Interest.

### **4 Minutes**

The minutes of the meeting held 20 April 2023 were agreed as a correct record and signed by the Chair.

## 5 Applications to be determined

### a **DM/22/03737/FPA - Land To The South Of Highfield, Breckon Hill, Butterknowle, DL13 5QA**

The Senior Planning Officer, George Spurgeon gave a detailed presentation on the report relating to the abovementioned planning application, a copy of which had been circulated (for copy see file of minutes). Members noted that the written report was supplemented by a visual presentation which included photographs of the site. The Senior Planning Officer advised that Members of the Committee had visited the site and were familiar with the location and setting. The application was for the erection of 5 dwellings and was recommended for approval, subject to the conditions and legal agreement as set out in the report.

*Councillors S Quinn and M Stead entered the meeting at 9.34am*

The Principal Planning Officer noted that initially the proposals had been for 6 dwellings, reduced to 5 upon obtaining advice from Planning Officers. He noted that the Parish Council had objected in terms of highway safety, however, the Council's Highways Section had considered a traffic survey and noting low speeds and traffic volume, they had no objections to the proposals. Members noted no objections from the Coal Authority subject to surveys being carried out, and the Council's Ecologist had no objections, subject to a contribution to provide offsite biodiversity as it had been deemed not possible to meet biodiversity net gain on site.

*Councillor N Jones entered the meeting at 9.38am*

The Chair thanked the Senior Planning Officer and asked Ray Slater, neighbouring resident, to speak in relation to the application.

R Slater thanked the Chair and Committee and noted he represented the residents of Highfield, Brecon Hill, those immediately affected by the proposed development. He noted that the majority of the concerns of residents had been addressed within the Committee report, however, a few issues remained.

R Slater noted that it was known that there was a high risk in terms of underground mining, both recorded and unrecorded, and provided that the requisite surveys are carried out and any remedial works undertaken then residents would be satisfied.

R Slater explained that the other main concerns remained as for the original application, in terms of the 30mph signs in their current position at the end of West View. He noted that the proposed development would extend the boundary of the village further along Pinfold Lane. He noted that such signage was not under the remit of the Planning Committee, however, if more signs could be provided further west it was felt that would be of great benefit, noting that while only responsible drivers adhered to speed limits it was felt the more that could be done to make an area safer was beneficial. R Slater noted that comments from Highways that there had been no personal injuries or collisions in the area were not felt to be helpful. He asked if there needed to be an accident before something is done to help prevent an accident, adding there should be foresight in terms of preventing accidents. He noted that requests for parking restrictions on Pinfold Lane had been rejected, with it being stated that it was not needed as good drivers would not park in such a manner. R Slater noted again this was not a matter for the Planning Committee, however, emphasised that it was of great concern to residents.

R Slater noted the one metre high fence proposed and residents requests for this to be stone to prevent pedestrians using such as a shortcut. He concluded by noting one metre high would not dissuade many from using as a shortcut and asked if Members would consider the issue of a stone wall.

The Chair thanked R Slater and asked Chris Pipe, Planning Consultant on behalf of the applicant, to speak in support of the application.

C Pipe thanked the Chair and Committee and noted that the Officer's report was thorough and positive in respect of the recommendation for approval. She explained that the proposals were for five detached properties, half the amount of a previously approval for 10 properties. She added that the current proposals were well suited to the location which was sustainable in terms of services offered nearby. She noted the design of the properties was such to be in keeping with the adjacent housing and complied in terms of scale, layout and style including windows, stone walls and slate roofs. C Pipe noted that the designs were sensitive and minimum separation distances were exceeded to help mitigate any potential harm. She noted the generous space provided would help to give an appropriate level of amenity for new residents.

C Pipe acknowledged the issue of highway safety that had been raised and noted that it had been demonstrated that speeds in the area were low and that the visibility from the proposed splay was satisfactory from the perspective of the Highways Section. She added that, in addition to the parking provision, garages and electric vehicle charging, there had been no objections from the Highways Section.

C Pipe noted that in connection with the high coalfield risk, this was dealt with by condition and reiterated that the Highways Section had no objections to the application. She noted the suggestion as regards a stonewall and added that as some parts were being removed to create the access, those being removed could be utilised to plug the gap and make the proposals more attractive. She concluded by requesting that the Committee support the Officer's recommendation for approval.

The Chair thanked C Pipe and asked the Legal Officer (Planning and Highways), Laura Ackermann to comment prior to the Committee debating the application.

The Legal Officer (Planning and Highways) asked if Councillors N Jones, S Quinn and M Stead who had joined the meeting after the Officer had started his presentation, were sufficiently sighted on the application to be able to take part in the decision. All three Members confirmed they were and had all heard the comments from the registered speakers.

The Chair thanked the Legal Officer (Planning and Highways) and asked the Committee for their comments and questions.

Councillor J Atkinson noted he was quite happy with the application and presentation from the Officer and therefore he would be minded to approve the application.

Councillor D Sutton-Lloyd noted he had attended the site visit and added that he had worries in terms of sight lines on Pinfold Lane, with bus traffic and a tight right-hand bend. He added he felt that sight lines would be impinged and asked for any information relating to the parking situation of an evening. The Senior Planning Officer noted that residents had provided photographs as regards parking issues, and Officer had acknowledged that there would be some displaced parking, however, the issues with on-street parking were existing issues and the displaced parking as a result of the application had not been felt to impact upon highway safety itself. Councillor D Sutton-Lloyd noted the 30mph speed limit did not start until right upon the new development. The Senior Planning Officer noted that the recently carried out traffic survey had shown fairly low speeds of the vehicles and noted that moving the speed signs as part of the application was therefore not justified.

Councillor M Stead noted that, as referred to by Councillor D Sutton-Lloyd, it was felt on the site visit that there was a need for the 30mph signs to be where the village sign was placed, at the junction with Loop Lane. He asked for Officers comments on the issue. The Senior Planning Officer noted that ultimately any movement of the 30mph sign was via a separate process and it had not been felt that it was necessary to move the sign to make the application acceptable.



Councillor S Quinn noted that the application was for five dwellings and noted that the issues raised in terms of parking and the 30mph sign fell outside of the scope of the application. She seconded the motion by Councillor J Atkinson for approval.

Councillor D Brown noted that the main issue was the bend and asked if it was possible for access to be taken at the north of the site, as it was noted there was a previous access. The Senior Planning Officer noted that the proposed access was an existing access that served detached bungalows, with the access from Loop Lane being a private access and the applicant had chosen not to use. He reiterated that Officers were satisfied with the proposed access from the south of the site, adding that it may not be possible to bring the north access up to an adoptable standard. The Chair allowed C Pipe to provide some additional context. C Pipe noted that the northern access could not be widened sufficiently to be brought up to an adoptable standard and passed too close to an existing bungalow.

Councillor D Brown asked, if the Committee were minded to approve the application, whether it could be stipulated that works were undertaken over the five weekdays, to minimise impact to residential amenity. The Senior Planning Officer noted that it was not usual to condition as such, adding that Monday through Saturday was felt to be a balance between completing the works in a timely manner and impact upon amenity. He noted Officers felt the conditions as set out within the report was appropriate, however, noted that was a matter that the Committee could decide upon. Councillor J Atkinson noted his proposal was as per the Officer's report.

Councillor M Stead noted the comments from Officers as regards the highways issues adding that residents' comments on the issues raised in terms of parking, traffic and the speed sign should be noted.

Upon a vote being taken, it was:

## **RESOLVED**

That the application be **APPROVED** as per the conditions and Section 106 Legal Agreement set out within the report.

### **b DM/22/01017/FPA - Land to the Southeast of Canney Hill, Coundon Gate, DL14 8QN**

The Senior Planning Officer, Gemma Heron 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 Members of the Committee had visited the site and were familiar with the location and setting. The application was for 14no. Affordable rent dwellings comprising 10no. wheelchair user bungalows and 4no. houses with associated landscaping and access and was recommended for approval, subject to the conditions and legal agreement as set out in the report.

The Chair thanked the Senior Planning Officer and asked Lauren Tinkler, representing the applicant, Canney Communities Community Interest Company (CIC), to speak in support of the application.

L Tinkler thanked the Chair and Committee and noted that the CIC had been set up in August 2019 led by likeminded people who wanted to enable disabled people and their carers to have properties designed to meet their needs. She thanked the Council and Officers for their help and assistance, including the Head of Housing. She noted that the CIC had been successful in obtaining two grants, one from Homes England in terms of consulting on development plans. She noted a local consultation event that had enable views to be brought forward from older people, people with disabilities, young people, families with disabled children and disability groups, with all saying there was a need for this type of housing provision. L Tinkler noted that professionals were instructed in terms of the plans as surveys required and explained that the proposals were the only community led project in the county developing accessible housing. She noted there was already interest in 50 percent of the properties and noted that should approval be granted, the CIC would work in partnership with a local housing association. She concluded by reiterating that the properties would be 100 percent affordable properties in perpetuity and asking that Members approve the application.

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

Councillor A Savory noted that there would always be a need for bungalows, and those proposed to help meet the needs of disabled people was very much welcomed. She moved approval as per the Officer's report. Councillor J Atkinson seconded approval. Councillors M McKeon and V Andrews both noted their support for the application.

Councillor M Stead asked as regards the access to the site, if it could be shown on the projector screen. The Senior Planning Officer brought up the requisite slide on screen and noted access was via an existing turning head within the cul-de-sac.

Upon a vote being taken, it was:

**RESOLVED**

That the application be **APPROVED** as per the conditions and Section 106 Legal Agreement set out within the report.

**6 Meeting Times**

Several Members noted the start time of the meeting being 9.30am and noted whether a start time of 10.00am would be preferable to allow Members to get to the meeting on time. The Chair noted the comments and that they would be fed back accordingly, though he understood the times had been set when the cycle of meetings for 2023/24 had been agreed.

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## Planning Services

# COMMITTEE REPORT

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### APPLICATION DETAILS

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Application No:	DM/22/01647/FPA
Full Application Description:	23no. Affordable Dwellings
Name of Applicant:	Adderstone Living Ltd.
Address:	Land East of Roundabout at Junction of Pease Way and Greenfield Way, Newton Aycliffe
Electoral Division:	Aycliffe West
Case Officer:	Gemma Heron Senior Planning Officer 03000 263 944 <a href="mailto:gemma.heron@durham.gov.uk">gemma.heron@durham.gov.uk</a>

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### DESCRIPTION OF THE SITE AND PROPOSAL

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#### The Site

1. The application site relates to an undeveloped parcel of land that measures approximately 0.8 hectares in area within the settlement of Newton Aycliffe. The site is bound by the highway 'Pease Way' to the north and 'Greenfield Way' to the west, with residential development lying beyond. An existing tree shelter belt and a dismantled railway line, which is now used as an informal pedestrian walkway is located to the south.
2. Access to the site is taken off Pease Way through an informal field gate. A mature hedgerow encloses the site to the north and west, along Pease Way and Greenfield Way. A number of semi mature trees are located within the hedgerow, the majority of the wider site contains unmaintained grassland.
3. In terms of planning constraints, the site is within the Teesmouth and Cleveland Nutrient Neutrality Constraint area.

#### The Proposal

4. Full planning permission is sought for the erection of 23no. affordable dwellings. The proposal would comprise a mix of six house types to including:
  - 3 x Oakmont (detached, two storeys; three-bedroom dwelling)
  - 5 x Sherwood (two storey; three-bedroom dwelling)
  - 6 x Ashbridge (two storey; two-bedroom dwelling)
  - 2 x Berwick (two storey; four-bedroom dwelling)
  - 6 x Wentworth (single storey, two-bedroom bungalow)
  - 1 x Brockwood (single storey, two-bedroom bungalow)
5. The dwellings would be laid with the short terraces having an active frontage facing Pease Way, with the remaining dwellings arranged around a parking area/turning head. Each of the dwellings would be compliant with the Nationally Described Space Standards (NDSS) and would comply with Building Regulations Standard M4(2). Access would be taken via 'Pease Way' and would be constructed to an adoptable standard, leading to a turning head and parking bays.
6. The wider site would incorporate an area of Public Open Space alongside a Sustainable Drainage System (SuDs) to the northern corner of the development adjacent to the access. The proposal would retain the existing trees and hedgerow to the eastern and southern boundaries and would include pedestrian footpath links to the dismantled railway to the south and wider Newton Aycliffe to the west.
7. The application is being reported to planning committee in accordance with the Council's Scheme of Delegation as it constitutes a housing development which exceeds 10 dwellings.

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## **PLANNING HISTORY**

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8. No relevant planning history.

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## **PLANNING POLICY**

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### **National Policy**

9. A revised National Planning Policy Framework (NPPF) was published in July 2018 (with updates since). The overriding message continues to be that new development that is sustainable should go ahead without delay. It defines the role of planning in achieving sustainable development under three overarching objectives – economic, social and environmental, which are interdependent and need to be pursued in mutually supportive ways.
10. *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.

11. *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.
12. *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.
13. *NPPF Part 6 Building a Strong, Competitive Economy* - The Government is committed to securing economic growth in order to create jobs and prosperity, building on the country's inherent strengths, and to meeting the twin challenges of global competition and a low carbon future.
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 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.
17. *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.
18. *NPPF Part 15 Conserving and Enhancing the Natural Environment* - Conserving and enhancing the natural environment. The Planning System

should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes, geological conservation interests, recognising the wider benefits of ecosystems, minimising the impacts on biodiversity, preventing both new and existing development from contributing to or being put at unacceptable risk from Page 73 pollution and land stability and remediating contaminated or other degraded land where appropriate.

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

### **National Planning Practice Guidance:**

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

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

### **Local Plan Policy:**

The County Durham Plan (CDP)

20. *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.
21. *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.
22. *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.

23. *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.
24. *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.
25. *Policy 26 (Green Infrastructure)* states that development will be expected to maintain and protect, and where appropriate improve, the County's green infrastructure network. Advice is provided on the circumstances in which existing green infrastructure may be lost to development, the requirements of new provision within development proposals and advice in regard to public rights of way.
26. *Policy 27 (Utilities, Telecommunications and Other Broadcast Infrastructure)* supports such proposals provided that it can be demonstrated that there will be no significant adverse impacts or that the benefits outweigh the negative effects; it is located at an existing site, where it is technically and operationally feasible and does not result in visual clutter. If at a new site then existing site must be explored and demonstrated as not feasible. Equipment must be sympathetically designed and camouflaged and must not result in visual clutter; and where applicable it proposal must not cause significant or irreparable interference with other electrical equipment, air traffic services or other instrumentation in the national interest.

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.

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

proposals. Provision for all new residential development to comply with Nationally Described Space Standards, subject to transition period.

28. *Policy 29* also required major developments to appropriately consider the public realm in terms of roads, paths, open spaces, landscaping, access and connectivity, natural surveillance, suitable private and communal amenity space that is well defined, defensible and designed to the needs of its users. Also new major residential development is required to be assessed against Building for Life Supplementary Planning Document, to achieve reductions in CO2 emissions, to be built to at least 30 dwellings per hectare subject to exceptions.
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. *Policy 56 (Safeguarding Mineral Resources)* states that planning permission will not be granted for non-mineral development that would lead to the sterilisation of mineral resources within a Mineral Safeguarding Area. This is unless it can be demonstrated that the mineral in the location concerned is no longer of any current or potential value, provision can be made for the mineral to be extracted satisfactorily prior to the non-minerals development taking place without unacceptable adverse impact, the non-minerals development is of a temporary nature that does not inhibit extraction or there is an overriding need for the non-minerals development which outweighs the need to safeguard the mineral or it constitutes exempt development as set out in the Plan. Unless the proposal is exempt development or temporary in nature, all planning applications for non-mineral development within a Mineral Safeguarding Area must be accompanied by a Mineral Assessment of the effect of the proposed development on the mineral resource beneath or adjacent to the site of the proposed development.
39. The Council's Residential Amenity Standards Supplementary Planning Document (SPD) provides guidance on the space/amenity standards that would normally be expected where new dwellings are proposed.

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

#### **Neighbourhood Plan:**

40. The application site is within the area of the Great Aycliffe Neighbourhood Plan (GANP) the relevant policies are:
41. *Policy GANP CH1 Landscape Character and Townscape* states developments must respect the character of the parish and its settlements, as defined within the Great Aycliffe Heritage and Character Assessment and incorporate features which contribute to the conservation, enhancement or restoration of local features.
42. *Policy GANP E1 Green Corridors* states developments that ensure the continuation and enhancement of green corridors for wildlife, multi-functional green space and tree lined avenues will be preferred and encouraged.
43. *Policy GANP E4 Existing Tree Retention and Removal* states proposals for new development will not be permitted that would result in the loss of, or damage to, trees of high landscape, amenity or biodiversity value unless the need for, and benefits of, the proposal clearly outweigh the loss. Where tree removal is justified proposals will only be supported if there is a compensatory mitigation proposal which forms part of the submission. Where the removal of a tree(s) is proposed and essential to the delivery of the site, the developer is required to replace at least two of similar amenity value on site. Where a group of trees are removed a similar number must be replaced in a nearby suitable location. Any trees proposed for removal should be detailed, including the reason for removal, through the submission of a Design and Access Statement.
44. *Policy GANP E5 Protection of existing trees within new development* requires that Proposals for new development will be expected to safeguard existing trees where appropriate and integrating them fully into the design and protecting them

during construction having regard to their management requirements and growth potential.

45. *Policy GANP H1 In-fill Developments and Small Sites* requires proposals for new development will be granted for suitable in-fill development and small sites of less than 30 hours where the development is proportionate to the scale of the settlement; it is within the built-up areas; should be well contained; should respect the character and form of the settlement and should clearly relate to part of an established settlement.
46. *Policy GANP H3 Parking Standards for new Residential Development* sets out the parking requirements for new residential development in regard to off-road provision.
47. *Policy GANP H5 Provision of In-Curtilage Parking and Storage* states that on properties where no garage provision has been made there must be a parking area, in curtilage and suitable provision for bicycle parking and/or storage will be encouraged.
48. *Policy GANP H6 Securing Energy Efficient Homes* states developments should be designed to achieve the highest possible energy efficiency standards and this must be shown in a Design and Access Statement where this is required.
49. *Policy GANP H7 Housing for Older People* states that the Council will require 10% of new dwellings on sites of 10 or more dwellings to meet the needs of older people, including bungalows. Bungalows should contain at least one bedroom with a multifunctional room to provide for adaptable uses or be a minimum of two bedrooms.
50. *Policy GANP H8 Affordable Housing* states that proposals for 11 or more dwellings will be required to provide an element of affordable housing, taking into account of identified affordable housing needs. A viability report will be required to demonstrate why affordable housing is not justified if a developer considers that the provision of affordable dwellings makes the scheme unviable.
51. *Policy GANP H9 Provision of Facilities and Services* states where appropriate, proposals for new housing should demonstrate provision of necessary new facilities on-site and/or provision of, or contribution to, necessary off-site facilities as required to make the development acceptable in planning terms. New development must contribute towards sustainable development.
52. *Policy GANP T3 Cycle Provision and Walking Routes* states; Major development proposals must, where appropriate, provide or contribute toward, safe well lit, accessible and attractive cycle routes and public footpaths. New routes may be provided within the site and/or off site depending on local circumstances and should wherever appropriate, connect to local schools and shops and maintain or improve access to the countryside. Alternatively, this may include upgrading existing cycle routes and public footpaths. Conversely, development proposals which limit the potential to enhance local cycle or public footpaths will not be permitted.

53. *Policy GANP CIL 1 Developer Contributions* states all new developments must provide necessary and appropriate new facilities, relevant and related to the development, on site, or contribute to off-site facilities, as required. Any necessary facilities and/or infrastructure will be secured by negotiation on a case by case basis taking viability into account.

<https://www.great-aycliffe.gov.uk/neighbourhood-plan/>

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## **CONSULTATION AND PUBLICITY RESPONSES**

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### **Statutory Consultee Responses:**

54. *Great Aycliffe Parish Council* – Responded to the original proposal with the following concerns:
- The proposed development does not conform to GANP H3 – Parking Standards for New Residential Development.
  - Parking provision is considered inadequate for the size of development modern car usage. The provision of one allocated space for a three-bedroom house with potentially multiple car-users is unlikely to be sufficient. The Parking provision falls short of the requirements of the emerging DCC Supplementary Planning Document on Parking and Accessibility. This will lead to congestion within the new estate in an area where on-street parking is already a problem.
  - The proximity of the vehicular access point to the development to the Beechfield junction, a bus stop and traffic pinch points on Pease Way.
  - Insufficient public amenity open space.
  - Question raised in regards to possible run-off from the proposed SUDs and how this water could be accommodated through the existing drainage system.

Since the submission of these comments, Great Aycliffe Parish Council has been re-consulted and no further comments have been received.

55. *Lead Local Flood Authority* – Advise that the principle of the proposed drainage strategy is acceptable, however the fully developed scheme should be submitted for approval.
56. *Highways Authority* – No objection subject to conditions requiring the submission of engineering details of the proposed estate road; the construction of the estate road prior to the first occupation of the dwellings and the parking spaces shall be retained for parking in perpetuity.
57. *Natural England* – The application could have potential significant effects on Teesmouth and Cleveland Coast Special Protection Area (SPA) and Ramsar However the applicant has been awarded credits in the catchment wide mitigation scheme. The LPA should satisfy itself that sufficient number of credits have been secured and that the purchase of these is completed before planning permission is granted.

## Non-Statutory Responses:

58. *Spatial Policy* – Advise that within the CDP the site is treated as a windfall proposal as this site is not allocated for housing within Policy 4. The principle of development needs to be assessed against Policy 6 (Development on Unallocated Sites) and the policies of the Great Aycliffe Neighbourhood Plan particularly GANP H1. The site is not identified as one of the ‘Local Green Open Spaces’ identified under Policy GANP CH2 (Protection of Accessible Local Green Space Designations).

To address housing need, 15% of the homes provided need to be affordable comprising of 1 First Home, 1 Affordable Home Ownership and 1 Affordable Rent to total three affordable dwellings. To meet Policy 15 of the CDP, based on a scheme of 23 units, 15 units would be required to be built to M4(2) of Building Regulations and two of the units would be required to be a house type suitable for older people. In terms of open space, a contribution of £36,204.30 should be sought to provide off-site open space and a minimum of 759sq m of amenity/natural green space would be required.

59. *Affordable Housing Team* – Advise that there is an identified housing need for affordable housing in all tenures not solely for Affordable rented products.
60. *Ecology* – Advise that the submitted Nutrient Neutrality calculator is correct and the provision credits secured with Natural England is acceptable but need a prior commencement condition to secure the submission of the full certificate. The Biodiversity Net Gain calculator identified as loss of 2.77 units of biodiversity, and this will need to be compensated for.
61. *Landscape Section* – Advise that comments have been provided via the Council’s Design Review Team with concerns raised in relation to the conflict with the trees on the site.
62. *Education* – No objection as it is anticipated to be sufficient space to accommodate pupils generated by the development in primary and secondary school.
63. *Environmental Health Nuisance* – Advise that the information and mitigation provided within the submitted noise assessment (which requires a 2-metre acoustic fence as well as acoustic glazing and ventilation to some of the plots) complies with the thresholds stated within the TANS and would indicate that the development will not lead to an adverse impact.
64. *Environmental Health Land Contamination* – No comments and there is no requirement for a contaminated land condition.
65. *Archaeology* – Given that the proposal site is less than 1 hectare in size and the lack of any known archaeological features in the immediate vicinity there is no need for any archaeological constraints regarding this application.

66. *Tree Officer* – Advise that the proposals identify the removal of eleven individual trees, two whole groups, two individual trees from one ground and five sections of one hedgerow. The proposed design is likely to result in properties and gardens to be increasingly shaded as the trees develop further, thus increasing pressure for remedial action. A greater stand-off distance between properties and trees would reduce this impact.
67. *Design and Conservation* – Comments provided by Council's Design Review Team which concluded that the site integrates well with the surroundings with numerous facilities, public transport and services in the surrounding area. The proposal would meet local housing requirements. There were concerns around the impact of the existing trees on shading, particularly in the southwest corner as well as the development not being designed to a highways adoptable standard. This led to the site being scored with 4 'Reds', 3 'Ambers' and 5 'Greens'.
68. *Air Quality* – *No objection subject to the requirement for a Construction Management Plan to be conditioned as part of the consent.*

### **External Consultees**

69. *NHS* – Require contribution of £11,109 to be secured via S106 agreement to support creating extra capacity to provide appropriate services to patients.
70. *Northumbrian Water Ltd* – No response received.
71. *Police Architectural Liaison Officer* – Advise on site specific recommendations which states that there are higher levels of anti-social behaviour within the area and would question whether the pedestrian link to the west is necessary. Would advise one entrance/exit for a development of this size, defensive planting and that shared driveways should include lighting to an adoptable standard.

### **Public Responses:**

72. The application has been advertised by way of a site notice, press notice and individual notification letters sent to neighbouring properties.
73. Seven letters of objection have been received raising concerns over the following issues summarised below:-
- Impact of the development upon local wildlife and ecology.
  - Concerns over the access as will endanger pedestrians and motorists with the exit being onto a busy road with multiple junctions nearby which is unsuitable.
  - The 'New Town Aycliffe' concept from Lord Beveridge sought for this to be retained as green open space and this would remove the open space and impact the history of the town.
  - Concerns over heritage impact of the development as 57 Cumby Road is of important historic value as the home of Lord Beveridge who created the vision of 'New Towns' which led to the development of Newton Aycliffe which included a vision relating to green spaces.
  - Inadequate parking provision.



- Drainage.
  - Inadequate public amenity space.
  - Unsuitable location for development.
  - Overdevelopment of the site.
  - Error in the land ownership.
74. Cllr Adam (West Aycliffe Division) has submitted a letter of concern relating to the following points.
- Failure to meet significant Biodiversity Net Gain Requirements.
  - Density of 23 properties is too high for the location and does not follow the GANP or the original concept of the Beveridge principles to provide green and open space for leisure activities.
  - No indication or plans to install renewable energy installations to mitigate climate change.
  - Long waste bin routes are unsuitable for residents related to properties 11 to 17.
  - Access to railway footpath should be blocked off as the initial part of the route is not recognised as an approved access and this could be used as a cut through for possible Anti-social and criminal behaviour.
  - Location of the entrance to the proposed development with regard to obstructed visibility sight lines to near pinch points and bus stop.

*The above 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/>*

#### **Applicants Statement:**

75. The application proposes the construction of 23no. affordable dwellings, including much needed bungalows, and will deliver both affordable rent and Rent to Buy tenures on site.
76. Through extensive discussions with Planning Officers and Local Authority professionals, the scheme has been amended since its original submission, comprehensively responding to both consultee and public comments. Working closely with officers has resulted in the sustainable provision of much needed affordable housing within South West Durham on an under-utilised site.
77. In working closely with urban design and landscape officers, several areas of Public Open Space (POS) have been designed across the site; including centrally and adjacent to the site access which includes associated SuDS Basin. Street-scenes and dwellings have been positioned to make use of views towards these areas. Significant landscaping has been incorporated across the site; street trees have been interspersed to create aesthetic streets and structural planting around the open space successfully integrates the development within its surroundings.
78. To positively address Pease Way, dwellings have been plotted facing the existing highway. A positive relationship to Cumby Road has additionally been achieved.

Bungalows have been set back behind the central POS and landscaping features.

79. Significant work to the layout has been undertaken to address any concerns regarding overshadowing on site. Through autumn and winter (when shadowing is at greatest potential), the impact of this is reduced during seasons due to loss of leaves; by situating plots 17-23 outside of tree canopy, the trees are protected in the public realm.
80. With regards to Nutrient Neutrality, the Applicant has been successful within the Natural England Mitigation Scheme and the credits required to off-set nitrogen produced.
81. The applicant has continued to work alongside Planning Officers to deliver a proposal which represents sustainable provision of 23no. affordable dwellings within South West Durham, responding positively to the Local Authority's comments to ensure compliance with Policy 6 and other relevant Policies of the County Durham Plan.

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## **PLANNING CONSIDERATION AND ASSESSMENT**

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82. Having regard to the requirements of Section 38(6) of the Planning and Compulsory Purchase Act 2004 the relevant Development Plan policies, relevant guidance and all other material planning considerations, including representations received, it is considered that the main planning issues relate to the Principle of development, Locational Sustainability, Design / Layout, Landscaping and Visual Impact, Highway Safety, Residential Amenity, Open Space, Affordable Accessible and Adaptable Housing, Ecology, Flooding/Drainage, Ground Conditions, Sustainability and other matters.

### Principle of Development

83. Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The NPPF is a material planning consideration. The County Durham Plan (CDP) and the Great Aycliffe Neighbourhood Plan (GANP) 2017 together constitute the statutory development plan and the starting point for determining applications as set out in the Planning Act and reinforced at Paragraph 12 of the NPPF.
84. Paragraph 11c of the NPPF requires applications for development proposals that accord with an up-to-date development plan to be approved without delay. Paragraph 12 of the NPPF states that where a planning application conflicts with an up-to-date development plan (including any neighbourhood plans that form part of the development plan), permission should not usually be granted. Local planning authorities may take decisions that depart from an up-to-date development plan, but only if material considerations in a particular case indicate that the plan should not be followed.

85. The application site is not allocated for housing within CDP Policy 4, however the site is within the built-up area of Newton Aycliffe. Therefore, the application falls to be considered against CDP Policy 6, this policy sets out that the development of sites which are not allocated in the plan or a Neighbourhood Plan within a built-up area which accord with all relevant development plan policies, and which:

- a. *are compatible with, and not prejudicial to, any existing, allocated or permitted use of adjacent land;*
- b. *do not contribute to coalescence with neighbouring settlements, would not result in ribbon development, or inappropriate backland development;*
- c. *do not result in the loss of open land that has recreational, ecological or heritage value, or contributes to the character of the locality which cannot be adequately mitigated or compensated for;*
- d. *are appropriate in terms of scale, design, layout, and location to the character, function, form and setting of the settlement;*
- e. *would not be prejudicial to highway safety or have a severe residual cumulative impact on network capacity;*
- f. *have good access by sustainable modes of transport to relevant services and facilities and reflects the size of the settlement and the level of service provision within that settlement;*
- g. *do not result in the loss of a settlement's or neighbourhood's valued facilities or services unless it has been demonstrated that they are no longer viable;*
- h. *minimise vulnerability and provides resilience to impacts arising from climate change, including but not limited to, flooding;*
- i. *where relevant, make as much use as possible of previously developed (brownfield) land; and*
- j. *where appropriate, reflect priorities for urban regeneration.*

It is considered that criteria a), b), c), d), e) and f) will be the most relevant in this case, all of which are covered in more detail in the main body of this report.

86. Policy H1 of the Great Aycliffe Neighbourhood Plan (GANP) relates to in-fill developments and small sites and states the following:

*'Permission will be granted for suitable in-fill developments and small sites of less than 30 houses where:*

- 1) *The development is proportionate to the scale of the settlement.*

- 2) *Within the built-up areas for an in-fill development.*
- 3) *Should be well contained.*
- 4) *The development design respects the character and form of the settlement or locality.*
- 5) *It clearly relates to part of an established settlement.'*

87. The proposals would comprise a mix of house types including bungalows located within an existing residential setting. The site is bound to the north by 'Peaseway' before further residential development continues; there is residential development to the east and Aycliffe Business Park (North) located to the south of the site beyond the dismantled railway line. This leads the site to be considered within the existing settlement of Newton Aycliffe which is identified as Large Town Centre in the CPD. The site is well served by existing public transportation infrastructure and links to local services to make the site a suitable location for housing under CDP Policy 6.
88. The site has not been considered within the Council's Strategic Housing Land Availability Assessment (SHLAA) for its appropriateness for housing. However, the site is surrounded by residential development to the wider north and eastern directions, alongside the site being within the settlement of Newton Aycliffe. Whilst the site at present is considered to be open land, it is not designated under the Open Space Needs Assessment by the Council, nor has the site been identified as one of the 'Local Green Open Spaces' identified under GANP Policy CH2 (Protection of Accessible Local Green Space Designations).
89. The principle of re-developing this site considered to be acceptable under Policy 6 of the CDP and Policy H1 of the Great Aycliffe Neighbourhood Plan. The main issues therefore relate to whether the impacts of the development in terms of landscape, townscape and integration with the settlement pattern would be within acceptable parameters.

#### Locational Sustainability of the Site

90. Criteria f of CDP Policy 6 requires that developments on unallocated sites have good access by sustainable modes of transport to relevant services and facilities and reflects the size of the settlement and the level of service provision within that settlement. CDP Policy 21 requires all developments to deliver sustainable transport by providing appropriate, well designed, permeable and direct routes for walking, cycling and bus access, so that new developments clearly link to existing services and facilities together with existing routes for the convenience of all users. CDP Policy 29 requires that major development proposals provide convenient access for all users whilst prioritising the needs of pedestrians, cyclists, public transport users, people with a range of disabilities, and emergency and service vehicles whilst ensuring that connections are made to existing cycle and pedestrian networks.
91. GANP Policy T3 relates to cycle provision and walking routes and states that: "major development proposals must, where appropriate, provide or contribute toward, safe well lit, accessible and attractive cycle routes and public footpaths."

92. The NPPF sets out at Paragraph 105 that significant development should be focused on locations which are or can be made sustainable, through limiting the need to travel and offering a genuine choice of transport modes. Paragraph 110 of the NPPF states that appropriate opportunities to promote sustainable transport modes should be taken whilst Paragraph 112 amongst its advice seeks to facilitate access to high quality public transport.
93. In considering this the development against the above policy context, Newton Aycliffe is identified as a Large Town Centre in the CPD, with a wide range of employment opportunities, retail provisions and accessible services. The Chartered Institute of Highways and Transportation 'Proving for Journeys on Foot' document contains suggested acceptable walking distances for pedestrians to access facilities and services. In terms of access to bus routes, a walk of 400m falls within the 'desirable' range. In this respect there are nine bus stops with 250 metres of the site which is well within the 400 metres desirable range which would comply with this standard. Also, there is an existing highway and footpath links from the application site into Newton Aycliffe where there are a wide range of facilities and services. The development proposes cycle and pedestrian connection onto these routes.
94. Overall, it is considered that the site has access to an array of services and facilities to serve the development proposed and that these are within a relatively easy reach of the site and can be accessed by public transport. Established bus services, walking and cycling routes would give future residents alternative options to the private motor car to access services and facilities.
95. In conclusion, the development would promote accessibility by a range of methods in accordance with Policies 6, 21 and 29 of the County Durham Plan, Policy T3 of the Great Aycliffe Neighbourhood Plan and the National Planning Policy Framework.

#### Scale/Design/Landscaping and Visual Impact

96. CDP Policy 6 criterion d) requires that development on unallocated sites is appropriate in terms of scale, design, layout and location to the character, function, form and setting of the settlement.
97. CDP Policy 29 outlines that development proposals should contribute positively to an area's character, identity, heritage significance, townscape and landscape features, helping to create and reinforce locally distinctive and sustainable communities. In total, CPD Policy 29 sets out 18 elements for development to be considered acceptable, including: buildings being adaptable; minimising greenhouse gas emissions and use of non-renewable resources; providing high standards of amenity and privacy; contributing to healthy neighbourhoods; and suitable landscape proposals.
98. 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.

99. CDP Policy 40 seeks to avoid the loss of existing trees and hedgerows unless suitable replacement planting is provided.
100. GANP Policy CH1 relates to landscape character and townscape. It sets out that new development, where appropriate, should maintain existing hedgerows, trees and woodland and encourage the planting of new trees and hedgerows; should accommodate and provide tree lined avenues on main thoroughfares to continue existing character already in place across the area; and should ensure green open space is provided within the development site to maintain the Beveridge 'vision' for the new town of Aycliffe.
101. GANP Policy E4 relates to existing tree retention and removal. It states new development will not be permitted that would result in the loss of, or damage to, trees of high landscape, amenity or biodiversity value unless the need for, and benefits of, the proposal clearly outweigh the loss. To continue this, it states new development proposals will be expected to have regard to the local distinctive landscape character of Great Aycliffe and in particular to retain tree lined avenues where they exist. It states that where tree removal is justified, proposal will only be supported if there is a compensatory mitigation proposal which forms part of the submission. Where the removal of trees is proposed and essential to the delivery of the site, the developer is required to replace at least two of similar amenity value on the site and where a group of trees are removed, a similar number must be replaced in a nearby suitable location.
102. GANP Policy E5 relates to the protection of existing trees within new development. It seeks new development to safeguard existing trees where appropriate and integrate them fully into the design of the development.
103. Parts 12 and 15 of the NPPF also seek to promote good design, while protecting and enhancing local environments. Paragraph 127 of the NPPF also states that planning decisions should aim to ensure developments function well and add to the overall quality of the area and establish a strong sense of place, using streetscapes and buildings to create attractive and comfortable places to live, work and visit.
104. The site comprises a grassed field with an existing shelterbelt of broad land trees to the southern and western boundary. Although the site is has an undeveloped appearance it is read as part of a wider established residential setting comprising a mix of house types from terraces to bungalows to semi-detached properties. The site is not located within a conservation area and contains no designated heritage assets. Also, there are no other landscape designations on the land and none of the trees are protected by a Tree Preservation Order.
105. With regard to detailed design, the applicant has proposed a simple approach to architecture with a limited material palette, which responds to an assessment undertaken of the local character, architectural detailing and materials. This approach is considered acceptable and the design of the dwellings would be appropriate relate to the surrounding area.

106. The scheme also includes a mix of housing types to include bungalows alongside small terraces and semi-detached and detached dwellings. The mix is considered to be appropriate and provides a variety of house types within the vicinity which is welcomed.
107. Concerns have been raised in regard to the loss of the green open space, the density of the layout and the overdevelopment of the site. However, the surrounding residential development, particularly to the north of the application site is characterised by numerous terraced properties of a dense, albeit historic, layout and it is considered that this proposal would be in-keeping with the surrounding residential development. It is also considered that the proposal would not represent an overdevelopment of the site and would have the appropriate number of dwellings whilst still providing SUDs, open space, separation distances and gardens for each of the dwellings proposed. In terms of the loss of the green open space, this concern is recognised, however, the site is not allocated as open space within the Council's Open Needs Assessment, nor is it allocated in the Great Aycliffe Neighbourhood Plan under GANP Policy CH2 (Protection of Accessible Local Green Space Designations) and is in private ownership. Therefore, whilst the proposal would result in the loss of open land, it is not formally recognised open space.
108. Concerns have been raised by members of the public in regard to the impact of the development upon 57 Cumby Road which was the house of Lord Beveridge. In considering this, the development is not considered to have a harmful impact upon this dwelling as it would remain on the adjacent site and there are numerous existing trees and vegetation which would provide a natural screening to the development.
109. The application has been considered by the Council's Internal Design Review Team in accordance with CDP Policy 29. The scheme has received 5 'Green', 3 'Amber' and 4 'Red' classifications at the latest Design Review meeting the scheme was presented at. However, 3 of the 'Red' classifications were directly related on highways matters which have now been addressed as discussed in the 'Highway Safety' section below. The remaining 1 'Red' classification related to 'Working with the site and its context' as the submitted information did not demonstrate the actual impact of the development on surrounding trees.
110. Since the above Design Review comments, an updated Arboricultural Impact Assessment (AIA) has been submitted alongside a detailed landscaping scheme. The AIA sets out that the proposed layout would result in the removal of fourteen trees, two groups of trees, and five small sections of hedgerow which vary in classification.
111. It is recognised that as set out above, as a result of the development, there would be a loss in the existing trees on the site. However, it is considered that the loss of the trees is necessary to deliver an improved layout and designed scheme, with the trees (outside the application site) to the south and east being retained which are characteristic of the area. It is recognised that GANP Policies E4 and E5 and CDP Policy 40 seek the retention of trees on the site and sets out that where tree removal is justified, proposals would only be supported if there is compensatory mitigation proposal which forms part of the submission.

In this regard, a detailed landscaping scheme has been submitted which shows that 29no. trees would be planted on the site as well as the planting of sections of hedgerows within the development. In this regard, whilst there is an impact upon the existing trees, these trees are not considered worthy of protection or retention and a detailed landscaping scheme has been submitted which would compensate for their loss.

112. A condition is recommended to be attached to ensure that appropriate tree protection fencing is erected prior to the commencement of the development to ensure the integrity of the root protection area of retained trees and the adjacent trees to the south and east boundary. It is also recommended that an additional condition is imposed to ensure the retention of the north hedgerow (apart from small pedestrian access points for the new houses) to a height of approximately 1.25 metres as well as the implementation of the landscaping scheme.
113. Therefore, on balance, the proposal complies with Policies 6, 29, 39 and 40 of the County Durham Plan in terms of design and landscape impacts, alongside GANP Policy CH1, E4 and E5 and Parts 12 and 15 of the National Planning Policy Framework and a high-quality development would be delivered.

#### Highway Safety/Access

114. CDP Policy 21 outlines that development should not be prejudicial to highway safety or have a severe cumulative impact on network capacity, expecting developments to deliver well designed pedestrian routes and sufficient cycle and car parking provision. Similarly, CDP Policy 29 advocates that convenient access is made for all users of the development together with connections to existing cycle and pedestrian routes. CDP Policy 6 criteria (e) requires development to not be prejudicial to highway safety or have a severe residual cumulative impact on network capacity.
115. GANP Policy H3 sets out 'Parking Standards for new Residential Development' and requires 2-off road car parking spaces for a two- or three-bedroom dwelling and 3-off road car parking spaces for a four-bedroom dwelling.
116. The County Durham Parking and Accessibility Standards 2019 set out that a minimum of 1-off road car parking spaces are required for a two-or three-bedroom dwelling and 2-off road car parking spaces for a four-bedroom dwelling.
117. GANP Policy H5 relates to the 'Provision of In-Curtilage Parking and Storage' and requires properties with no garage provision, suitable bicycle parking and/or storage will be encouraged.
118. Specifically, the NPPF sets out at Paragraph 110 that safe and suitable access should be achieved for all users. In addition, Paragraph 111 of the NPPF states that development should only be refused on transport grounds where the residual cumulative impacts on development are severe.
119. Concerns have been raised by objectors in relation to highway safety of the site and inadequate provision of parking.



120. Access to the site is proposed to be taken via Pease Way into the site and would be built to an adoptable standard with shared drives to the western and southern corner of the site.
121. As highlighted above, the application has been assessed under the Council's Internal Design Review Team and received three red classifications relating to highways matters. Concerns were raised that the streets are not designed to adoptable standards with potential raises highway safety concerns. To address these concerns, amended plans have been submitted.
122. The Highway Authority have reviewed the amended plans and have assessed the proposal against the Council's current Parking and Accessibility Standards. It is recognised there is a difference between the parking standards outlined under GANP Policy H3 and the County Durham Parking and Accessibility Standards 2019 in terms of GANP Policy H3 requires a four-bedroom dwelling to have three off-road parking spaces, whereas and the DCC Parking Standards have a minimum of 1 space for less than 4 bedrooms. In addition, the DCC Parking Standards requires the provision of non-allocated Visitor Parking spaces to accommodate additional parking where required. In looking at this, the GANP was adopted in 2017 and the County Durham Parking Standards were adopted in 2019 leading to the County Durham Parking Standards taking precedence in this case.
123. The Highway Authority conclude that the development is now acceptable from a highways point of view subject to conditions being imposed to require the submission of engineering details of the proposed estate road; the construction of the estate road prior to the first occupation of the dwellings and the parking spaces shall be retained for parking in perpetuity. On this basis, it is considered that the amended plans address the previous 'red' classification, and they would now be regarded to be 'green' under Design Review process.
124. Overall, whilst recognising local objections subject to conditions, the proposals are not considered to adversely affect highway or pedestrian safety and therefore accord with Policies 6 and 21 of the County Durham Plan and Policies H3 and H5 of the Great Aycliffe Neighbourhood Plan and Part 9 of the National Planning Policy Framework.

#### Residential Amenity

125. CDP Policy 31 states that all new development that has the potential to lead to, or be affected by, unacceptable levels of air quality, inappropriate odours and vibration or other sources of pollution, either individually or cumulatively, will not be permitted including where any identified mitigation cannot reduce the impact on the environment, amenity of people or human health to an acceptable level.
126. Parts 12 and 15 of the NPPF require that a good standard of amenity for existing and future users be ensured, whilst seeking to prevent both new and existing development from contributing to, or being put at unacceptable risk from, unacceptable levels of pollution.

127. A Residential Amenity Standards Supplementary Planning Document (SPD) has been adopted by the Council, which recommends that dwellings should benefit from private, usable garden space of at least 9 metres long. In considering this, each of the dwellings have a private amenity space which complies with the required 9 metres distance set out in the SPD.
128. Concerns have been raised in relation to the impact of the trees upon the private amenity space of the proposed dwellings, particularly along the southern and eastern boundary of the application site. In response to this, a daylight and sunlight assessment has been submitted to demonstrate the impact of the trees, at different times of the year. The report set out that the garden space of Plots 17 to 23 and Plot 9 to 16 would have varying time periods in shade across the year, particularly during the winter months. To address this, Plots 17 and 18 have been re-orientated to be west facing and as a result their garden space is now outside of the main overshadowing areas as demonstrated by the assessment. Plots 19 to 23 would experience shading in their gardens for periods of time during the winter months, especially through from October to early spring. The garden spaces for these plots would however have sunlight and daylight provision through the summer and spring months where gardens are most likely to be used. It is also recognised that, the trees on the perimeter of the site lose their leaves through the winter months which would reduce the impact of the shading in the gardens of these plots and would allow some filtered sunlight through. Whilst shading of garden space is undesirable, on the whole, Plots 17 to 23 are considered to have sufficient amount of usable amenity space for future occupiers and would provide adequate living conditions.
129. In relation Plots 9 to 16, the sunlight assessment sets out that these rear gardens would also experience shading to the from the existing trees to the east for periods primarily during the winter months when the sun is lower. However, the gardens would have sunlight and daylight provision through the summer and spring months, again where gardens are most likely to be used. Also, the trees on the perimeter of the site would again lose their leaves winter months allowing filtered sunlight through. Therefore, whilst shading of garden space is undesirable, on the whole, Plots 9 to 16 have sufficient amount of usable amenity space and would provide adequate living conditions for future occupiers.
130. The Residential Amenity Standards SPD also sets out separation distances for new development to comply with. It states that a minimum distance of 21.0m between habitable room windows, where either dwelling exceeds single storey, and a minimum of 18.0m between habitable room windows and both dwellings are single storey should be achieved. Where a main facing elevation containing a habitable room windows is adjacent to a gable wall which does not contain a habitable room window, a minimum distance of 13.0m shall be provided where either dwelling exceed single storey or 10.0m where both dwellings are single storey.
131. In reviewing the to the site layout against these requirements, due to the internal courtyard layout of the site, every dwelling can achieve minimum separation distances to separation distance from each other. In addition to this, the nearest

dwelling within the development would be situated approximately 38 metres from the nearest existing residential property to the east. The development would also exceed the required separation distances to existing residential development.

132. Environmental Health Officers have been consulted on the application and have reviewed the submitted Noise Assessment. They state that the information and mitigation provided within the submitted noise assessment (which requires a 2-metre acoustic fence to the rear of Plots 20-23 as well as acoustic glazing and ventilation to some plots) would ensure that the development complies with the thresholds set out within the TANS and would indicate that the development would not lead to an adverse impact in terms of noise. Conditions are recommended to be imposed requiring this mitigation to be fully completed on the site prior to the first occupation of any of the dwellings.
133. Overall, subject to conditions, the proposals are considered to provide a good standard of amenity for existing and future residents, in accordance with Policies 29 and 31 of the County Durham Plan and Parts 12 and 15 of the National Planning Policy Framework.

#### Infrastructure and open space provision

134. CDP Policy 25 supports securing developer contributions where mitigation is necessary to make the development acceptable in planning terms including for social infrastructure such as education and health facilities.
135. CDP Policy 26 seeks to resist development proposals which would result in the loss of open space or harm to green infrastructure, unless the benefits of the development clearly outweigh that loss or harm, and an assessment has been undertaken which has clearly shown the open space or land to be surplus to requirement. The Policy also outlines that new residential developments will be required to make provision for open space to meet the needs of future residents having regard to the standards of open space provision set out in the Open Space Needs Assessment (OSNA). Where it is determined that on-site provision is not appropriate, the Council will require financial contributions to be secured through planning obligations towards the provision of new open space, or the improvement of existing open space elsewhere in the locality.
136. GANP Policy E1 relates to green corridors and seeks development that ensures the continuation and enhancement of green corridors for wildlife, multi-functional green space and trees lined avenues will be preferred and encouraged.
137. GANP Policy H9 relates to the provision of facilities and services and requires proposals to demonstrate provision of necessary new facilities on-site and/or provision of, or contribution to, necessary off-site facilities to make the development acceptable in planning terms.
138. GANP Policy CIL 1 relates to Developer Contributions and states: 'All new development must provide necessary and appropriate new facilities, relevant and related to the development, on site, or contribute to off-site facilities as

required either by means of planning conditions, a Section 106 Agreement and/or use of CIL.

139. Paragraphs 55-58 of the NPPF explain the circumstances when it is appropriate for planning obligations to be used to mitigate the impacts of the development. Paragraph 98 of the NPPF highlights that access to a network of high-quality open spaces and opportunities for sport and physical activity is important for the health and well-being of communities. Paragraph 130 requires amongst its advice that developments function well and optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space).
140. Concerns have been raised in regard to the loss of the open space and how this would not be in line with the 'New Town Aycliffe' concept created by Lord Beveridge. The application site comprises an area of privately owned, contained scrubland which is not designated as amenity open space within the Open Space Needs Assessment. There are no Public Rights of Way (PROWs) across the site which would otherwise allow for public access through the land. In considering this, there would be no objection in principle to the loss of this grassland and the proposal would comply with CDP Policy 26 in this regard. The site is also not covered by GANP Policy CH2 which designates local green spaces which are considered to contribute to public access and the openness/character of the area.
141. It is important to ensure that development proposals contribute to improvements in infrastructure capacity to mitigate for the additional demands that new development creates. By securing financial contributions through planning obligations, developers would help fund the physical, social and environmental infrastructure that is needed to make development acceptable and ensure that the development mitigates its impact upon existing infrastructure.
142. In relation to open space provision, the Council's Open Space Needs Assessment (OSNA) 2018 is considered the most up to date assessment of need. It identifies the five typologies (allotments; amenity/natural greenspace; parks, sports and recreation grounds; play space (children) and play space (youth), sets out requirements for public open space on a population pro rata basis and whether provision should be either within the site, or through a financial contribution towards offsite provision, in lieu taking into consideration factors such as the scale of the development, existing provision within suitable walking distances and the level of contribution sought.
143. In this respect, the Council's Spatial Policy Team confirmed that a contribution of £36,204.30 should be sought to provide off-site open space and a minimum of 759sqm of on-site amenity/natural green space would be required. The proposed site plans shows the required provision of amenity/natural green space dispersed throughout the development to meet the requirement. The development has also indicated their willingness to enter into a legal agreement to secure the off-site contribution.

144. The Council's Education Team have been consulted on the application and confirm there is no requirement in this instance for a financial contribution for education.
145. NPPF Paragraph 93 recognises the need for planning decisions to ensure an integrated approach when considering the location of new housing and to plan positively for the provision and use of community facilities and local services. Paragraphs 55-57 explain the circumstances when it is appropriate for planning obligations to be used to mitigate the impacts of the development. This provides policy justification, alongside CDP Policy 25 and GANP Policy CIL 1 to seek mitigation in respect to essential services including GP provision where a deficit would result or be exacerbated by the proposal.
146. The NHS have been consulted as part of the application and confirm they would be seeking a financial contribution totalling £11,109.00 to mitigate the developments impact in respect of G.P provision. The development has also indicated their willingness to enter into a legal agreement to secure this contribution.
147. Overall, subject the development of the site does not result in the loss of designated open space or land with a functional recreational value. Subject to the applicant entering into a Section 106 Legal Agreement to secure £11,109.00 for the NHS G.P provision and £36,204.30 for open space, the proposal could mitigate its impacts and would be compliant with Policies 25 and 26 of the County Durham Plan, Policies H9 and CIL 1 of the Great Aycliffe Neighbourhood Plan and Paragraph 34 of the National Planning Policy Framework

#### Affordable, Accessible and Adaptable Homes

148. CDP Policy 15 requires applications for 10no. or more units to provide a percentage of Affordable Housing provision which is accessible, adaptable and meets the needs of those residents unable to access the open housing market. The application site is located within a low value area where 10% of the approved units must be provided for affordable home ownership. Since the CDP was adopted, the Government's First Homes policy has come into force and requires a minimum of 25% of all affordable housing units secured through developer contributions to be First Homes. The 25% expected First Homes contribution for any affordable product can make up or contribute to the 10% of the overall number of homes expected to be an affordable home ownership product on major developments as set out in the NPPF.
149. GANP Policy H7 relates to 'Housing for Older People' and requires 10% of new dwellings on sites of 10 or more dwellings to meet the needs of older people, including bungalows.
150. GANP Policy H8 relates to 'Affordable Housing' and seeks proposals for 11 or more dwellings to provide an element of affordable housing taking into account the defined local need, and should contribute to meet the affordable and social rented needs of residents.

151. The Council's Spatial Policy Team have been consulted on the application and advise that to address housing need, 15% of the dwellings provided would need to be affordable which on a scheme of 23no. units, equates to three affordable units comprised of 1 First Home, 1 Affordable Home Ownership and 1 Affordable Rent.
152. In considering this, the proposal is presented as a 100% affordable housing scheme. However, only three of the 23 dwellings are offered to be secured as affordable units in perpetuity under a Section 106 Legal Agreement and the remaining 20 dwellings are being provided as affordable on a voluntary basis. It is understood that this is due to complexities around Homes England Funding on such matters. Notwithstanding this, while recognising the voluntary offer and the likelihood that the dwellings would be secured as affordable under other mechanisms, no weight can be afforded to the voluntary element of affordable element in the planning balance. The development would still however deliver the minimum policy requirement of 15% (3) affordable dwellings as set out under Policy 15 which the applicant has indicated a willingness to secure by entering into a Section 106 Legal Agreement.
153. CDP Policy 15 also states that in order 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. Furthermore, on sites of 10 or more, a minimum of 10% of the total number of dwellings on the site should be of a design and type that would increase housing options of older people. These properties should be built to M4(2) standard and would contribute to meeting the 66% requirement set out above. 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 multi-generational family.
154. In this regard, based on a scheme of 23 units, 15 units would be required to be built to M4(2) Standard of Building Regulations and two units would need to be of a house type which would be suitable for older people. The proposal would provide 7no. bungalows and 16no. two storey dwellings. The 7no. bungalows would be in excess of the policy requirement for two units to be suitable for older people which a welcome aspect of the application. Each of the six house types would be built to comply with M4(2) standard which is also above the 66% policy requirement which is also a positive aspect of the scheme in regard to housing provision and a factor to weigh in the planning balance.
155. Overall, the application proposes 100% affordable housing although 85% would be provided on a voluntary basis, the remaining 15% would satisfy Policy 15 of the CDP. The scheme would be fully compliance with M4(2) to exceed the 66% policy requirement, alongside providing 7 bungalows to meet the housing needs of older people which is also above the policy requirement for 2 units. Therefore,

the proposal would comply with Policy 15 of the County Durham Plan and Policies H7 and H8 of the Great Aycliffe Neighbourhood Plan in this regard.

## Ecology

156. CDP Policy 41 seeks to ensure new development minimises impacts on biodiversity by retaining and enhancing existing diversity assets and features. Proposals for new development should not be supported where it would result in significant harm to biodiversity or geodiversity.
157. CDP 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.
158. NPPF Paragraph 180 d) advises that opportunities to improve biodiversity in and around developments should be integrated as part of their design, especially where this can secure measurable net gains for biodiversity or enhance public access to nature where this is appropriate. In line with this
159. Concerns have been raised by members of the public in relation to the impact of the development upon local wildlife and ecology. In response to this, the applicant has undertaken an ecological survey and a Biodiversity Net Gain Assessment and Report has been also submitted in support of the application. The report concludes that the proposal would fail to achieve a net gain in biodiversity as the development would result in the loss of 2.77 biodiversity units on the site. The developer intends to provide off site mitigation in order to achieve a net gain.
160. In reviewing the submitted Biodiversity Net Gain Assessment the Council's Ecology section offer advise that the methodologies and conclusions of the report are sound. It is also advised that there are a number of mechanisms to secure offsite net gain, including providing mitigation on land within the applicant's ownership, through a third party provider or through a national credits scheme. A relevant legal agreement (Section 106 or Section 39 Agreement) should be entered into to secure this.
161. Subject to the above, the proposal would accord with Policy 41 of the County Durham Plan and Paragraph 180 of the National Planning Policy Framework.

## Nutrient Neutrality

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

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

163. In this instance the development proposes the formation of 23 additional dwellings, which would ultimately give rise to additional loading of nitrogen into the Tees catchment. Given the advice provided by Natural England, it is likely that in combination with other developments, the scheme would have a significant effect on the designated SPA/RAMSAR sites downstream both alone and in-combination. The Habitat regulations therefore require the Authority to make an 'Appropriate Assessment' of the implications of the development on the designated sites in view of the sites conservation objectives. Where an adverse effect on the site's integrity cannot be ruled out, and where there are no alternative solutions, the plan or project can only proceed if there are imperative reasons of over-riding public interest (IROPI) and the necessary compensatory measures can be secured.
164. Nutrient Neutrality advice is provided by Natural England, including the provision of a Neutrality Methodology. This requires a nutrient budget to be calculated for all types of development that would result in a net increase in population served by a wastewater system including residential development that would give rise to new overnight accommodation. In utilising the nutrient budget calculator produced by Natural England mitigation is identified as being required in order to achieve Nutrient Neutrality as the total annual nitrogen load to mitigate is 49kg TN/year. The application has been successful in reserving 49 credits from Natural England and has supplied its provisional certificate as part of the planning application. The Nutrient Neutrality Budget Calculator has been reviewed by the Ecology Team who are satisfied that the correct number of credits have been reserved by the development via Natural England in order to mitigate the proposals impact upon the Teesmouth and Cleveland Coast Special Protection Area/Ramsar to an acceptable level.
165. Subject a condition to secure the submission of the completed Nutrient Neutrality Certificate from Natural England prior to the commencement of the development, the proposal would be in accordance with Policies 41 and 42 of the County Durham Plan and Paragraph 180 of the National Planning Policy Framework. The Authority can also satisfy itself under its obligations under the Conservation of Habitats and Species Regulations 2017 (as amended) and ensure that protected sites would not be adversely affected by the development.

#### Drainage

166. Part 14 of the NPPF seeks to resist inappropriate development in areas at risk of flooding, directing development away from areas at highest risk (whether existing or future). Where development is necessary in such areas, the development should be made safe for its lifetime without increasing flood risk elsewhere. Paragraph 167 advises that when determining planning applications, local planning authorities should ensure that flood risk is not



increased elsewhere and that where appropriate applications should be supported by a site-specific flood-risk assessment. Paragraph 169 goes on to advise that major developments should incorporate sustainable drainage systems unless there is clear evidence that this would be inappropriate.

167. CDP Policies 35 and 36 relate to flood water management and infrastructure. CDP Policy 35 requires development proposals to consider the effects of the scheme on flood risk and ensure that it incorporates a Sustainable Drainage System (SUDs) to manage surface water drainage. Development should not have an adverse impact on water quality. CDP Policy 36 seeks to ensure that suitable arrangements are made for the disposal of foul water.
168. Concerns have been raised by members of the public in terms of the impact of the development upon the drainage. In assessing this, the site is not located within a flood zone. The application is supported by a Flood Risk Assessment and a Drainage Strategy. The drainage strategy proposes to attenuate water on the site using an attenuation tank and then discharging it at a greenfield run off rate. The Lead Local Flood Authority have reviewed the submitted information and the principle of the drainage is acceptable. However, a detailed drainage scheme is required to be submitted to the LPA. It is considered that this can be dealt with by planning condition.
169. The application is considered to demonstrate that the proposed development would be safe without increasing or exacerbating flood risk elsewhere as required by Policies 35 and 36 of the County Durham Plan and Part 14 of the National Planning Policy Framework.

#### Ground Conditions

170. CDP Policy 32 requires sites to be suitable for use taking into account contamination and unstable land issues. Paragraph 183 of the NPPF requires sites to be suitable for their proposed use taking account of ground conditions and any risks arising from land instability and contamination.
171. The application has been supported by a Phase 1 and 2 Geo-Environmental Site Assessment. The Council's Contaminated Land Team have been consulted on the reports supplied and they confirm there is no requirement for a contaminated land condition to be imposed on the consent. The site lies outside of the Coal Mining High Risk Area. Therefore, there is no need to consult with the Coal Authority on the application.
172. Policy 56 of the CDP seeks to safeguard mineral resources. Significant areas of the County fall into such mineral safeguarding areas, including the application site and wider area. Although a non-mineral development is proposed, it is not considered that the current proposals would sterilise mineral resource taking into account the scale of the site and residential setting. No objections are raised in this regard and the proposal does not conflict with Policy 56.
173. The proposal is considered to comply with Policies 32 and 56 of the County Durham Plan and Paragraph 183 of the National Planning Policy Framework.

## Sustainability

174. Criterion c) of CDP Policy 29 requires all development to minimise greenhouse gas emissions, by seeking to achieve zero carbon buildings and providing renewable and low carbon energy generation. Where connection to the gas network is not viable, development should utilise renewable and low carbon technologies as the main heating source.
175. In addition, criterion o) of CDP Policy 29 requires all major residential development to achieve reductions in CO<sub>2</sub> emissions of 10% below the Dwelling Emission Rate (DER) against the Target Emission Rate (TER) based on current Building Regulations.
176. Criterion d) of CDP Policy 29 requires all development to minimise the use of non-renewable and unsustainable resources, including energy, water and materials, during both construction and use by encouraging waste reduction and appropriate reuse and recycling of materials, including appropriate storage space and segregation facilities for recyclable and non-recyclable waste and prioritising the use of local materials.
177. GANP Policy H6 relates to 'Securing Energy Efficient Homes' and requires developments to be designed to achieve the highest possible energy efficiency standards.
178. No energy assessment or similar has been provided to demonstrate compliance with CDP Policy 29. However, the Building Regulations have changed since the submission of this application and now require all new homes to produce 31% less CO<sub>2</sub> emissions than what was previously acceptable in the Part L regulations and there have been changes to Part F in respect of ventilation with new regulations in respect of overheating and electric vehicle charging. In light of the changes to Building Regulations, the development would now need to meet this new requirement and as this is covered under separate legislation there is no need for a condition to reflect this.
179. By virtue of the recent changes to Building Regulation requirement, the proposal is considered to exceed the requirements of Policy 29 of the County Durham Plan and accords with Part 2 of the National Planning Policy Framework.

## Other Matters

180. A concern was raised during the course of the application in regard to the land ownership as the incorrect Certificate on the application form had been completed. This was brought to the attention of the agent and an amended Certificate B has been provided and a full re-consultation on the application was undertaken. This resolves the land ownership query raised by a member of the public.
181. CDP Policy 27 relates to utilities, telecommunications and other broadband infrastructure and requires any residential and commercial development to be served by a high-speed broadband connection and where this is not

appropriate, practical or economically viable, developers should provide appropriate infrastructure to enable future installation.

In considering this policy requirement, due the location of the development within Newton Aycliffe, there would be existing high-speed broadband availability in the area to comply with CDP Policy 27. A condition is recommended requiring the precise broadband details to be submitted to comply with CDP Policy 27.

182. In relation to Air Quality, CDP Policy 31 sets out: “Development which has the potential to lead to, or be affected by, unacceptable levels of air quality, inappropriate odours, noise and vibrations or other sources of pollution, either individually or cumulatively, will not be permitted including where any identified mitigation cannot reduce the impact on the environment, amenity of people or human health to an acceptable level.” In assessing this, the application site is not located within a designated Air Quality Management Plan and the Council’s Air Quality Team have been consulted on the application who have no objection to the development subject to a condition requiring the submission of a Construction Management Plan. Therefore, the development is compliant with Policy 31 of the CDP in terms of air quality.
183. The application site is within the Health and Safety Executive Major Hazard Sites Consultation Zone and accordingly, the HSE have been consulted via their online platform. They confirm that they do not advise against the development. Therefore, the proposal is acceptable in this regard.

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## **CONCLUSION**

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184. Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The Council has an up-to-date development plan which is the County Durham Plan alongside the Great Aycliffe Neighbourhood Plan. Paragraph 11 of the NPPF establishes a presumption in favour of sustainable development. For decision making, this means approving development proposals that accord with an up-to-date development plan without delay.
185. It is acknowledged that this proposal is not an allocated housing site under CDP Policy 4. However, CDP Policy 6 does permit development on unallocated sites on the basis that specific criteria are met. It is concluded that the development of this application site for housing would not be in conflict with CDP Policy 6 or GANP Policy H1 as it is well-related to the settlement, would not significantly affect the landscape character, is sustainably located with access to public transport and services, acceptably designed and would not be prejudicial to highway safety or have a severe residual cumulative impact on network capacity.
186. The application site is neither locally, nor nationally designated in terms of its landscape quality. Whilst the development would alter the character of site, it is not considered that this would cause harm to the wider area given the bounds

of the application site between the Pease Way, Greenfield Way and existing residential development. Concerns have been raised regarding the impact of the development upon the existing trees especially in regard to the removal of trees from the site. However, whilst the loss of the trees is regrettable, without their removal the proposal would be undeliverable. To mitigate against this, a detailed landscaping scheme has been submitted which includes the planting of additional trees which is considered to be acceptable in such a residential setting in accordance with Policies 6, 29, 39 and 40 of the County Durham Plan.

187. Concerns have been raised by members of the public in terms of the highway safety implications of the development. However, these concerns have been taken into consideration in the assessment of the application, with the Council's Highways Team reviewing the details and having no objection to the development.
188. In terms of the residential amenity, the proposal complies with the required garden lengths and separation distances as set out under the Residential Amenity Standards SPD. Although, there are concerns about the impact of the existing trees upon the useability of some of the rear garden due to shading. Whilst this is a deficiency in the application, this needs to be weighed in the overall planning balance of the application as a whole, especially weighed against securing affordable housing within Newton Aycliffe with an oversupply of bungalows (beyond the policy requirement set out under CDP Policy 15). Whilst there are some issues with the shading of the rear gardens, this is considered to be outweighed by the provision of affordable housing on the site which is a positive of the scheme.
189. The proposal is considered to comply with the requirements of the policies of the County Durham Plan in relation to ecological impacts, developer contributions, air quality, drainage, and ground conditions.
190. Overall, the proposal is considered to be acceptable and in accordance with Policies 6, 15, 19, 21, 25, 26, 27, 29, 31, 32, 35, 36, 39, 40, 41, 42, 43 and 56 of the County Durham Plan, GANP Policies CH1, E1, E4, E5, H1, H3, H5, H6, H7, H8, H9, T3 and CIL1 and Parts 2, 5, 8, 9, 12, 14 and 15 of the National Planning Policy Framework. There are no material considerations which indicate otherwise, and the application is recommended for approval subject to the completion of a Section 106 Agreement.

#### Public Sector Equality Duty

191. 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.
192. In this instance, officers have assessed all relevant factors and do not consider that there are any equality impacts identified.

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## RECOMMENDATION

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That the application be **APPROVED** subject to the completion of a Section 106 Agreement to secure the following:

- A financial contribution totalling £11,109.00 for the NHS;
- A financial contribution of £36,204.30 for off-site open space provision;
- Provision of 15% affordable housing on site.
- The securing of biodiversity net gain off-site.

And the following conditions:

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

*Reason: Required to be imposed pursuant to Section 91 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.*

2. The development hereby approved shall be carried out in strict accordance with the following plans and documents:

- Site Location Plan. Drawing Number: BHA-ST-XX-DR-A-0500 Rev P02 received by the Local Planning Authority on 7<sup>th</sup> June 2022
- Proposed Site Layout. Drawing Number: BHA-ST-XX-DR-A-1220 Rev P12 received by the Local Planning Authority on 30<sup>th</sup> June 2023
- Proposed External Finishes Layout. Drawing Number: BHA-ST-XX-DR-A-1400 Rev P05 received by the Local Planning Authority on 30<sup>th</sup> June 2023.
- Detailed Landscape Proposals. Drawing Number: c-2070-01- Revision C received by the Local Planning Authority on 13<sup>th</sup> June 2023.
- Boundary Treatments Plan. Drawing Number: BHA-ST-XX-DR-A-1410 Rev P06 received by the Local Planning Authority on 30<sup>th</sup> June 2023.
- Proposed Parking Plan. Drawing Number: BHA-ST-XX-DR-A-1420 Rev P04 received by the Local Planning Authority on received by the Local Planning Authority on 30<sup>th</sup> June 2023.
- Proposed Drainage Layout. Drawing Number: 148583/2004 Rev B received by the Local Planning Authority on 30<sup>th</sup> June 2023.
- Brookwood Proposed Floor Plan and Roof Plan. Drawing Number: DR-A-1501 Rev P03 received by the Local Planning Authority on 13<sup>th</sup> June 2023.
- Brookwood Proposed Elevations. Drawing Number: DR-A-1601 Rev P02 received by the Local Planning Authority on 13<sup>th</sup> June 2023.
- Wentworth Proposed Elevations. Drawing Number: BHA-V211-ZZ-DR-A-1601 Rev P03 received on 25<sup>th</sup> April 2023.
- Wentworth Floor Plan and Roof Plan. Drawing Number: BHA-V211-ZZ-DR-A-1501 Rev P03 received by the Local Planning Authority on 25<sup>th</sup> April 2023.

- Berwick Proposed Elevations. Drawing Number: BHA-V411-ZZ-DR-A-1601 Rev P03 received by the Local Planning Authority on 25<sup>th</sup> April 2023.
- Berwick Proposed Floor Plan and Roof Plan. Drawing Number: BHA-V411-ZZ-DR-A-1501 Rev P03 received by the Local Planning Authority on 25<sup>th</sup> April 2023.
- Ashridge Proposed Elevations. Drawing Number: BHA-V213-ZZ-DR-A-1601 Rev P03 received by the Local Planning Authority on 25<sup>th</sup> April 2023.
- Ashridge Proposed Floor Plans and Roof Plan. Drawing Number: BHA-V213-ZZ-DR-A-1501 Rev P03 received by the Local Planning Authority on 25<sup>th</sup> April 2023.
- Sherwood Proposed Elevations. Drawing Number: BHA-V313-ZZ-DR-A-1601 Rev P03 received by the Local Planning Authority on 10<sup>th</sup> July 2023
- Sherwood Proposed Floor Plans and Roof Plan. Drawing Number: BHA-V313-ZZ-DR-A-1501 Rev P02 received by the Local Planning Authority on 25<sup>th</sup> April 2023.
- Oakmont Proposed Elevations. Drawing Number: BHA-V312-ZZ-DR-A-1601 Rev P03 received by the Local Planning Authority on 25<sup>th</sup> April 2023.
- Oakmont Floor Plans and Roof Plans. Drawing Number: BHA-V312-ZZ-DR-A-1501 Rev P04 received by the Local Planning Authority on 25<sup>th</sup> April 2023.

*Reason: To define the consent and ensure that a satisfactory form of development is obtained in accordance with Policies 6, 15, 19, 21, 29, 31, 32, 35, 36, 39, 40, 41 and 43; of the County Durham Plan and Parts 2, 5, 8, 9, 12, 14, 15 of the National Planning Policy Framework.*

3. No development shall commence until a completed Final Nutrient Credit Certificate has been submitted to and approved in writing by the Local Planning Authority.

*Reason: To conserve protected species and their habitat in accordance with Policy 42 of the County Durham Plan.*

4. No development shall commence until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. The Construction Management Plan shall include as a minimum but not necessarily be restricted to the following:
  - A Dust Action Plan including measures to control the emission of dust and dirt during construction.
  - Details of methods and means of noise reduction/suppression.
  - Where construction involves penetrative piling, details of methods for piling of foundations including measures to suppress any associated noise and vibration.

- Details of measures to prevent mud and other such material migrating onto the highway from all vehicles entering and leaving the site.
- Designation, layout and design of construction access and egress points.
- Details for the provision of directional signage (on and off site).
- Details of contractors' compounds, materials storage and other storage arrangements, including cranes and plant, equipment and related temporary infrastructure.
- Details of provision for all site operatives for the loading and unloading of plant, machinery and materials.
- Details of provision for all site operatives, including visitors and construction vehicles for parking and turning within the site during the construction period.
- Routing agreements for construction traffic.
- Details of the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate.
- Waste audit and scheme for waste minimisation and recycling/disposing of waste resulting from demolition and construction works.
- Management measures for the control of pest species as a result of demolition and/or construction works.
- Detail of measures for liaison with the local community and procedures to deal with any complaints received.

The management strategy shall have regard to BS 5228 "Noise and Vibration Control on Construction and Open Sites" during the planning and implementation of site activities and operations.

The approved Construction Management Plan shall also be adhered to throughout the construction period and the approved measures shall be retained for the duration of the construction works.

*Reason: To protect the residential amenity of existing and future residents from the development in accordance with Policy 31 of the County Durham Plan and Part 15 of the National Planning Policy Framework. Required to be pre commencement to ensure that the whole construction phase is undertaken in an acceptable way.*

5. No development shall commence until detailed drawings, including sections, showing the existing and proposed site levels, and the finished floor levels of the proposed development and those of existing neighbouring buildings (if any), has been submitted to and approved in writing by the Local Planning Authority.

The development shall be undertaken in accordance with the approved details thereafter.

*Reason: In the interests of the amenity of the surrounding areas and neighbouring properties, in accordance with Policy 29 of the County Durham Plan and Parts 12 and 15 of the National Planning Policy Framework. Required as a pre-commencement condition to ensure that the implications of changes in level are properly considered and accounted for in the development.*

6. No development shall commence until full details of a scheme for foul and surface water drainage in accordance with the principles demonstrated on 'Proposed Drainage Layout' Drawing Number: 148583/2004 Rev B has been submitted to and approved in writing. The details shall include detailed drawings to show proposed site levels, finished floor levels and MDX calculations. The development shall be undertaken in accordance with the approved details prior to the first occupation of any of the dwellings hereby approved.

*Reason: To ensure effective drainage measures and sustainable principles are adhered to, and to safeguard the proposed development from flood risk, whilst not increasing flood risk elsewhere in accordance with Policy 35 of the County Durham Plan and Part 14 of the National Planning Policy Framework.*

7. No development shall commence until details of the means of access and estate road, including full engineering and construction details, have been submitted to and approved in writing by the Local Planning Authority. The development shall be completed in accordance with the approved details prior to the first occupation of any of the dwellings hereby approved.

*Reason: In the interests of highway safety to comply with Policy 21 of the County Durham Plan, GANP Policies H3 and H5 and Part 9 of the National Planning Policy Framework.*

8. No construction work shall take place, nor any site cabins, materials or machinery be brought on site until all trees and hedges, indicated on the approved tree protection plan (Appendix 2: Arboricultural Impact Plan, Drawing Number: ARB/CP/2844/AIP in 'Arboricultural Impact Assessment' prepared by Elliot consultancy Ltd Dated June 2023) to be retained, are protected by the erection of fencing, placed as indicated on the plan and comprising a vertical and horizontal framework of scaffolding, well braced to resist impacts, and supporting temporary welded mesh fencing panels or similar approved in accordance with BS.5837:2010.

No operations whatsoever, no alterations of ground levels, and no storage of any materials are to take place inside the fences, and no work is to be done such as to affect any tree.

No removal of limbs of trees or other tree work shall be carried out.

No underground services trenches or service runs shall be laid out in root protection areas, as defined on the Tree Constraints Plan.



*Reason: In the interests of the visual amenity of the area and to comply with Policies 29 and 40 of the County Durham Plan and Parts 12 and 15 of the National Planning Policy Framework.*

9. Notwithstanding any details of materials submitted with the application, no development shall be carried out above damp proof course level until details of the make, colour and texture of all walling and roofing materials have been submitted to and approved in writing by the Local Planning Authority. The development shall be constructed in accordance with the approved details.

*Reason: In the interests of the appearance of the area and to comply with Policies 6 and 29 of the County Durham Plan and Part 12 of the National Planning Policy Framework.*

10. No development shall be carried out above damp proof course level until details of the pedestrian footpath link to existing dismantled railway as shown on Proposed Site Layout. Drawing Number: BHA-ST-XX-DR-A-1220 Rev P12 received by the Local Planning Authority on 30<sup>th</sup> June 2023 have been submitted to and approved in writing. The details shall include site sections and full engineering details. The pedestrian footpath link shall be constructed in accordance with the approved details prior to the occupation of the 5<sup>th</sup> dwelling hereby approved.

*Reason: In the interests of highway safety and in order to improve the accessibility of the site in accordance with Policies 21 and 29 of the County Durham Plan*

11. Prior to the first occupation of any of the dwellings hereby approved, details of 1no. electric vehicle charging point per dwelling shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall be constructed in accordance with the approved details and retained in perpetuity unless replaced with an equivalent or better low carbon vehicle power source.

*Reason: To ensure a satisfactory form of development in accordance with Policy 21 of the County Durham Plan and Part 9 of the National Planning Policy Framework.*

12. Prior to the first occupation of any of the dwellings hereby approved, the access as shown on Proposed Site Layout. Drawing Number: BHA-ST-XX-DR-A-1220 Rev P12 received by the Local Planning Authority on 30<sup>th</sup> June 2023 shall be fully constructed in accordance with these details.

*Reason: In the interests of highway safety to comply with Policy 21 of the County Durham Plan and Part 9 of the National Planning Policy Framework.*

13. Prior to the first occupation of any of the dwellings hereby approved, details of 1no. bat and 1no. bird box per dwelling shall be submitted to and approved in writing by the Local Planning Authority. The details shall be installed on the site and remain so in perpetuity prior to the first occupation of any of the dwellings hereby approved.

*Reason: In order for the development to meet biodiversity net gains as outlined in Policy 41 of the County Durham Plan and Part 15 of the National Planning Policy Framework.*

14. Prior to the first occupation of any of the dwellings hereby approved, the boundary treatments as detailed on 'Boundary Treatments Plan' Drawing Number: BHA-ST-XX-DR-A-1410 Rev P06 received by the Local Planning Authority on 30<sup>th</sup> June 2023 shall be fully installed on the site and remain so in perpetuity.

*Reason: In order to protect the amenity of future occupants from noise in accordance with Policy 31 of the County Durham Plan.*

15. Prior to the first occupation of any of the dwellings hereby approved, the noise mitigation measures outlined in 'Revised Noise Assessment by njd Environmental Associates' dated July 2023, Report Reference: NJD21-0134-002R/R3 and 'Figure 4: Mitigation for Gardens, Ground Floor Living Rooms and Ground Floor Bedrooms' shall be fully implemented on the site and remain so in perpetuity.

*Reason: In order to protect the amenity of future occupants from noise in accordance with Policy 31 of the County Durham Plan.*

16. Prior to the first occupation of any of the dwellings hereby approved, a scheme detailing the precise means of broadband connection to the site shall be submitted to and agreed in writing by the Local Planning Authority. Thereafter, the development shall be carried out in accordance with the agreed details.

*Reason: To ensure a high quality of development is achieved and to comply with the requirements of Policy 27 of the County Durham Plan.*

17. The existing hedgerow along the north boundary of the site as shown on Appendix 2: Arboricultural Impact Plan, Drawing Number: ARB/CP/2844/AIP in 'Arboricultural Impact Assessment' prepared by Elliot consultancy Ltd Dated June 2023 shall be retained for the lifetime of the development to a minimum height of 1.25 metres.

*Reason: In the interests of the visual amenity of the area and to comply with Policy 29 of the County Durham Plan and Part 12 of the National Planning Policy Framework.*

18. All planting, seeding or turfing and habitat creation in the approved details of the landscaping scheme shall be carried out in the first available planting season following the practical completion of the development.

No tree shall be felled or hedge removed until the removal/felling is shown to comply with legislation protecting nesting birds and roosting bats. Any approved replacement tree or hedge planting shall be carried out within 12 months of felling and removals of existing trees and hedges.

Any trees or plants which die, fail to flourish or are removed within a period of 5 years from the substantial completion of the development shall be replaced in the next planting season with others of similar size and species.

Replacements will be subject to the same conditions.

*Reason: In the interests of the visual amenity of the area and to comply with Policy 29 of the County Durham Plan and Part 12 of the National Planning Policy Framework.*

19. The parking spaces as shown on 'Proposed Site Layout. Drawing Number: BHA-ST-XX-DR-A-1220 Rev P12 received by the Local Planning Authority on 30<sup>th</sup> June 2023' shall be retained for the lifetime of the development for the parking of motor vehicles only.

*Reason: In the interests of highway safety to comply with Policy 21 of the County Durham Plan and Part 9 of the National Planning Policy Framework.*

20. In undertaking the development that is hereby approved:

No external construction works, works of demolition, deliveries, external running of plant and equipment shall take place other than between the hours of 0730 to 1800 on Monday to Friday and 0730 to 1400 on Saturday.

No internal works audible outside the site boundary shall take place on the site other than between the hours of 0730 to 1800 on Monday to Friday and 0800 to 1700 on Saturday.

No construction works or works of demolition whatsoever, including deliveries, external running of plant and equipment, internal works whether audible or not outside the site boundary, shall take place on Sundays, Public or Bank Holidays.

For the purposes of this condition, construction works are defined as: The carrying out of any building, civil engineering or engineering construction work involving the use of plant and machinery including hand tools.

*Reason: To protect the residential amenity of existing and future residents from the development in accordance with Policy 31 of the County Durham Plan and Part 15 of the National Planning Policy Framework.*

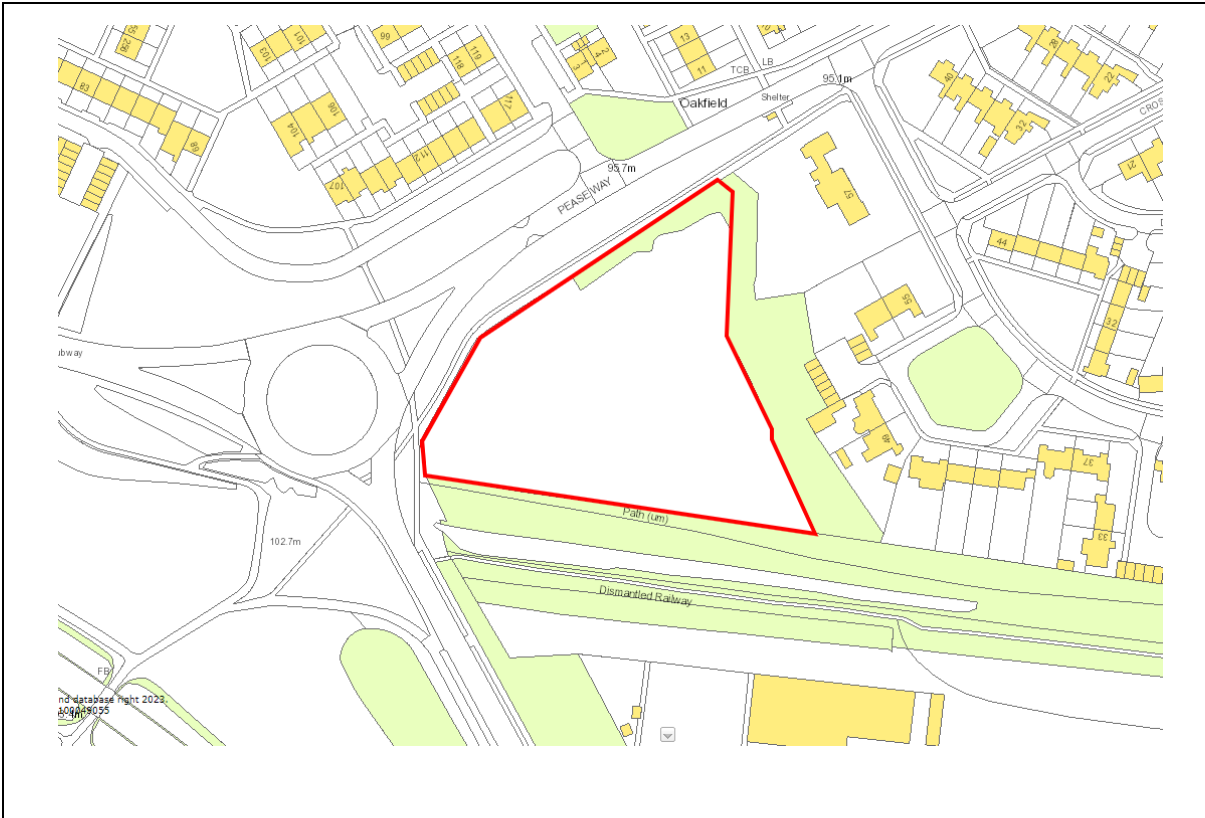
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## **BACKGROUND PAPERS**

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Submitted Application Forms, Plans and supporting documents  
National Planning Policy Framework  
The County Durham Plan (CDP)  
County Durham Strategic Housing Market Assessment 2019  
County Durham Plan Building for Life Supplementary Planning Document 2019  
Residential Amenity Standards Supplementary Planning Document 2020  
Statutory consultation responses

Internal consultation responses  
External consultation responses



<p><b>Planning Services</b></p>	<p>23no. Affordable Dwellings</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>Comments</b></p>	
	<p>Date: 20<sup>th</sup> July 2023</p>	

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## Planning Services

# COMMITTEE REPORT

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### APPLICATION DETAILS

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Application No:	DM/23/01204/FPA
Full Application Description:	Erection of six aviaries (3 round and 3 longitudinal)
Name of Applicant:	Ms Anna Warnecke
Address:	Kynren, Flatts Farm, Toronto, Bishop Auckland, DL14 7SF
Electoral Division:	Bishop Auckland Town
Case Officer:	Gemma Heron Senior Planning Officer 03000 263 944 gemma.heron@durham.gov.uk

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### DESCRIPTION OF THE SITE AND PROPOSAL

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#### The Site

1. The application site is located approximately 0.5km to the north of Bishop Auckland. The wider 48.7 hectare site has been developed to provide a seated grandstand, and associated infrastructure to stage the 'Kynren' show. The site subject of this application relates to parcels of undeveloped and/or grazing land within the wider to the northern site boundary.
2. The wider site lies to the north of the escarpment on which Auckland Castle (Grade I Listed) and Parkland (Grade II Listed), and Bishop Auckland Town Centre (Conservation Area) are located. The site is within the Area of Higher Landscape Value and the flood plain of the River Wear being identified as being within Flood Zone 2 and 3. Binchester Roman Fort (a Scheduled Ancient Monument) is located approximately 140 metres to the north of the main event site. The Newton Cap Viaduct on the western boundary is Grade II Listed while Newton Cap Bridge (also known as Skirlaw Bridge) that lies beyond is a Schedule Ancient Monument and Grade I Listed.
3. A Public Right of Way (PROW) which forms part of the Weardale Valley (Footpath 85) runs along the western boundary of the main event site. The main

event site is accessed from the A689 just to the north of the viaduct that also serves the railway path and bridleway.

## The Proposal

4. Full planning permission is sought for the erection of six aviaries to include three round and three longitudinal buildings to house birds to support diversification of the Kynren show. Each longitudinal aviary would measure 42m by 6m, standing to 4.3m to the ridge and 2.7m to the eaves. The buildings would be constructed from metal profile roofing and timber cladding. The round aviaries would measure 27m in diameter and would stand to 7.3m to the ridge and 3.7m to the eaves. Each will be constructed from a steel structure with a green fabric roof.
5. The application is being reported to planning committee in accordance with the Council's Scheme of Delegation as the floor space to be created exceeds 1000m<sup>2</sup>.

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## **PLANNING HISTORY**

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6. DM/15/00110/FPA – Re-development of existing golf course to facilitate the staging of seasonal historical show, including associated car parking area, staging facilities, outdoor seating, management offices and associated infrastructure and landscaping. Approved subject to S106. 6<sup>th</sup> August 2015.
7. DM/15/02710/FPA – Change of use and refurbishment of 3no. buildings to serve as offices and visitor facilities. Approved 28<sup>th</sup> October 2015.
8. DM/15/03672/FPA – Demolition of dwelling and erection of temporary office building. Approved 3<sup>rd</sup> February 2016.
9. DM/15/03842/FPA – Erection of 8no. lighting towers (variation to previously approved). Approved 22<sup>nd</sup> January 2016.
10. DM/16/01129/VOC – Variation of Conditions no.2 (Approved Plans) of planning approval DM/15/00110/FPA. Approved subject to S106. 5<sup>th</sup> March 2018.
11. DM/19/01633/FPA – Formation of Viking Village to be used as a preshow immersive experience (amended application to include foodcourt building and maze area). Approved 3<sup>rd</sup> March 2021.

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## **PLANNING POLICY**

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### **National Policy**

12. A revised National Planning Policy Framework (NPPF) was published in July 2018 (with updates since). The overriding message continues to be that new development that is sustainable should go ahead without delay. It defines the role of planning in achieving sustainable development under three overarching objectives – economic, social and environmental, which are interdependent and need to be pursued in mutually supportive ways.



13. *NPPF Part 2 Achieving Sustainable Development* - The purpose of the planning system is to contribute to the achievement of sustainable development and therefore at the heart of the NPPF is a presumption in favour of sustainable development. It defines the role of planning in achieving sustainable development under three overarching objectives - economic, social and environmental, which are interdependent and need to be pursued in mutually supportive ways. The application of the presumption in favour of sustainable development for plan-making and decision-taking is outlined.
14. *NPPF Part 4 Decision-making* - Local planning authorities should approach decisions on proposed development in a positive and creative way. They should use the full range of planning tools available, including brownfield registers and permission in principle, and work proactively with applicants to secure developments that will improve the economic, social and environmental conditions of the area. Decision-makers at every level should seek to approve applications for sustainable development where possible.
15. *NPPF Part 6 Building a Strong, Competitive Economy* - The Government is committed to securing economic growth in order to create jobs and prosperity, building on the country's inherent strengths, and to meeting the twin challenges of global competition and a low carbon future.
16. *NPPF Part 7 - Ensuring the vitality of town centres*. Planning policies should be positive, promote competitive town centre environments and set out policies for the management and growth of centres over the plan period.
17. *NPPF Part 8 Promoting Healthy and Safe Communities* - The planning system can play an important role in facilitating social interaction and creating healthy, inclusive communities. Developments should be safe and accessible; Local Planning Authorities should plan positively for the provision and use of shared space and community facilities. An integrated approach to considering the location of housing, economic uses and services should be adopted.
18. *NPPF Part 9 Promoting Sustainable Transport* - Encouragement should be given to solutions which support reductions in greenhouse gas emissions and reduce congestion. Developments that generate significant movement should be located where the need to travel will be minimised and the use of sustainable transport modes maximised.
19. *NPPF Part 12 Achieving Well-Designed Places* - The Government attaches great importance to the design of the built environment, with good design a key aspect of sustainable development, indivisible from good planning.
20. *NPPF Part 14 Meeting the Challenge of Climate Change, Flooding and Coastal Change* - The planning system should support the transition to a low carbon future in a changing climate, taking full account of flood risk and coastal change. It should help to: shape places in ways that contribute to radical reductions in greenhouse gas emissions, minimise vulnerability and improve resilience; encourage the reuse of existing resources, including the conversion of existing buildings; and support renewable and low carbon energy and associated infrastructure.

21. *NPPF Part 15 Conserving and Enhancing the Natural Environment* - Conserving and enhancing the natural environment. The Planning System should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes, geological conservation interests, recognising the wider benefits of ecosystems, minimising the impacts on biodiversity, preventing both new and existing development from contributing to or being put at unacceptable risk from Page 73 pollution and land stability and remediating contaminated or other degraded land where appropriate.
22. *NPPF Part 16 Conserving and Enhancing the Historic Environment* – Heritage assets range from sites and buildings of local historic value to those of the highest significance, such as World Heritage Sites which are internationally recognised to be of Outstanding Universal Value. These assets are an irreplaceable resource, and should be conserved in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of existing and future generations,

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

### **National Planning Practice Guidance:**

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

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

### **Local Plan Policy:**

The County Durham Plan (CDP)

24. *Policy 7 (Visitor Attractions)* supports the provision of new, or the expansion of existing attractions, provided they are: in sustainable and accessible locations or can be made so; are appropriate to site's location in terms of scale, design, layout and materials; can demonstrate viability of new attraction or helps support viability of existing attraction; enhances existing attractions and supports the visitor economy.

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

25. *Policy 9 (Retail Hierarchy and Town Centre Development)* seeks to protect and enhance the hierarchy of Sub Regional, Large Town, Small Town, District and Local Retail centres in the County.
26. *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.

27. *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.
28. *Policy 29 (Sustainable Design)* requires all development proposals to achieve well designed buildings and places having regard to SPD advice and sets out 18 elements for development to be considered acceptable, including: making positive contribution to areas character, identity etc.; adaptable buildings; minimising greenhouse gas emissions and use of non-renewable resources; providing high standards of amenity and privacy; contributing to healthy neighbourhoods; and suitable landscape proposals. Provision for all new residential development to comply with Nationally Described Space Standards, subject to transition period.
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 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.
37. *Policy 44 (Historic Environment)* seeks to ensure that developments should contribute positively to the built and historic environment and seek opportunities

to enhance and, where appropriate, better reveal the significance and understanding of heritage assets. The policy advises on when harm or total loss of the significance of heritage assets can be accepted and the circumstances/levels of public benefit which must apply in those instances.

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

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

#### **Neighbourhood Plan:**

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

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## **CONSULTATION AND PUBLICITY RESPONSES**

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#### **Statutory Consultee Responses:**

40. *Bishop Auckland Town Council* – Support the application as it is in line with Part 6 of the National Planning Policy Framework and will help to support Part 7 of the NPPF and Policy 9 of the County Durham Plan.
41. *Lead Local Flood Authority* – No objection subject to no additional discharge from the development into the river.
42. *Highways Authority* – No objection.
43. *The Coal Authority* – Substantial concerns with the application and require further site investigation works to be carried out.
44. *Environment Agency* - No objection subject to the inclusion of a condition to ensure compliance with the submitted Flood Risk Assessment and implementation of flood risk mitigation measures.
45. *Historic England* – Offer no comments on the application.

#### **Non-Statutory Responses:**

46. *Ecology* – No objection subject to a detailed list of species and planting densities being submitted for the landscaping of the site.
47. *Landscape Section* – Advise that a landscape and visual assessment has been produced and the conclusions are acceptable subject to the mitigation being implemented in full.
48. *Environmental Health Nuisance* – No objection.
49. *Environmental Health Contamination* – No objection.
50. *Archaeology* – No objection.
51. *Tree Officer* – No objection as no adverse impact on existing trees.
52. *Design and Conservation* – No objection.
53. *Public Right of Way* – Advise that there is no public right of way located on or within proximity to the site. Therefore, there is no impact on the rights of way network.

**Public Responses:**

54. The application has been advertised by way of a site notice, press notice and individual notification letters sent to four neighbouring properties. No letters of representation have been received by members of the public.

**Applicants Statement:**

55. None provided.

*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/>

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**PLANNING CONSIDERATION AND ASSESSMENT**

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56. Having regard to the requirements of Section 38(6) of the Planning and Compulsory Purchase Act 2004 the relevant Development Plan policies, relevant guidance and all other material planning considerations, including representations received, it is considered that the main planning issues relate to the Principle of Development, Landscape/Heritage, Flood Risk/Drainage, Highway Safety/Access, Residential Amenity, Ecology and Ground Conditions.

Principle of Development

57. Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The National Planning Policy Framework (NPPF) is a material planning consideration. The County Durham Plan (CDP) is the statutory development plan and the starting point for determining applications as set out in the Planning Act and reinforced at Paragraph 12 of

the NPPF. The CDP was adopted in October 2020 and provides the policy framework for the County up until 2035 and is therefore considered up to date.

58. CDP Policy 10 is considered the starting point for the consideration of development in the countryside. The policy sets out a restrictive approach, stating that development in such locations will not be permitted unless allowed for by specific policies in the Plan, relevant policies within an adopted neighbourhood plan relating to the application site or where the proposal relates to stated exceptions contained within CDP Policy 10. In this respect, CDP Policy 7 is a relevant policy listed within CDP Policy 10 and sets out a positive approach to the delivery of visitor attractions highlighting that this sector is an important and resilient part of the County's economy. The policy seeks to permit developments where they are in sustainable and accessible locations, are appropriate to the site's location in environmental terms and that it can help support the viability and complement existing attractions. The supporting text of CDP Policy 7 makes specific reference to the 'Kynren' development and wider tourism-based opportunities being realised at Auckland Castle and wider Bishop Auckland Market Place.
59. The proposal seeks to supplement the existing offer on the site through the provision of providing space for the housing of birds which are to be used by Kynren in the future development of the site and their experience offer to its visitors. This development is considered to be incidental to the overall established use of the site and for the purposes of CDP Policy 7 will help to support the continued viability of the show and complement the existing attraction.
60. As the application site is located outside the town centre of Bishop Auckland, CDP Policy 9 is relevant. It seeks to support existing town centres by ensuring that appropriate development is located within them and preventing development outside of town centres which may undermine their vitality and viability. In this respect, CDP Policy 9 sets out that town centre uses as defined by the NPPF will be required to provide a sequential assessment. The definition of town centre uses in the NPPF does include tourism development (including theatres, museums, galleries and concert halls, hotels and conference facilities). However, as set out above, the proposed development is considered incidental to the main use of the event site which is an established use on the site. In addition to this, CDP Policy 9 sets out that a masterplan for Bishop Auckland Town Centre has been developed which seeks to build on the significant investment at Auckland Castle through the Auckland Project and Eleven Arches. A range of projects are being developed across the town centre investing in culture, heritage and economy of the town. The Policy sets out that the CDP will support proposals that will deliver the aim of the masterplan, increase footfall within the town centre and improve its vitality and viability. The continued development of the Kynren/Eleven Arches development will support the Masterplan for Bishop Auckland Town Centre.
61. The National Planning Practice Guidance (NPPG) also sets out that the use of the sequential test should recognise that certain main town centre uses have particular market and locational requirements which mean that they may only be accommodated in specific locations.

62. Overall, taking the above into account, given the facilities are incidental to the main use of the site and linked to the operation of the main event show, it is considered that the development would not have an adverse impact on the vitality and viability of the town centre and a sequential test is not required in this instance. In principle, it is considered that the development of the site is acceptable subject to assessing the detailed impacts of the proposals to comply with Policies 7 and 9 of the County Durham Plan.

#### Landscape/Heritage Impact

63. CDP Policy 10 seeks to protect the heritage and the beauty and tranquillity of the countryside. CDP Policy 29 outlines that development proposals should contribute positively to an area's character, identity, heritage significance, townscape and landscape features, helping to create and reinforce locally distinctive and sustainable communities.
64. 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. CDP Policy 39 also sets out that development affecting Areas of Higher Landscape Value will only be permitted where it conserves the special qualities of the landscape unless the benefits of development in that location clearly outweigh the harm. CDP Policy sets out that new visitor attractions should respect the character of the countryside.
65. CDP Policy 40 seeks to avoid the loss of existing trees and hedgerows unless suitable replacement planting is provided.
66. CDP Policy 44 seeks to ensure that developments should contribute positively to the built and historic environment and seek opportunities to enhance and, where appropriate, better reveal the significance and understanding of heritage assets. The policy advises on when harm or total loss of the significance of heritage assets can be accepted and the circumstances/levels of public benefit which must apply in those instances. These policies reflect the requirements of Sections 16 and 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 in terms of having regard to the desirability of preserving the special interest of listed buildings which has considerable weight and importance.
67. Parts 12 and 15 of the NPPF also seek to promote good design, while protecting and enhancing local environments. Paragraph 127 of the NPPF also states that planning decisions should aim to ensure developments function well and add to the overall quality of the area and establish a strong sense of place, using streetscapes and buildings to create attractive and comfortable places to live, work and visit.
68. The application site is within the Area of Higher Landscape Value and the proposal is accompanied by a Landscape and Visual Analysis. The report outlines that existing vegetation within the site should be retained and enhanced; there should be additional native woodland planting along the river corridor to the north; individual native trees should be planted at locations around the structures and a sensitive use of materials for the development should be used. To accompany this analysis, a landscaping plan has been



submitted which shows the locations of the proposed planting. The Council's Landscape Team have been consulted on the proposal and advise that the conclusions of the Landscape and Visual Analysis are acceptable and that any landscape impacts can be reduced to an acceptable level providing the mitigation measures presented in the analysis are implemented in full. A condition should be imposed requiring full hard and soft landscaping details to be submitted. It is also noted that the landscaping plan does not include specific details on the species or densities to be planted. However, this can be controlled by planning condition.

69. Therefore, the proposal is considered to be acceptable and will not have a harmful impact upon the Area of Higher Landscape Value in compliance with Policy 39 of the County Durham Plan.
70. The wider site lies to the north of the escarpment on which Auckland Castle (Grade I Listed) and Parkland (Grade II Listed), and Bishop Auckland Town Centre (Conservation Area) are located. Accordingly, the Council's Design and Conservation Team have been consulted on the application and have no objection. Historic England have been consulted and have no comments to make. Therefore, whilst the development is within the setting of Listed Buildings, the proposal will be seen within the context of the wider site and there are no objections to the scheme from a conservation perspective protecting the existing historic environment.
71. Therefore, the proposal complies with Policies 10, 29, 39, 40 and 44 of the County Durham Plan in terms of design and landscape impacts, alongside Parts 12 and 15 of the National Planning Policy Framework. The development is also considered to comply with Sections 16 and 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990

#### Flood Risk/Drainage

72. CDP Policies 35 and 36 relate to flood water management and infrastructure. CDP Policy 35 requires development proposals to consider the effects of the scheme on flood risk and ensure that it incorporates a Sustainable Drainage System (SUDs) to manage surface water drainage. Development should not have an adverse impact on water quality. CDP Policy 36 seeks to ensure that suitable arrangements are made for the disposal of foul water.
73. Part 14 of the NPPF seeks to resist inappropriate development in areas at risk of flooding, directing development away from areas at highest risk (whether existing or future). Where development is necessary in such areas, the development should be made safe for its lifetime without increasing flood risk elsewhere. Paragraph 167 advises that when determining planning applications, local planning authorities should ensure that flood risk is not increased elsewhere and that where appropriate applications should be supported by a site-specific flood-risk assessment. Paragraph 169 goes on to advise that major developments should incorporate sustainable drainage systems unless there is clear evidence that this would be inappropriate.
74. The site is identified as being within Flood Zone 3 and accordingly a Flood Risk Assessment (FRA) has been submitted in support of the application. The submitted assessment concludes that the development would not impact on the

flood storage capacity of the site in times of flood and would not impact on flooding downstream. Subject to the implantation of mitigation measures, including the siting of sensitive equipment above flood levels, the Environment Agency offer no objections to the development.

75. The Environment Agency have been consulted on the application and have no objection to the development subject to the imposition of a planning condition to secure the mitigation measures outlined in the flood risk assessment. In terms of the requirement to undertake a sequential test for flood risk, it is considered that there are no reasonable available sites that could accommodate the development. The aviaries contain birds that are intended to be used in future shows and need to be trained on the site and they need accommodation when not performing.
76. Overall, the application is considered to demonstrate that the proposed development would be safe without increasing or exacerbating flood risk elsewhere as required by Policies 35 and 36 of the County Durham Plan and Part 14 of the National Planning Policy Framework.

#### Highway Safety/Access

77. CDP Policy 21 outlines that development should not be prejudicial to highway safety or have a severe cumulative impact on network capacity, expecting developments to deliver well designed pedestrian routes and sufficient cycle and car parking provision. Similarly, CDP Policy 29 advocates that convenient access is made for all users of the development together with connections to existing cycle and pedestrian routes. CDP Policy 6 criteria (e) requires development to not be prejudicial to highway safety or have a severe residual cumulative impact on network capacity.
78. Specifically, the NPPF sets out at Paragraph 110 that safe and suitable access should be achieved for all users. In addition, Paragraph 111 of the NPPF states that development should only be refused on transport grounds where the residual cumulative impacts on development are severe.
79. The proposal will be accessed via the existing arrangements to the site and no alterations to the existing access is proposed. The Highways Authority have been consulted on the proposal and they have no objection to the proposal.
80. Overall, the proposals are not considered to adversely affect highway or pedestrian safety and would accord with Policies 6 and 21 of the County Durham Plan and Part 9 of the National Planning Policy Framework.

#### Residential Amenity

81. Parts 12 and 15 of the NPPF require that a good standard of amenity for existing and future users be ensured, whilst seeking to prevent both new and existing development from contributing to, or being put at unacceptable risk from, unacceptable levels of pollution.
82. CDP Policy 31 states that all new development that has the potential to lead to, or be affected by, unacceptable levels of air quality, inappropriate odours and vibration or other sources of pollution, either individually or cumulatively, will not

be permitted including where any identified mitigation cannot reduce the impact on the environment, amenity of people or human health to an acceptable level.

83. The nearest neighbouring property is located approximately 500 metres away from the application site. It is considered that this proposal will not have a significant impact on residential amenity over and above the existing operations of the site.
84. The Council's Nuisance Action Team have been consulted on the application and have no objection.
85. Therefore, the proposal is compliant with Policy 31 of the County Durham Plan and Parts 12 and 15 of the National Planning Policy Framework in regard to residential amenity.

#### Ecology

86. NPPF Paragraph 180 d) advises that opportunities to improve biodiversity in and around developments should be integrated as part of their design, especially where this can secure measurable net gains for biodiversity or enhance public access to nature where this is appropriate. In line with this, CDP Policy 41 seeks to ensure new development minimises impacts on biodiversity by retaining and enhancing existing diversity assets and features. Proposals for new development should not be supported where it would result in significant harm to biodiversity or geodiversity.
87. The application has been accompanied by an Ecological Impact Assessment (EIA) which has been reviewed by the Council's Ecology Team who agree with the assessment. It is noted that the EIA proposes additional planting around the scheme, a detailed list of the species and densities of tree planting has not been provided. However, this can be secured via planning condition.
88. Subject to the above, the proposal will be acceptable in accordance with Policy 41 of the County Durham Plan and Paragraph 180 of the National Planning Policy Framework.

#### Ground Conditions

89. CDP Policy 32 requires sites to be suitable for use taking into account contamination and unstable land issues. Paragraph 183 of the NPPF requires sites to be suitable for their proposed use taking account of ground conditions and any risks arising from land instability and contamination.
90. The site is located within an area of high risk in relation to historic coal mining activity. A Coal Mining Risk Assessment has therefore been undertaken; the assessment acknowledges the risks of previous shallow depth coal mining activity. The Coal Authority have been consulted and have raised a substantive concern with the application and have requested additional information be submitted. It is considered that the concerns of the Coal Authority can be adequately mitigated by means of pre-commencement conditions requiring a scheme of remedial works to be submitted and carried out on the site.

91. The Contaminated Land Team have been consulted and have reviewed the submitted information and confirm there is no need for a contaminated land condition.
92. Policy 56 of the CDP seeks to safeguard mineral resources. Significant areas of the County fall into such mineral safeguarding areas, including the application site and wider area. Although a non-mineral development is proposed, it is not considered that the current proposals would sterilise mineral resource taking into account the scale of the site and residential setting. No objections are raised in this regard and the proposal does not conflict with Policy 56.
93. Overall, it is considered that the proposal would comply with Policies 32 and 56 of the County Durham Plan and Paragraph 183 of the National Planning Policy Framework and the site is safe and stable to accommodate the development proposed.

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## **CONCLUSION**

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94. Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The Council has an up-to-date development plan which is the County Durham Plan. Paragraph 11 of the NPPF establishes a presumption in favour of sustainable development. For decision making, this means approving development proposals that accord with an up-to-date development plan without delay.
95. The proposal would supplement the additional offer on the existing Kynren site and would help expand the offer and the attractiveness of the established tourism destination. Given the nature of the scheme and its link to the established operation of the site, it is concluded that the development would not impact on the vitality and viability of Bishop Auckland Town Centre. It would also support Bishop Auckland Town centre by increased footfall in the vicinity. The proposal will not cause harm to the Area of Higher Landscape Value and is acceptable in terms of conservation. The proposal would be acceptable in terms of flood. The development would not impact upon the residential amenity or highway safety, would be acceptable from an ecological point of view and the site is safe and stable for its intended use.
96. Overall, the proposal is considered to be acceptable and in accordance with Policies 7, 9, 10, 21, 29, 31, 32, 35, 36, 39, 40, 41 and 44 of the County Durham Plan and Parts 2, 6, 9, 12, 14, 15 and 16 of the National Planning Policy Framework. There are no material planning considerations which indicate that a decision would be otherwise and therefore the application is recommended for approval.

### Public Sector Equality Duty

97. 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.

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

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## **RECOMMENDATION**

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

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

*Reason: Required to be imposed pursuant to Section 91 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.*

2. The development hereby approved shall be carried out in strict accordance with the following plans and documents:

- Site Location Plan. Drawing Number: 898\_050 received by the Local Planning Authority on 28<sup>th</sup> April 2023.
- Proposed – Aviary Round. Drawing Number: D2-XX-00-DR-A-A1002 received by the Local Planning Authority on 15<sup>th</sup> May 2023.
- Proposed Plan – Aviary. Drawing Number: D2-XX-00-DR-A-A1001 Rev B received by the Local Planning Authority on 28<sup>th</sup> April 2023.
- Proposed Roof Plan – Aviaries. Drawing Number: D2-05-00-DR-A-A0012 received by the Local Planning Authority on 28<sup>th</sup> April 2023.
- Proposed Floor Plan – Aviaries. Drawing Number: D2-05-00-DR-A-A0011 received by the Local Planning Authority on 28<sup>th</sup> April 2023.

*Reason: To define the consent and ensure that a satisfactory form of development is obtained in accordance with Policies 7, 9, 10, 21, 29, 31, 32, 35, 36, 39, 40, 41 and 43; of the County Durham Plan and Parts 2, 5, 8, 9, 12, 14, 15 of the National Planning Policy Framework.*

3. Prior to the first use of any of the aviaries hereby approved, a detailed landscaping scheme to comply with 'Landscape Strategy- Aviary Area' Drawing Number: 898\_120 has been submitted to and approved in writing by the Local Planning Authority.

No tree shall be felled or hedge removed until the landscape scheme, including any replacement tree and hedge planting, is approved as above.

Any submitted scheme must be shown to comply with legislation protecting nesting birds and roosting bats.

The landscape scheme shall include accurate plan based details of the following:

Trees, hedges and shrubs scheduled for retention.

Details of hard and soft landscaping including planting species, sizes, layout, densities, numbers.

Details of planting procedures or specification.

Finished topsoil levels and depths.

Details of temporary topsoil and subsoil storage provision.

Seeded or turf areas, habitat creation areas and details etc. Details of land and surface drainage.

The establishment maintenance regime, including watering, rabbit protection, tree stakes, guards etc.

The Local Planning Authority shall be notified in advance of the start on site date and the completion date of all external works.

Trees, hedges and shrubs shall not be removed without agreement within five years.

*Reason: In the interests of the visual amenity of the area and to comply with Policy 29 of the County Durham Plan and Part 12 of the National Planning Policy Framework.*

4. All planting, seeding or turfing and habitat creation in the approved details of the landscaping scheme shall be carried out in the first available planting season following the practical completion of the development.  
No tree shall be felled or hedge removed until the removal/felling is shown to comply with legislation protecting nesting birds and roosting bats.

Any approved replacement tree or hedge planting shall be carried out within 12 months of felling and removals of existing trees and hedges.

Any trees or plants which die, fail to flourish or are removed within a period of 5 years from the substantial completion of the development shall be replaced in the next planting season with others of similar size and species.

Replacements will be subject to the same conditions.

*Reason: In the interests of the visual amenity of the area and to comply with Policy 29 of the County Durham Plan and Part 12 of the National Planning Policy Framework.*

5. No development shall commence until remedial stabilisation works to address land instability arising from shallow coal mining legacy have been carried out in full accordance with details to be submitted to and approved in writing by the Local Planning Authority. The remedial works shall be carried out in accordance with the approved details and the authoritative UK Guidance.

*Reason: The formulation and implementation of an appropriate scheme of remedial measures before building works commence on site is necessary to ensure the safety and stability of the development in accordance with*

*Paragraphs 183 and 184 of the National Planning Policy Framework and Policy 32 of the County Durham Plan.*

6. Prior to the first use of the development hereby approved, a signed statement or declaration prepared by a suitably competent person confirming that the site has been made safe and stable for the proposed development shall be submitted to and approved in writing by the Local Planning Authority. This document shall confirm the completion of remedial works and any mitigatory measures necessary to address the risks posed by past coal mining activity.

*Reason: To ensure the safety and stability of the development under Policy 32 of the County Durham Plan and Paragraphs 183 and 184 of the National Planning Policy Framework.*

7. The development hereby approved shall be carried out in accordance with the submitted Flood Risk Assessment (Ref: 11Arches Lost Feather Flood Risk Assessment Report dated 23<sup>rd</sup> June 2023 prepared by JBA Consulting) and the following mitigation measures it details:
  - Section 2.1 states the aviaries are floodable;
  - Section 3.4.1 and 4.1 states all floor levels shall be set at the same or lower than existing ground levels;

The mitigation measures shall be fully implemented prior to the first use of any of the aviaries and shall be retained and maintained thereafter throughout the lifetime of the development.

*Reason: To prevent flooding elsewhere by ensuring that there is no loss in storage of flood water onsite to comply with Policy 35 of the County Durham Plan and Part 14 of the National Planning Policy Framework.*

8. Notwithstanding any details of materials submitted with the application, prior to their installation, details of the make, colour and texture of all external materials shall be submitted to and approved in writing by the Local Planning Authority. The development shall be constructed in accordance with the approved details.

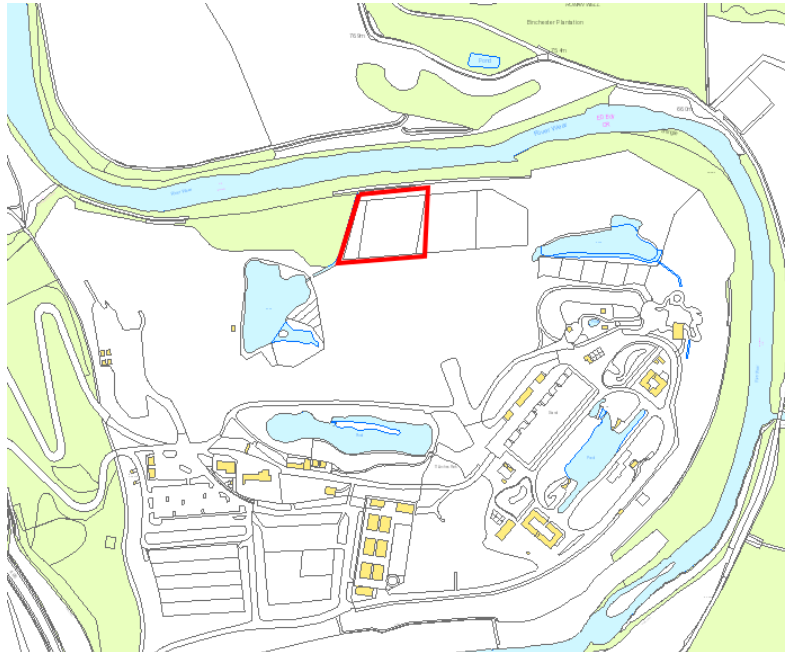
*Reason: In the interests of the appearance of the area and to comply with Policies 29, 39 and 44 of the County Durham Plan and Part 12 of the National Planning Policy Framework.*

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## **BACKGROUND PAPERS**

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Submitted Application Forms, Plans and supporting documents  
National Planning Policy Framework  
The County Durham Plan (CDP)  
Statutory consultation responses  
Internal consultation responses  
External consultation responses



**Planning Services**

Erection of six aviaries (3 round and 3 (longitudinal))

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**Comments**

Date:

20<sup>th</sup> July 2023



## Planning Services

# COMMITTEE REPORT

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### APPLICATION DETAILS

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Application No:	DM/23/00910/FPA
Application Description:	Change of use of land to accommodate 24 No. camping and caravanning pitches including provision of portable toilet/shower facilities, external sinks, drinking water stand pipes and associated parking
Address:	Richys Stables, Rowntree Lane, Hamsterley, Bishop Auckland, DL13 3RD
Name of Applicant:	Mr Justin Breward
Electoral Division:	Evenwood
Case Officer:	Jayne Pallas Planning Officer 03000 268306 <a href="mailto:jayne.pallas@durham.gov.uk">jayne.pallas@durham.gov.uk</a>

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### DESCRIPTION OF THE SITE AND PROPOSALS

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#### The Site

1. The application site relates to a parcel of land 1.8 miles to the south of Hamsterley measuring approximately 0.83 hectares. The land is accessed from Nettlebed Lane (C32 highway) to the north via a double entrance gate. Public right of way No.46 runs parallel to the western boundary of the site, with a deciduous hedgerow providing partial screening. The northern boundary is lined with established hedging/vegetation and a mix of high timber fencing and stock fencing enclose the southern and western aspects of the site.
2. The application site currently benefits from planning permission for the siting of a stable building (personal use), 2 No. holiday chalets and for the installation of entrance gates from Nettlebed Lane. This permission has been partially implemented with the stable building, entrance gates and 1 No. holiday chalet erected on site. The second holiday chalet has not yet been built, however the supporting statement advises that this is to be erected in the near future (although no timeframe has been provided). The southern part of the site remains grassed paddock.

#### The Proposal

3. Planning permission is sought for the change of use of the grassed paddock to the south of the land to a campsite providing 24 No. pitches for use by caravans and tents. The Proposed Block Plan demonstrates that the pitches would be arranged into 3 No.

rows, each containing 8 No. pitches measuring 10m x 9m. A separation distance of 6m is proposed between the pitches, which would provide parking for guests if required.

4. As part of the scheme, 2 No. drinking water stand pipes are to be installed, with 2 No. external sinks and 2 No. portable toilets/showers shown to be positioned on the southern boundary. An Elsan point (for the disposal of chemical waste) is proposed in the south eastern corner of the site, alongside an additional water point (not for drinking).
5. The supporting documentation advises that ground reinforcement mesh would be installed at the site, which would allow grass to grow through it, whilst also providing a surface for the parking of vehicles. Access would be taken via the existing entrance from Nettlebed Lane to the north.
6. The Local Planning Authority is considering a second application on the site, DM/23/00921/VOC, which relates to the use of holiday chalet 1 as a manager's dwelling for a temporary 3-year period linked to the campsite currently under consideration.
7. This application is being considered by committee at the request of a Local County Councillor on the basis that the proposed development would assist in meeting visitor accommodation needs in this part of the County, where there is high demand for accommodation of all types and budgets. In addition, the Local County Councillor feels that consideration should be given to the landscape and visual impacts arising from the proposal, which have been identified as refusal reasons previously.

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## **PLANNING HISTORY**

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8. The site has an extensive planning history. Planning permission was originally granted under reference number DM/20/01153/FPA for the construction of stables and a tack room, erection of 2 No holiday letting chalets, retention of static caravan, retention of containers and entrance gates. The applicant is currently residing on the site in breach of occupancy conditions relating to this approval.
9. A subsequent planning application (DM/21/03821/FPA) for the change of use of land to accommodate 30 No. camping pitches with shower/toilet facilities and associated parking was refused. This related to concerns regarding the landscape impact, the sustainability of the site, ecological impacts, the loss of equestrian grazing ground to serve existing uses on site, and the potential impact from the management of foul water.
10. Applications DM/22/01221/VOC and DM/22/03790/VOC for the variation of the occupancy condition of the chalets, to allow holiday chalet 1 to be occupied as a main residence for a temporary 18-month period and then a subsequently a 3 year period were refused in June 2022 and March 2023 respectfully. This related to the principle of the development, the isolated location of the development and loss of tourism accommodation.
11. An application for an extension to the existing stables and tack room to create storage area (DM/23/00089/FPA) was approved in July 2023.
12. Application DM/23/00921/VOC for the variation of condition 2 (occupancy restriction) pursuant to planning permission DM/20/01153/FPA to allow Holiday Chalet 1 to be

occupied as a manager's dwelling linked to the proposed use of the site for camping/caravanning is pending consideration.

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## PLANNING POLICY

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### National Policy

13. A revised National Planning Policy Framework (NPPF) was published in July 2021 (with updates since). The overriding message continues to be that new development that is sustainable should go ahead without delay. It defines the role of planning in achieving sustainable development under three overarching objectives – economic, social and environmental, which are interdependent and need to be pursued in mutually supportive ways.
14. *NPPF Part 2 - Achieving sustainable development.* The purpose of the planning system is to contribute to the achievement of sustainable development and therefore at the heart of the NPPF is a presumption in favour of sustainable development. It defines the role of planning in achieving sustainable development under three overarching objectives – economic, social and environmental, which are interdependent and need to be pursued in mutually supportive ways. The application of the presumption in favour of sustainable development for plan-making and decision-taking is outlined.
15. *NPPF Part 4 - Decision-making.* Local planning authorities should approach decisions on proposed development in a positive and creative way. They should use the full range of planning tools available, including brownfield registers and permission in principle, and work proactively with applicants to secure developments that will improve the economic, social and environmental conditions of the area. Decision-makers at every level should seek to approve applications for sustainable development where possible.
16. *NPPF Part 6 - Building a Strong, Competitive Economy -* The Government is committed to securing economic growth in order to create jobs and prosperity, building on the country's inherent strengths, and to meeting the twin challenges of global competition and a low carbon future.
17. *NPPF Part 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.
18. *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.
19. *NPPF Part 12 - Achieving Well-Designed Places -* The Government attaches great importance to the design of the built environment, with good design a key aspect of sustainable development, indivisible from good planning.
20. *NPPF Part 14 - Meeting the Challenge of Climate Change, Flooding and Coastal Change -* The planning system should support the transition to a low carbon future in

a changing climate, taking full account of flood risk and coastal change. It should help to: shape places in ways that contribute to radical reductions in greenhouse gas emissions, minimise vulnerability and improve resilience; encourage the reuse of existing resources, including the conversion of existing buildings; and support renewable and low carbon energy and associated infrastructure.

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

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

### **National Planning Practice Guidance:**

22. The Government has consolidated a number of planning practice guidance notes, circulars and other guidance documents into a single Planning Practice Guidance Suite. This document provides planning guidance on a wide range of matters. Of particular relevance to this application is the practice guidance with regards to; design process and tools; determining a planning application, flood risk, healthy and safe communities, land affected by contamination, natural environment, noise, use of planning conditions and water supply, wastewater and water quality.

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

### **Local Plan Policy:**

#### The County Durham Plan

23. The following policies of the County Durham Plan (CDP) are considered relevant to this proposal:
24. *Policy 8 Visitor Accommodation* sets out that new visitor accommodation or extensions to existing visitor accommodation will be supported where it would be appropriate to the scale and character of the area and would not be used for permanent residential accommodation. The policy sets out that proposals will be supported where they meet identified visitor need, would be an extension to existing visitor accommodation that would help support the future business, would respect the character of the countryside and demonstrates clear opportunities to make the location more sustainable. Proposals for new or extensions to existing chalet, camping and caravan sites will be supported where they would not be unduly prominent in the landscape.
25. *Policy 10 Development in the Countryside*. Development in the countryside will not be permitted unless allowed for by specific policies in the Plan, relevant policies within an adopted neighbourhood plan relating to the application site or where the proposal relates to one or more of the following exceptions; economic development, infrastructure development or the development of existing buildings. New development in the countryside must accord with all other relevant development plan policies and general design principles.
26. *Policy 13 Equestrian Development*. Equestrian development will be considered an appropriate countryside use and will be permitted where specific criteria are met. This includes demonstrating adequate provision for the proper care of horses, including

stabling, grazing and exercise in accordance with the Equine Industry Welfare Guidelines and the British Horse Society Standards.

27. *Policy 21 Delivering Sustainable Transport* states that all development shall deliver sustainable transport by (in part) ensuring that any vehicular traffic generated by new development, following the implementation of sustainable transport measures, can be safely accommodated on the local and strategic highway network and does not cause an unacceptable increase in congestion or air pollution and that severe congestion can be overcome by appropriate transport improvements.
28. *Policy 29 Sustainable Design* requires all development proposals to achieve well designed buildings and places having regard to SPD advice and sets out detailed criteria that relevant development is required to meet including; making a positive contribution to an area's character and identity; providing adaptable buildings; minimising greenhouse gas emissions and the use of non-renewable resources; providing high standards of amenity and privacy; contributing to healthy neighbourhoods; providing suitable landscape proposals; providing convenient access for all users and adhering to the Nationally Described Space Standards (subject to transition period).
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.
32. *Policy 36 Water Infrastructure* advises, in relation to the disposal of foul water, that consideration should be given to a hierarchy of drainage options. Applications involving the use of non-mains methods of drainage (including Septic Tanks/Cess Pits) will not be permitted in areas where public sewerage exists.
33. *Policy 39 Landscape* states that proposals for new development will be permitted where they would not cause unacceptable harm to the character, quality or distinctiveness of the landscape, or to important features or views and that development affecting valued landscapes will only be permitted where it conserves, and where appropriate enhances, the special qualities of the landscape, unless the benefits of the development in that location clearly outweigh the harm.
34. *Policy 41 Biodiversity and Geodiversity* states that proposal for new development will not be permitted if significant harm to biodiversity or geodiversity resulting from the

development cannot be avoided, or appropriately mitigated, or as a last resort, compensated for.

35. *Policy 43 Protected Species and Nationally and Locally Protected Sites.* Development proposals that would adversely impact upon nationally protected sites will only be permitted where the benefits clearly outweigh the impacts whilst adverse impacts upon locally designated sites will only be permitted where the benefits outweigh the adverse impacts. Appropriate mitigation or, as a last resort, compensation must be provided where adverse impacts are expected. In relation to protected species and their habitats, all development likely to have an adverse impact on the species' abilities to survive and maintain their distribution will not be permitted unless appropriate mitigation is provided or the proposal meets licensing criteria in relation to European protected species.

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

#### **Neighbourhood Plan:**

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

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## **CONSULTATION AND PUBLICITY RESPONSES**

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#### **Statutory Consultee Responses:**

37. Evenwood and Barony Parish Council – No comments or objections received.
38. *Highways Authority* – Advise that the proposal has a vehicular access from the C32 Nettlebed Lane, which is unlit and has no footpaths in either direction, thus making walking or cycling unsafe, especially in winter conditions. The rural location has limited public transport services, further adding to the sole reliance on the use of motorised vehicles. Due to the nature of the business, additional traffic would generally be seasonal and there are low volumes of existing traffic on the highway. The generated trips would therefore be considered to have a minimal impact on the highway network. No objections have been raised to the existing vehicular access following the submission of additional information. However further information is needed to demonstrate that vehicles can adequately park and enter/exit the site in a forward gear, and in relation to the method of waste storage and private collection management. The Highways Authority note that the applicant intends to encourage cycle use to and from the site and would be agreeable to the installation of EV charging points, which could be secured by way of planning condition.
39. Environment Agency – Object to the application because it involves the use of a non-mains foul drainage system, and there is insufficient information provided for the Environment Agency to make an assessment of the risks to the water environment.

#### **Non-Statutory Responses:**

40. Spatial Policy – The County Durham Plan is supportive of new visitor accommodation in appropriate locations that would be respectful to the scale and character of the area with year-round screening and would not be used for permanent residential occupation. The wider issue of developing this proposal within the open countryside (potentially affecting an Area of Higher Landscape Value) must be carefully considered, together with any highway implications.

41. Landscape Officer – Advise that 6 spaces have been removed from the previous proposal, however concerns regarding the landscape impact of the proposal are raised. This is because the development would result in an intensification of use at the site with further impacts in the form of domestic paraphernalia, parked vehicles and lighting. The hedge along the western boundary is deciduous and therefore the site is visible when the hedge is not in leaf.
42. Ecology Section – The updated metric has been assessed and the proposal currently fails to attain a net gain in biodiversity, which is a requirement under the NPPF and Planning Policy. Until this has been rectified, objections are raised due to a loss in biodiversity.
43. Environmental Health (Nuisance Action) – No objections subject to adherence to the Site Management Policy.
44. Environmental Health (Contaminated Land) – As the development constitutes a change of use to a more sensitive receptor, land contamination conditions are to be attached to any approval granted (Phase 1-4).
45. Visit County Durham - Support the proposal in principle. There is an undersupply of visitor accommodation in the County and the development would support visitor economy and employment.

#### **PUBLIC RESPONSES:**

46. The application has been advertised by means of a site notice and direct neighbour notification letters. 1 No. representation and 4 No. letters of support have been received in respect of the application.
47. The representation received requests that planning conditions be imposed to require the applicant to install additional dog waste bins in the area and to provide a footpath on the bend between the site and the village of Morley, to improve pedestrian safety.
48. The letters of support are summarised below:-
  - The site is located in a beautiful countryside location but is close to visitor attractions and facilities making it easily accessible.
  - Visitor accommodation nearby is limited and therefore it is imperative to support accommodation of all types and to suit all budgets.
  - There would be no landscape or amenity impacts. The site is well screened and the development is of a temporary nature.
  - National and local planning policies support rural tourism such as this.
  - The Head Teacher of a local primary school advises that the applicant has offered to accommodate residential stays for children from their school free of charge on weekdays should the application be approved. This would provide local children with an additional site for residential visits and access to the benefits of such trips. The site has suitable facilities and is close to Hamsterley Forest and the range of activities available there.

*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/>

#### **Applicants Statement:**

49. Policy 8 of the CDP is broadly supportive of proposals for camping and caravanning sites as a matter of principle, especially when they are appropriate to the scale and character of the area as would be the case in this instance.
50. The proposal would assist in meeting identified visitor needs in this part of County Durham and this cannot be disputed. Visit County Durham have confirmed the need for this type of facility in the area and that much more accommodation types are needed following the recent investment in local visitor attractions.
51. It has also been evidenced that the proposal would not result in any adverse landscape or visual impacts with the camping and caravanning operation being temporary/transient in its nature and the application site being entirely screened in both long and short range views.
52. The two key requirements of Policy 8 of the CDP have been satisfied in this case confirming that the proposal represents an appropriate form of development in the countryside.
53. The Local Planning Authority has raised concerns that due to the rural location of the site, the development would rely on access solely by private motor vehicle contrary to the locational sustainability objectives of Policies 8 and 10 of the CDP. The site is far from being isolated and in fact the locational sustainability objectives of these policies would be satisfied. The site already benefits from an established tourism use following the previous granting of planning consent for two holiday chalets and therefore it would be perverse to suggest that the site is no longer a sustainable or appropriate location for visitor accommodation.
54. Overall, it is the case that sustainable development would be achieved and a wholly policy compliant scheme has been presented that would make a significant and meaningful contribution towards addressing visitor accommodation needs in this part of the County where demand for such is increasing exponentially.

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## **PLANNING CONSIDERATIONS AND ASSESSMENT**

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

### Principle of the Development

56. Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The NPPF is a material planning consideration 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 CDP was adopted in October 2020 and provides the policy framework for the County up until 2035 and is therefore considered up to date.
57. NPPF Paragraph 12 states that where a planning application conflicts with an up to date development plan (including any neighbourhood plans that form part of the



development plan), permission should not usually be granted. Local planning authorities may take decisions that depart from an up to date development plan, but only if material considerations in a particular case indicate that the plan should not be followed.

58. CDP Policy 10 is considered the starting point for the consideration of development in the countryside. The policy sets out that development in such locations will not be permitted unless allowed for by specific policies in the Plan, relevant policies within an adopted neighbourhood plan relating to the application site, or where the proposal relates to a specific exception.
59. Relevant to this application is CDP Policy 8, which provides general support for visitor accommodation in the countryside where development is appropriate to the scale and character of the area and would not be used for permanent residential occupation. The policy sets out that proposals must be necessary to meet identified visitor needs; or would be an extension to existing visitor accommodation that would help to support future business viability and would demonstrate clear opportunities to make its location more sustainable.
60. Paragraph 84 of the NPPF advises that decisions should enable the sustainable growth and expansion of business in rural areas, the development and diversification of agricultural and other land-based rural business, and sustainable rural tourism and leisure development which respect the character of the countryside.
61. With regard to the application site, planning permission was granted in 2020 for the erection of a stable building (personal use) and 2 No. holiday chalets. Whilst 1 No. holiday chalet has been erected, this is occupied as a residential dwelling by the applicant and therefore the site is not actively in use for tourism purposes. The supporting documentation states that the applicant intends to construct chalet 2 in the near future, however no timescale has been provided.
62. Letters of support state that the site is easily accessible and national and local planning policies seek to support rural tourism such as this, to provide a range of accommodation types to suit all budgets.
63. Visit County Durham advise that there is a general undersupply of visitor accommodation in the County and that considerable investment has gone into many large attractions, including nearby Bishop Auckland. This investment should allow Durham to compete nationally for overnight visitors, however as a destination, there needs to be a suitable range and quality of visitor accommodation. Economic impact and visitor research has shown that there is a lack of visitor accommodation to cater for the current market demand. Given the large levels of investment in visitor attractions within the County, the market demand for accommodation is expected to increase. Visit County Durham therefore support the principle of the proposal, however, note that they urge investors to benchmark with similar developments to meet national standards and to avoid offering the bare minimum in terms of facilities.
64. County Durham as a destination needs to increase its visitor accommodation capacity to encourage a greater level of spending, which in turn would support more visitor economy businesses and employment. It is therefore considered that the proposed development would meet this aim and would assist in increasing the level of overnight visitors in the County, attracting a higher spend and visitor economy development. In line with the requirements of CDP Policy 8, there remains an identified need for such proposals, although concerns are raised about the limited facilities to be offered at the site with drinking stand pipes and portable toileting and showering facilities only.

65. This is reflected in Part 6 of the NPPF, which seeks to support a prosperous rural economy, including sustainable rural tourism and leisure development. Paragraph 84 of the NPPF notes that planning policies and decisions should recognise that sites to meet local business and community needs in rural areas may have to be found adjacent to or beyond existing settlements, and in locations that are not well served by public transport. In these circumstances, it will be important to ensure that the development is sensitive to its surroundings, does not have an unacceptable impact upon local roads and exploits opportunities to make a location more sustainable (for example by improving the scope of access on foot, by cycling or by public transport). Part 9 of the NPPF seeks to promote sustainable transport modes, including walking, cycling and public transport.
66. The application site is isolated both physically and visually from any surrounding settlement, accessed to the north by Crane Row Lane/Nettlebed Lane running between the settlements of Woodland to the west and Windmill to the east. It is approximately 5 miles from the edge of the settlement of Bishop Auckland, with no public transport links, and therefore any visitors would be reliant upon the private motor vehicle for access. Nettlebed Lane is not served by a footpath or streetlighting, preventing safe access to the site on foot.
67. Whilst CDP Policy 8 is generally supportive of new visitor accommodation within County Durham, the proposal is unsustainably located, where visitors to the site would be solely reliant on the private motor vehicle. Although the site has planning approval for 2 No. holiday chalets, this was assessed to be a small-scale operation and the economic benefits of providing additional visitor accommodation in the locality was considered to outweigh the harm resulting from the isolated nature of the site, particularly when taking into consideration the limited number of units approved.
68. Given the number of pitches included within the current application, it is considered that the proposed intensification of use at the site would conflict with sustainability objectives outlined in the CDP and the NPPF. Whilst the development seeks to promote cycling from the site to nearby visitor attractions, the site is not accessible on foot or by public transport and this is not considered sufficient to outweigh the reliance on unsustainable modes of transport for access or provide adequate evidence to demonstrate that opportunities to make the site more sustainable have been fully explored.
69. CDP Policy 8 requires proposals to respect the character of the countryside and this will be considered in more detail later in this report.
70. Taking into consideration the above, the scheme is considered in conflict with Policies 8 and 10 of the County Durham Plan and Parts 2, 6 and 9 of the National Planning Policy Framework, as the development would represent over-intensification of existing undeveloped land on a site that is locationally unsustainable and is not considered to relate well physically to the surrounding settlements. The economic and social benefits associated with the increased tourism offer are not considered to outweigh this harm.

#### Landscape and Visual Impacts

71. The application site lies within the countryside, but outside any designated or protected landscape area. Land identified as an Area of Higher Landscape Value (AHLV) is however situated 500m away. CDP Policy 39 (Landscape) advises 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. Proposals will be expected to incorporate appropriate measures to mitigate adverse landscape and visual effects.

72. CDP Policy 8 (Visitor Accommodation) advises that new visitor accommodation will be supported where it would be appropriate to the scale and character of the area and would respect the character of the countryside. Proposals for visitor accommodation should not be unduly prominent in the landscape and should evidence adequate year-round screening through existing topography, vegetation or other features which are compatible with the landscape. Where new or additional screening is required, this must be suitably established before development can take place. Part h. iii) notes that the materials and colour of chalets, static caravans, site services and infrastructure should be designed to blend with the surroundings of the site and should be limited in scale to the needs of the site occupants only.
73. The general design principles for all development in the countryside, contained in CDP Policy 10 (Development in the Countryside) outlines that new development must not give rise to unacceptable harm to the heritage, biodiversity, geodiversity, intrinsic character, beauty or tranquillity of the countryside either individually or cumulatively, which cannot be adequately mitigated or compensated for.
74. CDP Policy 29 (Sustainable Design) requires all development proposals to achieve well designed buildings and places having regard to supplementary planning documents and other local guidance documents where relevant, and contribute positively to an area's character, identity, heritage significance, townscape and landscape features, helping to create and reinforce locally distinctive and sustainable communities.
75. NPPF Part 12 seeks to secure well-designed places, which will function well and add to the overall quality of the area. New development should be visually attractive as a result of good architecture, layout and appropriate and effective landscaping and should be sympathetic to local character and history, including the surrounding built environment and landscape setting. NPPF Part 15, Paragraph 174 advises that planning policies and decisions should contribute to and enhance the local environment by recognising the intrinsic character and beauty of the countryside.
76. Letters of support outline that the scheme would have no landscape impact given that the site is well screened and the development is of a temporary nature.
77. The proposed site plan shows the position of 24 No. camping pitches on the southern part of the site, with the installation of drinking water stands, portable toilets and showers. The supporting documentation confirms that ground reinforcement mesh would be installed allowing grass to grow through it, whilst providing a suitable surface for the parking of vehicles associated with the campsite.
78. The Council's Landscape Officer advises that key visual receptors of the site would be users of the adjacent public right of way (No.46 Evenwood and Barony Parish) and users of Nettlebed Lane to the north. The existing hedging on the north and western boundaries provide a visual buffer from principal views into the site, however it is recognised that in Winter months, filtered views would be achievable.
79. The Landscape Officer notes that the proposed development would introduce camping pitches and associated infrastructure to the site in place of existing grassed paddocks. The proposal would result in an intensification of use of the site, with potential further impacts in the form of domestic paraphernalia, parked vehicles and lighting. The hedge along the western boundary with the public right of way is deciduous and therefore fails to provide adequate all year-round screening as required by CDP Policy 8. In addition, due to the height of the hedge, it is likely that elements of the development

would be visible over this feature, including larger parked vehicles (such as caravans and motorhomes).

80. The southern stretch of the eastern boundary of the site is enclosed by stock fencing, allowing views across open countryside into the development. As such, the proposal fails to mitigate against the landscape harm caused by the proposed intensification of use at the site, with no year-round screening of the land in views from the east across open countryside.
81. To conclude, the proposed use of the land as a camping site would have a transformative impact upon the existing undeveloped nature of the southern part of the site, adversely impacting the character, quality and distinctiveness of the local landscape, where suitable screening would not be afforded all year round. The development would significantly intensify the use of the site and would result in the loss of the existing grassed paddock to accommodate tent pitches, parking of vehicles (including caravans and motorhomes) and associated paraphernalia, which would be of a density that would harm the intrinsic character, beauty and tranquillity of this countryside location. In this respect, the scheme is considered to conflict with Policies 8, 10, 29 and 39 of the County Durham Plan and Parts 12 and 15 of the National Planning Policy Framework.

#### Residential Amenity

82. CDP Policy 10 stipulates that new development should not impact adversely upon residential or general amenity. This is broadly reflected in CDP Policy 29(e) which requires proposals to provide high standards of amenity and privacy.
83. CDP Policy 31 (Amenity and Pollution) 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 that can be integrated effectively with any existing business and community facilities. The proposal will also need to demonstrate that future occupiers of the proposed development will have acceptable living and/or working conditions. 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 whilst ensuring that any existing business and/or community facilities do not have any unreasonable restrictions placed upon them as a result.
84. Part 15 of the NPPF seeks to prevent new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by, unacceptable levels of air and noise pollution.
85. Letters of support feel that the scheme would have no amenity impacts.
86. The application site is situated in a rural location, however there are some residential properties in the vicinity (Rowntree Farm being the closest at around 80m away).
87. The application has been supported by a site management policy, this provides details of how the applicant intends to manage the site, including general safety, arrivals, pitches, pets, noise/disturbance and departures. Of particular relevance to the assessment of the potential impacts upon neighbouring amenity, the Site Management Policy states that there should be no noise or movement of vehicles between the hours of 2100 and 0700. At all times, the policy requires noise to be kept to a reasonable level, so not to disturb others.

88. The Site Management Policy has been assessed by the Environmental Health Officer, who advises that the site is remote and the policy addresses the key concern (noise). As a result, no objections are raised to the principle of the proposed development by the Environmental Health Team.
89. The scheme is therefore considered to preserve amenity in accordance with the provisions of Policies 10, 29 and 31 of the County Durham Plan and Parts 12 and 15 of the National Planning Policy Framework, subject to a condition requiring the site to be operated in accordance with the Site Management Policy appended to the application.

#### Highway Safety and Access

90. CDP Policy 21 (Delivering Sustainable Transport) promotes the use of sustainable modes of transport and ensures that sufficient car parking at developments is provided whilst also limiting the amount to encourage the use of sustainable transport modes, having regard to the accessibility of the development by walking, cycling, and public transport.
91. CDP Policy 10 advises that new development should not be prejudicial to highway safety and should not be solely reliant upon, or significantly intensify accessibility by unsustainable modes of transport. New development in countryside locations that is not well served by public transport must exploit any opportunities to make a location more sustainable including improving the scope for access on foot, by cycle or by public transport.
92. NPPF Part 9 advises that safe and suitable access to a site should be achieved for all users. Paragraph 111 outlines that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety or the residual cumulative impacts on the road network would be severe.
93. The site is located in a rural setting and is served by a vehicular access from the C32 Nettlebed Lane to the north. This is an unlit road with no footpath links in either direction. The Highways Authority advise that this makes walking or cycling to the site unsafe, especially during the Winter months. The site is also not served by public transport, meaning that any visitors would be solely reliant upon the private motor vehicle. As such, the site is not considered to be sustainably located to support the proposed development.
94. The agent has submitted details of the access from the C32 highway and this has been agreed as satisfactory by the Highways Authority. In addition, the Highways Authority advise that sight visibility from the access with Nettlebed Lane is acceptable, subject to the boundary hedges being suitably maintained by the landowner.
95. In terms of traffic generation, the Highways Authority note that due to the nature of the proposed business (with associated traffic likely to be seasonal), the development is unlikely to have a significant impact upon the highway network.
96. The internal layout indicates that 24 No. pitches would be provided at the site, each pitch measuring 10m x 9m with a separation distance of 10m x 6m (which could be used for parking). The Highways Authority have requested a scale drawing showing the precise layout of the 24 No. pitches, so that an assessment can be made as to whether vehicles could adequately park and enter and exit the site in a forward gear, with no reversing onto the C32 highway. The Highways Authority add that further information is needed to show the swept path of a vehicle towing a caravan to

demonstrate the above is achievable. If not, the scheme must be reconsidered to include a turning head/circle within the layout to ensure safe access would be provided.

97. No details have been provided regarding the methodology of waste storage or for the private collection of waste at the time of report preparation and the implications for access and egress. The applicant has however stated that they would be agreeable to the installation of EV charging points, which could be secured by way of planning condition.
98. A letter of representation requests that the applicant provides a footpath on the bend between the site and the village of Morley, to improve pedestrian safety. Whilst the lack of footpath is acknowledged, this is the case for the entire stretch of road between Morley and the application site via the highways of Dobinson's Lane and Nettlebed Lane. As such, providing a short stretch of footpath around the bend in the road, which would not be connected to any other footpath within the vicinity, would not be deemed appropriate in terms of highway or pedestrian safety, but highlights the unsustainable location of the development.
99. To summarise, the site is considered to be locationally unsustainable and fails to demonstrate safe access for users on foot. Insufficient information has also been submitted to demonstrate that the proposed layout of the pitches would be appropriate in terms of access and manoeuvrability and that visitors would be able to enter and exit the site in a forward gear. Furthermore, no details have been submitted to demonstrate how waste from the proposed use would be stored and how this would be collected. In this regard, the scheme fails to evidence accordance with the requirements of Policies 10 and 21 of the County Durham Plan and Part 9 of the National Planning Policy Framework.

#### Drainage/Flooding

100. CDP Policy 35 advises that all development proposals will be required to consider the effect of the proposed development on flood risk, both on-site and off-site, commensurate with the scale and impact of the development and taking into account the predicated impacts of climate change for the lifetime of the proposal.
101. CDP Policy 36 advises that in the consideration of development proposals, the hierarchy of drainage options that must be considered and discounted for foul water are (in the following order):
  1. Connection to the public sewer;
  2. Package sewage treatment plant (which can be offered to the Sewerage Undertaker for adoption); and
  3. Septic tank (which must drain into an appropriate soak away and not discharge directly into a watercourse).

Applications involving the use of non-mains methods of drainage (including Septic Tanks/Cess Pits) will not be permitted in areas where public sewerage exists.

102. Where appropriate, applications should be supported by a site-specific flood-risk assessment. Development should only be allowed where it can be demonstrated, amongst other criteria, that it would incorporate sustainable drainage systems and any residual risk can be safely managed.
103. In terms of managing foul water, the application sets out that portable toilets and showers would be installed at the site. An Elsan point would be sited in the south eastern corner of the paddock to store chemical waste from the portable toilets.

104. The Environment Agency have objected to the scheme as it involves the use of a non-mains foul drainage system and insufficient information has been provided for an assessment to be made of the risks to the water environment. They advise that the supporting information fails to address the following issues as set out in Paragraph H1 of Schedule 1, Building Regulations 2010 to demonstrate that the proposed foul drainage system would be designed and sited such that:-
- a) It would not contaminate any watercourse, underground water or water supply; and
  - b) Any septic tank, holding tank or cesspool would be of an adequate capacity and would be appropriately designed.
105. To overcome the objection of the Environment Agency, further details have been requested to include:-
- Calculations which provide clarity that the toilets/showers would only need to be emptied fortnightly.
  - Confirmation that there is an adequate means of access for emptying.
  - Details to show that any holding tank or cesspool would have adequate capacity and would be appropriately designed.
  - Justification for the use of a cesspool or holding tank over preferred alternative means of foul disposal, for example a septic tank or package treatment plant in accordance with the hierarchy set out in Paragraph H1 of Schedule 1.
106. Taking into consideration the above, and the potential number of guests on site at any one time, the scheme fails to demonstrate that the proposed arrangement for foul water would be suitable for the intended use in terms of sustainability, capacity and siting. In this respect, the scheme does not demonstrate a suitable effluent disposal system, contrary to Policy 36 of the County Durham Plan and Part 14 of the National Planning Policy Framework.

#### Ecological Issues

107. CDP Policy 41 seeks to secure net gains for biodiversity and coherent ecological networks. CDP Policy 43 relates to protected species and nationally and locally protected sites. Part 15 of the NPPF seeks to ensure that developments protect and mitigate harm to biodiversity interests, and where possible, improve them.
108. The application has been supported by a Biodiversity Net Gain Statement and metric. However no created habitats are proposed and all existing habitats would be retained (including grassland and the western boundary hedge).
109. The information has been carefully assessed by the Council's Ecologist, who advises that the scheme fails to attain a net gain in biodiversity which is a requirement under local and national planning policy. The Council's Ecologist therefore objects to the proposal due the failure to achieve a biodiversity net gain, in conflict with Policy 41 of the County Durham Plan and Part 15 of the National Planning Policy Framework.

#### Ground conditions

110. CDP Policy 32 advises that development will only be permitted where the developer can demonstrate that any existing despoiled, degraded, derelict, contaminated and unstable land can be satisfactorily addressed by appropriate mitigation measures prior to the construction or occupation of the proposed development. In addition, developers must evidence that the site is suitable for the proposed use and does not result in

unacceptable risks which would adversely impact on the environment, human health and the amenity of local communities.

111. Paragraph 183 of the NPPF advises that planning policies and decisions should ensure that a site is suitable for its proposed use taking account of ground conditions and any risks arising from land instability and contamination.
112. The application sites lies in a High Risk Coalfield Development Area. However, given the minimal groundworks proposed, a Coal Mining Risk Assessment is not deemed proportionate in this instance in line with Coal Authority guidance.
113. The Environmental Health Officer advises that based on the available information, historical maps relating to land contamination and that the development constitutes a change of use to a more sensitive receptor, contaminated land conditions (Phase 1-4) should be applied to any approval granted. An informative should also be added to address any risk from unforeseen contamination.
114. Subject to the inclusion of the relevant conditions and informative as outlined above, the scheme is considered to accord with the provisions of Policy 32 of the County Durham Plan and Part 15 of the National Planning Policy Framework.

#### Additional Matters

115. A letter of representation has been received requesting that a planning condition be imposed to require the applicant to install additional dog waste bins in the area. Although the proposed use may result in additional dogs being walked nearby, it is not deemed proportionate to stipulate that the applicant provide additional bins in the vicinity. If there are issues relating to the existing level of provision, a request for new dog bins can be made via the Council's website.
116. In support of the application, the agent/applicant have highlighted the Government's ongoing consultation to relax the permitted development rights relating to the temporary use of land for recreational campsites within England. If implemented, this right would allow for the placing of tents on land and the provision of moveable structures related to that use, without having to submit a planning application. The agent/applicant note that whilst in the consultation phase, the proposed relaxation of permitted development rights shows the clear sign of direction of travel that the Government are taking in providing support for the UK tourism industry. Paragraphs 8 and 9 of the consultation documentation seek to ensure that holidaymakers can continue to visit and stay in popular destinations around the country and provide a boost to local economies and businesses, in line with the Government's levelling up ambitions.
117. It is understood that the proposed consultation seeks to allow for no more than 30 tents to be erected at any one time, which would not include the siting of caravans, motorhomes or campervans. The right would allow for campsites to operate for up to 60 days per calendar year and would require the on-site provision of temporary facilities for showers and toilets, as well as waste storage and collection. Moveable structures only could be installed on the land where they would support the campsite use.
118. Whilst the comments of the agent/applicant are acknowledged, the changes to the permitted development rights are under consultation by the Government at this stage, therefore there is no guarantee that the existing rights will be relaxed, or the extent of the conditions/limitations that will be imposed to control such uses. In this regard, this



is not deemed to be a material planning consideration that would weigh in favour of the application at this time.

119. Turning to the 'Local Precedents' section of the Planning Statement, all development proposals are assessed on their own merit and therefore the examples discussed would not set a precedent in the assessment of the current application, nor represent a material planning consideration.
120. Planning reference DM/20/01153/FPA allowed for the construction of a stable block on the land for personal use, with the paddock to be utilised for grazing by the horses stabled there. CDP Policy 13 requires applicants to demonstrate adequate provision for the proper care of horses, including stabling, grazing and exercise in accordance with the Equine Industry Welfare Guidelines and the British Horse Society Standards. The proposed development of the paddock as a campsite would result in the loss of all grazing land under the control of the applicant. The Planning Statement confirms that in the event the application is approved, the applicant's horses would be grazed on land immediately adjacent to the site which is currently owned by a close family friend. This arrangement would be formalised by a lease agreement, but beyond the control of this application.

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## **CONCLUSION**

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121. The proposal has been assessed against the relevant national and local plan policies. The development of a camping site of the proposed scale, in an unsustainable countryside location is considered to conflict with Policies 8 and 10 of the County Durham Plan and Part 9 of the National Planning Policy Framework, which seek to direct development to sustainable sites which are not solely reliant upon the private motor vehicle or have demonstrated clear opportunities to make the location more sustainable.
122. The proposal would see an intensification of the use of the site with tents, parked vehicles (including larger motorhomes/caravans), toileting/shower facilities, associated domestic paraphernalia and potential lighting introduced in the currently undeveloped paddock. Taking into consideration the above and coupled with the lack of all year round screening afforded by the existing boundary treatments, the development would result in an adverse impact on the character and appearance of the area, on the special landscape qualities of the surrounding countryside and on the enjoyment of Public Right of Way No.46 which runs along the western boundary of the site, contrary to Policies 8, 10, 29 and 39 of the County Durham Plan and Parts 12 and 15 of the National Planning Policy Framework.
123. The scheme also fails to demonstrate that the proposed layout would provide adequate manoeuvrability, particularly for larger vehicles or for vehicles towing a caravan, or refuse/service vehicles to enter and exit the site in a forward gear, preventing reversing onto the C32 highway. This is contrary to the provisions of Policies 10 and 21 of the County Durham Plan and Part 9 of the National Planning Policy Framework.
124. Inadequate information has also been submitted to demonstrate that net gains in biodiversity would be achieved, in conflict with Policy 41 of the County Durham Plan and Part 15 of the National Planning Policy Framework.
125. The scheme does not demonstrate that an acceptable means of foul drainage can be achieved on site without resulting in pollution to the environment contrary to Policy 36 of the County Durham Plan and Part 14 of the National Planning Policy Framework

126. The development of the site would remove the only available grazing land associated with the established stables on the site contrary to Policy 13 of the County Durham Plan which requires adequate grazing land to serve equestrian developments.
127. Taking into consideration the above, the scheme is considered to conflict with Policies 8, 10, 13, 21, 29, 36, 39 and 41 of the County Durham Plan and Parts 2, 6, 9, 12, 14 and 15 of the National Planning Policy Framework. There are no material considerations which indicate otherwise and therefore the application is recommended for refusal.

#### Public Sector Equality Duty

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

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### **RECOMMENDATION**

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130. That the application be **REFUSED** for the following reasons:-

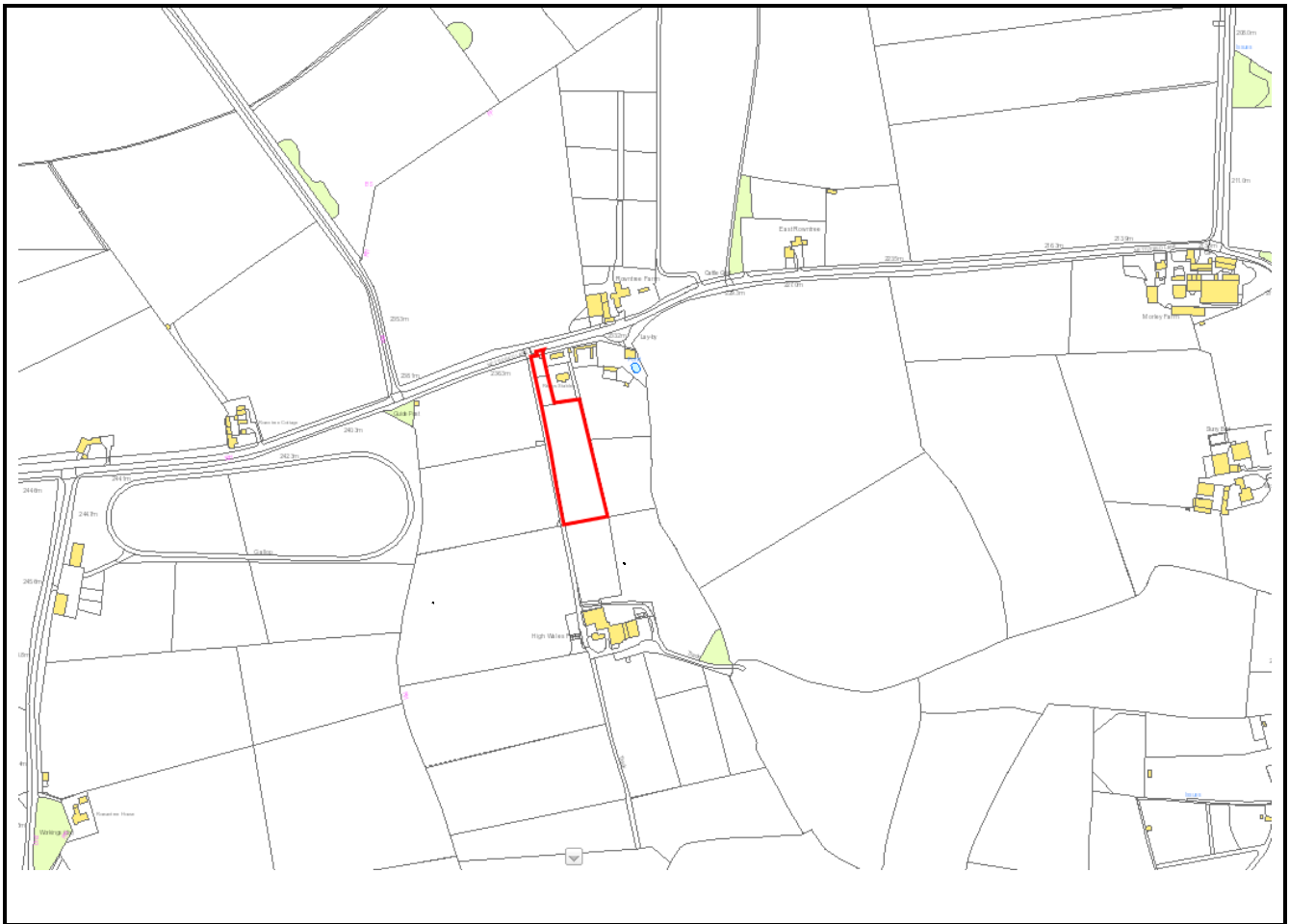
1. Due to the isolated rural location, the development would rely on access solely by private motor vehicle, contrary to locational sustainability objectives of Policies 8 and 10 of the County Durham Plan and Parts 2, 6 and 9 of the National Planning Policy Framework.
2. The development would result in an adverse impact on the rural character and appearance of the countryside contrary to Policies 8, 10, 29 and 39 of the County Durham Plan and Parts 12 and 15 of the National Planning Policy Framework.
3. The scheme fails to demonstrate that safe and suitable access and layout could be achieved, especially for larger vehicles including refuse or service vehicles or vehicles towing a caravan. This is contrary to the provisions of Policies 8, 10 and 21 of the County Durham Plan and Part 9 of the National Planning Policy Framework.
4. The development fails to demonstrate the suitable management of foul water in accordance with the hierarchy of drainage options without risk of the pollution of the environment of the contrary to Policy 36 County Durham Plan and Part 14 of the National Planning Policy Framework.
5. Inadequate information has been submitted to demonstrate that the development would achieve a net biodiversity gain, in conflict with Policy 41 of the County Durham Plan and Part 15 of the National Planning Policy Framework.
6. The application does not demonstrate that adequate grazing land would be retained to serve the existing stables on site, contrary to Policy 13 of the County Durham Plan which requires adequate grazing land to serve equestrian developments.

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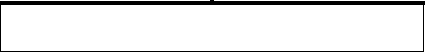
### **BACKGROUND PAPERS**

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



<p><b>Planning Services</b></p>	<p>DM/23/00910/FPA          Change of use of land to accommodate 24 No. camping and caravanning pitches including provision of portable toilet/shower facilities, two external sinks, drinking water stand pipes and associated parking</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></p>	<p><b>Scale</b> NTS</p>



## Planning Services

# COMMITTEE REPORT

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### APPLICATION DETAILS

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Application No:	DM/23/00921/VOC
Full Application Description:	Variation of Condition 2 (occupancy restriction) pursuant to planning permission DM/20/01153/FPA to allow Chalet 1 to be occupied as a manager's dwelling linked to the proposed use of the site for camping/caravanning
Address:	Richy's Stables, Rowntree Lane, Hamsterley Bishop Auckland, DL13 3RD
Name of Applicant:	Mr Justin Breward
Electoral Division:	Evenwood
Case Officer:	Jayne Pallas Planning Officer 03000 268306 <a href="mailto:jayne.pallas@durham.gov.uk">jayne.pallas@durham.gov.uk</a>

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### DESCRIPTION OF THE SITE AND PROPOSALS

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#### The Site

1. The application site relates to a parcel of land 1.8 miles to the south of Hamsterley measuring approximately 0.83 hectares. The land is accessed from Nettlebed Lane (C32 highway) to the north via a double entrance gate. Public right of way No.46 runs parallel to the western boundary of the site, with a deciduous hedgerow providing partial screening. The northern boundary is lined with established hedging/vegetation and a mix of high timber fencing and stock fencing enclose the southern and western aspects of the site.
2. The application site currently benefits from planning permission for the siting of a stable building (personal use), 2 No. holiday chalets and for the installation of entrance gates from Nettlebed Lane. This permission has been partially implemented with the stable building, entrance gates and 1 No. holiday chalet erected on site. The second holiday chalet has not yet been built, however the supporting statement advises that this is to be erected in the near future (although no timeframe has been provided). The southern part of the site remains grassed paddock.

#### The Proposal

3. Planning permission was granted under application DM/20/01153/FPA which granted permission for the erection of 2 No. holiday chalets on the land. Condition no.2 of this

planning approval restricted the occupation of the lodges for holiday purposes. The condition states:

*'The chalet buildings and use of the land within the areas edged blue on the Block Plan received 18th December 2020 shall be limited to holiday accommodation only, and shall not be used as a person's sole or main place of residence, or as a second home. The chalets shall be made available for commercial holiday lets only, no holiday let shall exceed a continuous period of 31 days, there shall be no return to the let by the same individual until a period of at least 14 days has elapsed between lets. The owners/operator of the development shall maintain an up-to-date record of all holiday let listings and of the names of all occupiers, including their main home addresses and phone number. This information shall be made available upon request to the Local Planning Authority.'*

4. The application seeks to vary condition 2 of DM/20/01153/FPA under a S.73 application to allow the full time residential occupation of holiday chalet 1 for a temporary period of 3 years as manager's accommodation linked to the proposed camping and caravanning business proposed at the site (currently under consideration (reference DM/23/00910/FPA). In the event of the approval of the camping and caravanning business and approval of this application the current unlawful occupation of the chalet by the applicant as his main dwelling would be addressed.
5. This application is being considered by committee at the request of Cllr Cosslett on the basis that the existing chalet already benefits from permission to be occupied for holiday letting purposes. This proposal would allow for the chalet to be occupied temporarily as permanent living accommodation and would utilise an existing building without any form of alteration, so would comply with the County Durham Plan. In addition, the Local County Councillor notes that the synergies between this application and the associated campsite application are an important material planning consideration that is worthy of consideration by Committee, given that it would allow the applicant to effectively manage the day-to-day needs of their new business enterprise if approved.

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## **PLANNING HISTORY**

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6. The site has an extensive planning history. Planning permission was originally granted under reference number DM/20/01153/FPA for the construction of stables and tack room, erection of 2 No holiday letting chalets, retention of static caravan, retention of containers and entrance gates. The applicant is currently residing on the site in breach of occupancy conditions relating to this approval.
7. A subsequent planning application (DM/21/03821/FPA) for the change of use of land to accommodate 30 No. camping pitches with shower/toilet facilities and associated parking was refused. This related to concerns regarding the landscape impact, the sustainability of the site, ecological impacts, the loss of equestrian grazing ground to serve existing uses on site, and the potential impact from the management of foul water.
8. Applications DM/22/01221/VOC and DM/22/03790/VOC for the variation of the occupancy condition of the chalets, to allow holiday chalet 1 to be occupied as a main residence for a temporary 18-month period and then a subsequently a 3 year period were refused in June 2022 and March 2023 respectfully. This related the principle if the development, the isolated location of the development and loss of tourism accommodation.

9. An application for an extension to the existing stables and tack room to create storage area (DM/23/00089/FPA) was approved in July 2023.
10. Application DM/23/00910/FPA for the change of use of land to accommodate 24 No. camping and caravanning pitches including provision of portable toilet/shower facilities, external sinks, drinking water stand pipes and associated parking is pending consideration.

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## **PLANNING POLICY**

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### **National Policy**

11. A revised National Planning Policy Framework (NPPF) was published in July 2018 (with updates since). The overriding message continues to be that new development that is sustainable should go ahead without delay. It defines the role of planning in achieving sustainable development under three overarching objectives – economic, social and environmental, which are interdependent and need to be pursued in mutually supportive ways.
12. *NPPF Part 2 - Achieving sustainable development.* The purpose of the planning system is to contribute to the achievement of sustainable development and therefore at the heart of the NPPF is a presumption in favour of sustainable development. It defines the role of planning in achieving sustainable development under three overarching objectives – economic, social and environmental, which are interdependent and need to be pursued in mutually supportive ways. The application of the presumption in favour of sustainable development for plan-making and decision-taking is outlined.
13. *NPPF Part 4 - Decision-making.* Local planning authorities should approach decisions on proposed development in a positive and creative way. They should use the full range of planning tools available, including brownfield registers and permission in principle, and work proactively with applicants to secure developments that will improve the economic, social and environmental conditions of the area. Decision-makers at every level should seek to approve applications for sustainable development where possible.
14. *NPPF Part 5 – Delivering a sufficient supply of homes.* In rural areas, planning policies and decisions should be responsive to local circumstances and support housing developments that reflect local needs. Planning policies and decisions should avoid the development of isolated homes in the countryside unless specific circumstances apply.
15. *NPPF Part 6 - Building a Strong, Competitive Economy* - The Government is committed to securing economic growth in order to create jobs and prosperity, building on the country's inherent strengths, and to meeting the twin challenges of global competition and a low carbon future.
16. *NPPF Part 9 - Promoting Sustainable Transport* - Encouragement should be given to solutions which support reductions in greenhouse gas emissions and reduce congestion. Developments that generate significant movement should be located where the need to travel will be minimised and the use of sustainable transport modes maximised.

17. *NPPF Part 12 - Achieving Well-Designed Places* - The Government attaches great importance to the design of the built environment, with good design a key aspect of sustainable development, indivisible from good planning.
18. *NPPF Part 15 - Conserving and Enhancing the Natural Environment* - The Planning System should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes, geological conservation interests, recognising the wider benefits of ecosystems, minimising the impacts on biodiversity, preventing both new and existing development from contributing to or being put at unacceptable risk from pollution and land stability and remediating contaminated or other degraded land where appropriate.

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

#### **National Planning Practice Guidance:**

19. The Government has consolidated a number of planning practice guidance notes, circulars and other guidance documents into a single Planning Practice Guidance Suite. This document provides planning guidance on a wide range of matters. Of particular relevance to this application is the practice guidance with regards to; determining a planning application, flood risk, flexible options for planning permissions, housing needs for different groups, use of planning conditions, and water supply, wastewater and water quality.

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

#### **Local Plan Policy:**

20. The following policies of the County Durham Plan (CDP) are considered relevant to this proposal:
21. *Policy 8 Visitor Accommodation* sets out that new visitor accommodation or extensions to existing visitor accommodation will be supported where it would be appropriate to the scale and character of the area and would not be used for permanent residential accommodation. The policy sets out that proposals will be supported where they meet identified visitor need, would be an extension to existing visitor accommodation that would help support the future business, would respect the character of the countryside and demonstrates clear opportunities to make the location more sustainable. Proposals for new or extensions to existing chalet, camping and caravan sites will be supported where they would not be unduly prominent in the landscape.
22. *Policy 10 Development in the Countryside*. Development in the countryside will not be permitted unless allowed for by specific policies in the Plan, relevant policies within an adopted neighbourhood plan relating to the application site or where the proposal relates to one or more of the following exceptions; economic development, infrastructure development or the development of existing buildings. New development in the countryside must accord with all other relevant development plan policies and general design principles.
23. *Policy 11 Rural Housing and Employment Exception Sites* – New housing that is contrary to Policies 6 and 10 of the County Durham Plan will be permitted where the development would accord with specific exceptions, including that the development would be well related to a settlement. All proposals must be in scale and keeping with the form and character of the nearby settlements and the local landscape.



24. *Policy 12 Permanent Rural Workers' Dwellings* - Proposals for new permanent agricultural, forestry and other rural workers' dwellings outside the built up area will be permitted provided it can be demonstrated that there is an essential and functional need for a permanent full time worker to live at the site for the enterprise to function effectively, that the rural business activity has been established for at least three years and is currently financially sound, that the proposed dwelling would not be harmful to the rural landscape, that the scale of the dwelling would be commensurate with the established functional requirement of the enterprise and on the basis that the need could not be fulfilled by another existing dwelling or unit in the area.
25. *Policy 21 Delivering Sustainable Transport* states that all development shall deliver sustainable transport by (in part) ensuring that any vehicular traffic generated by new development, following the implementation of sustainable transport measures, can be safely accommodated on the local and strategic highway network and does not cause an unacceptable increase in congestion or air pollution and that severe congestion can be overcome by appropriate transport improvements.
26. *Policy 29 Sustainable Design* requires all development proposals to achieve well designed buildings and places having regard to SPD advice and sets out detailed criteria which sets out that where relevant development is required to meet including; making a positive contribution to an areas character and identity; providing adaptable buildings; minimising greenhouse gas emissions and use of non-renewable resources; providing high standards of amenity and privacy; contributing to healthy neighbourhoods; providing suitable landscape proposals; providing convenient access for all users and adhering to the Nationally Described Space Standards (subject to transition period).
27. *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.

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

### **Neighbourhood Plan:**

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

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## **CONSULTATION AND PUBLICITY RESPONSES**

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### **Statutory Consultee Responses:**

29. Evenwood and Barony Parish Council – No comments or objections received.

### **Non-Statutory Responses:**

30. Spatial Policy – Advise that approval of the application would result in the chalet being wholly unavailable for visitor accommodation during the temporary period which would

harm the visitor economy. Justification is bolstered upon approval of the concurrent caravan/camping site proposal, however there is no justification for a worker to reside permanently on the site regardless of the outcome of application DM/23/00910/FPA. The financial accounts for the applicant's roofing business demonstrate that the business has been established for over three years and that it has been struggling financially. The Spatial Policy Team accept this position, however note that there is nothing contained within the financial accounts, or the supporting information, to indicate that fortunes are likely to change in the future to the extent which would allow the applicant to cease residing in the chalet. Other forms of support are available, including housing solutions and registered providers, which would allow the chalet to be available for tourism purposes and would generate income for the applicant.

31. Visit County Durham – Advise there is a general undersupply of visitor accommodation in the area.

### **Public Responses:**

32. The application has been advertised by means of a site notice and direct neighbour notification letters. 1 No. letter of support has been received in respect of the application highlighting the following points:-
  - The family fell on hard times during the Covid-19 pandemic and had no option to sell their home and move into the chalet. The family are hardworking and have young children, therefore need a safe and secure home. Use of the chalet would comply with planning policy which allows for the re-use of existing buildings in rural areas.

### **Applicants Statement:**

33. Policy 10 of the CDP is clear that the re-use of an existing building in the countryside is an acceptable form of development in principle. The proposal would be entirely appropriate in the context of this policy provision. This is further reinforced by paragraph 80 of the NPPF, which also support the re-use of existing buildings in the countryside.
34. The chalet benefits from a residential consent (Use Class C3), albeit one that it is restricted to holidaying purposes only, and its occupation as a temporary residence and manager's accommodation also falls squarely within Use Class C3. No material change of use is proposed.
35. It is acknowledged that the proposal would result in the temporary loss of existing tourist accommodation, however the suggestion that this would represent failure to comply with planning policy is incorrect. Policy 8 of the CDP relates only to the provision of new visitor accommodation and is therefore not of relevance to the determination of the application. The policy makes no provision to resist the loss of existing tourist accommodation, nor does any other policy in the CDP.
36. Planning permission exists for another holiday chalet on the site, which the applicant intends to construct in the near future alongside the proposed camping and caravanning operation. This would place significant day to day management demands on the applicant and his family and they would be best served to reside at the site while the business establishes itself.
37. Evidence has been presented to the Council demonstrating that, due to unforeseen personal circumstances, the applicant and his family have found themselves in the unfortunate position of not having access to a permanent residential property at the

present time nor do they have the financial means available currently to resolve their situation. The proposal would therefore allow the family a period of 3 years to find alternative permanent living arrangements.

*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/>*

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## **PLANNING CONSIDERATIONS AND ASSESSMENT**

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38. Section 73 of the Town and Country Planning Act 1990 (as amended) applies to the determination of applications to develop land without the compliance with conditions previously attached. S73 states that on such an application the Local Planning Authority (LPA) shall consider only the question of the condition(s) subject to which planning permission should be granted. The LPA should decide whether planning permission should be granted subject to conditions differing from those subject to which the previous permission was granted or that it should be granted unconditionally. If the LPA decide that planning permission should be granted subject to the same conditions as those subject to which the previous permission was granted, they should refuse the application.
39. In considering such an application, the Development Plan and any other material considerations under Section 38(6) of the Planning and Compulsory Purchase Act, are relevant in the determination. LPAs should, in making their decisions, focus their attention on national and development plan policies, and other material considerations which may have changed significantly since the original grant of permission.
40. The proposal seeks to remove an occupancy condition relating to holiday chalet 1, thereby allowing it to be occupied as a main residence for a temporary period of 3 years by the manager of the camping/caravanning site that the applicant proposes to operate within the paddock to the south. Approval of the application would in effect result in the formation of a new residential dwelling in the countryside, albeit for a time limited period for use as manager's accommodation. The issue for consideration is therefore whether the condition is reasonable and necessary having regard to the policy context. In this respect, the main planning issues for determining the acceptability of removing this condition relate to the principle of the development, locational sustainability and residential amenity.

The Principle of the Development:

41. The County Durham Plan (CDP) was adopted in October 2020 and as such represents the up to date local plan for the area and the starting point for the determination of this planning application. Consequently, the application is to be determined in accordance with relevant policies set out within the CDP. Paragraph 11c of the NPPF requires applications for development proposals that accord with an up to date development plan to be approved without delay.
42. One of the key policies in the determination of this application is CDP Policy 10 which restricts new development in the countryside unless exceptional circumstances apply or permitted by other policies within the Plan. It establishes that visitor accommodation is an appropriate use in the countryside, where it accords with the requirements of CDP Policy 8. CDP Policy 10(h) is of particular relevance as it allows for the conversion of existing buildings which:

1. already makes a positive contribution to the character and appearance of the area and is capable of conversion without complete or substantial rebuilding, disproportionate extension, or unsympathetic alterations;
2. results in an enhancement of the buildings immediate setting;
3. does not result in the unjustified loss of a community service or facility; and
4. in the case of a heritage asset, represents the optimal viable use of that asset, consistent with their conversion.

#### *Loss of tourism accommodation*

43. In terms of CDP Policy 10(h), the LPA consider that the proposal would not meet the provisions of the above criteria. Notably Part 10(h.3) which relates to the loss of existing facilities. The LPA consider that visitor accommodation is de facto an existing facility in the countryside, which brings about economic and employment benefits to its rural location.
44. The CDP highlights the role that tourism accommodation in rural areas can have in delivering a positive impact on the local economy, including some social benefits. The visitor economy is important to County Durham, with approximately 14.39m day visitors, spending on average £22.97 per day, whereas overnight visitors spent on average around £209.61 per trip. As such, around 46% of all tourism expenditure in the county can be attributed to only 9% of the total visitors. Encouraging overnight stays is therefore a key issue for the tourism economy within County Durham.
45. Further to this the NPPF sets that the purpose of the planning system is to contribute towards the achievement of sustainable development. Achieving sustainable development means that the planning system has three overarching objectives, which are interdependent and need to be pursued in mutually supportive ways (so that opportunities can be taken to secure net gains across each of the different objectives). These are categorised as economic, social and environmental objectives. The assessment of the development against the social and environmental objectives are detailed below, however in terms of the economic objectives, Part 6 of the NPPF states that significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development. In particular in rural areas, Paragraph 83 of the NPPF states that sustainable rural tourism which respect the character of the area should be enabled.
46. In this regard, there is a general undersupply of visitor accommodation in the area and this has been confirmed by Visit County Durham, the tourism management agency for the County. The loss of holiday chalet 1 for a 3-year period would conflict with the LPA's drive to boost the rural tourist economy within the County, with the property only reported to have been commercially let for a 1 month period before being used as a permanent residence.
47. The supporting text at paragraph 5.77 of CDP Policy 10 advises that "The change of use of any such building must be clearly justified on a case-by-case basis according to their individual circumstances including consideration of the proposed use's future viability and the impact the loss of that proposed use would have." The proposal would therefore require demonstration that the business is unviable, and that it has also been marketed for an adequate period of time at a price/value which reflects its current use and the restrictive condition in place. No such information has been provided to satisfy the LPA in this respect and the use of the chalet for residential purposes is dictated by the applicant's personal circumstances, rather than the viability of the business, with the applicant intending to re-establish it as a holiday let following the expiration of the temporary period and with plans to further develop the site for tourism purposes,

including the completion of the extant permission for a second chalet. It is therefore considered that the proposal would not be in accordance with CDP Policy 10.

48. Consistent with CDP Policy 10 is Paragraph 80 of the NPPF which seeks to avoid the development of isolated homes in the countryside unless the proposal meets the listed criteria. Notably Paragraph 80 (c), where the development would re-use redundant or disused buildings and enhance its immediate setting. The LPA do not accept that the building is disused, or the tourism accommodation is redundant moving forward.
49. Also relevant to this application is CDP Policy 8, which supports proposals for visitor accommodation in the open countryside where it is necessary to meet an identified need (or an extension to existing accommodation which helps support future business viability) or is a conversion of an existing building and it respects the character of the countryside and demonstrates clear opportunities to make its location more sustainable. The agent contests the relevance of CDP Policy 8 in the determination of this application, stating that the Policy relates to new visitor accommodation (and extensions to existing visitor accommodation) only and that there is no provision within the policy to resist the loss of tourist accommodation. It is acknowledged that CDP Policy 8 does not capture the scenario whereby existing visitor accommodation is proposed to be taken out of that use, and that is a reflection of the fact tourism can contribute to the growth of an area's economy, with the income derived from it helping to support other businesses and services in the locality. Given the overall identified lack of accommodation, it remains the LPA's stance that all cases which would result in its loss need to be scrutinised and fully justified. As above, no such information has been provided in support of the application that such a business unviable and the application does therefore does not draw support from Policy 8.

*Use as managers accommodation for a temporary period*

50. The proposed scheme also seeks retrospective planning permission for the siting of a caravan unit to be used as permanent manager's accommodation on the site. The applicant currently resides in this unit. CDP Policy 12 is relevant to this element of the proposals which sets out that new rural workers dwellings will only be permitted where:-
  - The nature and demands of work involved means that there is an essential existing functional need for permanent full-time worker to live at the site in order for the enterprise to function effectively.
  - The rural business has been established for three years and is currently financially sound.
  - The scale of the dwelling is commensurate with the established functional requirements of the enterprise.
  - The functional need could not be fulfilled by another existing dwelling on the unit or in the area.
51. This policy replicates the requirements of Paragraph 80 of the NPPF which sets out that planning policies and decisions should avoid the development of isolated homes in the countryside unless there is an essential need for a rural worker, to live permanently at or near their place of work in the countryside.
52. The application to use the site for 24 No. camping/caravan pitches is pending consideration, however it is noted that this is a resubmission of the same proposal which was refused planning permission under reference DM/21/03821/FPA in June 2022.

53. Given the above it is considered that a functional need for the applicant to reside on the site to support the use of the site for potential camping/caravanning purposes is not met. Whilst being on site 24 hours a day may be convenient for the applicant, there would be no functional need for a worker to reside at the site to support the operation of the business. Commonly camping and caravan sites would have specific check in and check out times and more often than not bookings are made remotely. It is also noted that such uses have concentrated peak seasons, where in winter and colder months site activities would be expected to be limited. Furthermore, as the proposed campsite is not yet operational, the scheme fails to meet the length of establishment criteria and cannot be evidenced as financially sound. As such, the proposal would not meet the aims of Policy 12 of the County Durham Plan and therefore could not be supported in principle.
54. In relation to whether any functional need could be undertaken from other dwellings in the vicinity, it is highlighted that the settlement of Toft Hill is located 4.2 miles/7 mins drive away, with a range of housing stock available. The edge of West Auckland is also located 1.4 miles away where there is again a range of housing available. Evenwood is located 3.6m/7 mins away. Given the travel time to these settlements and others in the vicinity of the site, it is considered that without significant capital outlay, the remote monitoring facilities could easily be adopted to provide surveillance of the site from these surrounding settlements and the applicant could rapidly respond to matters. Furthermore, no information has been provided to demonstrate that any functional need would relate to a full-time worker on the site. As set out below, the applicant is self employed as a roofer and intends to continue in this employment.
55. Further to this it is noted that this application is for a temporary period of 3 years where the use would then revert back to a tourism use. However, this would run counter to the applicants argument that a functional need is required to operate a future business, no clarification has been provided on how this claimed functional need would be met after the temporary 3 year period.

#### *Applicants' personal circumstances*

56. Notwithstanding the above, a case to use the property as managers accommodation, the applicant has furthered a case that due to his personal circumstances it is necessary to live on the site. The applicants planning statement sets out that the chalet originally was bought into use as holiday accommodation in March 2022 and was occupied as such for that month. However, the applicant and his family moved into chalet in April 2022 due to having no permanent residence at that time. Prior to moving to the site, the family resided with family members at an address in Bishop Auckland (between November 2019 and April 2022). The supporting statement advises that this was intended as a temporary arrangement following the sale of their home in Auckland Park, however the family were unable to purchase a new property due to financial implications resulting from the Covid-19 pandemic upon the applicant's roofing business and having already committed to the construction of the chalet.
57. The Planning Statement advises that since moving into chalet the applicant has searched for both properties to buy and rent within a 3 mile radius of the site, with this distance dictated by wanting to be close to the horses stabled there. The agent has submitted information regarding current properties available to buy/rent within a 3 mile radius, detailing why none of these are deemed suitable for the family. The supporting documentation also states that the family have sought support from the Citizens Advice Bureau, however, have been informed that no support is available as both the applicant and his partner are in employment. They have also approached Believe Housing via the Council but have been told that they do not qualify for support in terms of housing options.

58. Prior to moving into the chalet at Richys Stables, the agent has advised that the horses were stabled on land in Shildon, which was within 1.7 miles of the applicant's previous home at Auckland Park and approximately 1.2 miles from the home of the family members in Bishop Auckland where they temporarily resided.
59. The supporting documentation advises that the applicant is self-employed and operates a roofing business which is active in the Bishop Auckland area. To support the claim that the business has suffered as a result of the Covid-19 pandemic, the applicant has provided account details covering a three-year period. The submitted information advises that the situation relating to the applicant's roofing business continues to worsen, with the business currently operating at a loss so far this year. The applicant is however confident that the situation will improve once the economic situation the UK currently finds itself in settles down and therefore remains optimistic that the financial viability of the business will improve in the next 3 years. In addition, the agent notes that the applicant's financial improvement/recovery would be complemented should the parallel application for the operation of a camping and caravanning business at the site be approved. In turn this would also help to improve the deliverability of the second chalet on the site that already has planning permission.
60. The accounts relating to the applicant's roofing business show varying profitability over the last 3 years and demonstrate that the business is struggling at present. The applicant's overall financial situation however is not fully understood by the LPA. The supporting information details that the applicant's property was sold in November 2019 (prior to the Covid-19 pandemic) and it is unclear what profits arose from this, particularly given that the family then resided with family members until moving into Chalet 1 in April 2022. Over this period, the site has been developed with a stable building and one holiday chalet and the applicant seeks to further invest in developing the site for camping/caravanning purposes, alongside the construction of the second holiday chalet and the erection of an extension to the existing stable block. This suggests that there is some level of capital reserve available to the applicant to fund the planned development at the site, which could be redirected to locating alternative living accommodation.
61. Furthermore, no compelling evidence has been submitted to demonstrate how the applicant intends to be on a sounder financial footing at the end of the temporary period to allow chalet to be brought back into use as a holiday let. This not only deprives the tourism sector of vital accommodation to meet identified visitor needs, but also deprives the family of an income stream which would help to improve their financial circumstances. This has now been the case for a 15-month period since the family began residing permanently in chalet. In addition to this no information has been provided on the applicant's partners finances and/or income from employment.
62. Overall whilst the applicant's personal circumstances are acknowledged by the LPA, insufficient evidence has been submitted to support the claim that the family have been unable to locate alternative accommodation in an existing property, including detailed information relating to the advice received from the Council's Housing Solutions Team. Furthermore, although convenient to reside within 3 miles of the site to care for the horses stabled there, given the rural nature of the site, only small settlements with a limited supply of housing fall within this catchment, excluding the larger town of Bishop Auckland (approximately 5 miles away) and the surrounding settlements such as St Helen Auckland and West Auckland. These settlements would provide a greater choice of existing housing to meet the needs of the family, with close access to shops, education and facilities to meet their day-to-day needs. It is therefore deemed unreasonable to discount properties within these settlements, which are within a reasonable travel time/distance to the site and the horses stabled there. In addition,

the horses were seen to be stabled at the site during a visit by the LPA on the 15th March 2022, some 5.5 miles away from the applicant's address at that time.

63. In terms of other policies in the plan that may allow development in this rural location, the most relevant is CDP Policy 11 relating to rural housing and employment exception sites. The policy states that new housing which is contrary to CDP Policies 6 and 10 will be permitted where it can be demonstrated that it meets a number of criteria, including; being well related to a settlement, and meeting an identified need for affordable or specialist housing. In this instance, the site is both visually and physically isolated from all surrounding settlements and would not meet an identified need for affordable or specialist housing. The proposal is therefore deemed to be inconsistent with the criteria outlined in CDP Policy 11.
64. In summary, having assessed the principle of the development to remove the planning condition to allow residential occupation of the holiday chalet for a temporary 3 year period as a manager's dwelling, it is considered that the change of use would undermine the LPA's drive to boost the rural tourist economy, contrary to Policy 8 of the CDP. Furthermore, the proposal has failed to demonstrate that it would accord with any exception provisions within Policy 10 of the CDP or would receive support from Policies 11 or 12 of the CDP, particularly relating to the functional need to support a full time worker on an established financially sound business. The proposal would result in the formation of an isolated dwelling in an unsustainable location, in conflict with Policies 6, 10, 11 and 12 of the CDP and Part 5 of the NPPF, which seek to prevent new housing in the open countryside, unless exceptional circumstances apply. Consideration is given below to the impact of the development and whether any material planning considerations exist to outweigh this policy conflict in the planning balance.

#### Locational Sustainability:

65. CDP Policy 10 (p) does not permit development in the countryside where it would be solely reliant upon unsustainable modes of transport, with new development in countryside locations not well served by public transport expected to exploit any opportunities to make the location more sustainable, including by improving the scope for access on foot, by cycle or by public transport.
66. In addition, CDP Policy 21 requires all developments to deliver sustainable transport by providing appropriate, well designed, permeable and direct routes for walking, cycling and bus access, so that new developments clearly link to existing services and facilities together with existing routes for the convenience of all users.
67. CDP Policy 29 also requires that development proposals provide convenient access for all users whilst prioritising the needs of pedestrians, cyclists, public transport users, people with a range of disabilities and emergency and service vehicles whilst ensuring that connections are made to existing cycle and pedestrian networks.
68. NPPF Paragraph 105 advises that significant development should be focused on locations which are or can be made sustainable, through limiting the need to travel and offering a genuine choice of transport modes. NPPF Paragraph 110 states that appropriate opportunities to promote sustainable transport modes should be taken, whilst Paragraph 112 amongst its advice seeks to facilitate access to high quality public transport.
69. The agent acknowledges that the site is located in the countryside, but contests that it is isolated in spatial terms due to the proximity of nearby existing residential properties. The agent is of the view that the 3 No. surrounding properties and their associated



buildings create a sense of place and one that resembles a small hamlet, rather than an isolated location as suggested by the LPA. The Planning Statement outlines that the number of vehicle trips to and from the site generated from the use of holiday let would most likely exceed those that would be generated by its continued use as a main residence by the applicant.

70. The site is isolated both physically and visually from any surrounding settlement, accessed to the north by Crane Row Lane/Nettlebed Lane running between Woodland to the west and Windmill to the east. There are no services nearby and therefore occupants would be required to travel to the surrounding service centres to access essential services and facilities. The site is approximately 5 miles from the edge of the settlement of Bishop Auckland, with no public transport links, and therefore any occupants would be reliant upon the private motor vehicle. Nettlebed Lane is not served by a footpath or streetlighting, preventing safe access to the site on foot. This distance and to also to closer settlements such as Evenwood 3.6m away would be in excess of based on good practice guidance set out in the Chartered Institute of Highways and Transportation (CIHT) documents including 'Guidelines for Providing for Journeys on Foot' and 'Planning for Walking', The Department for Transport's 'Manual for Streets'. It is also noted that the majority of this would be on an unlit country road without street lighting which would discourage accessibility by foot.
71. With regard to the number of vehicle trips generated, the Spatial Policy Team advise that there is a distinct difference in the types of services and facilities that would be accessed by permanent occupiers of the chalet in comparison to holiday guests. Visitors of the holiday let are likely to reside outside of the local area and are therefore more likely to make recreational trips. Permanent residents of the chalet would have a greater need to access other services, such as health and shopping facilities, as well as employment and educational settings. For this reason, the CDP seeks to focus permanent residential units in built-up areas, where services and facilities can be readily accessed.
72. Taking into consideration the above, it is considered that the removal of the occupancy condition to allow the full time residential occupation of the holiday chalet as a manager's dwelling for a period of 3 years would conflict with Policies 10, 21 and 29 of the CDP and Parts 2, 5 and 9 of the NPPF. This is because the proposal would result in a residential unit on a site which is considered locationally unsustainable, poorly related to the existing pattern of development and where future occupiers would be heavily reliant upon trips by private vehicles to access shops, services, education and employment opportunities. Whilst the site has planning approval for 2 No. holiday chalets, this is a small-scale operation and the economic benefits of providing additional visitor accommodation in the locality was considered to outweigh the harm resulting from the isolated nature of the site.

#### Residential Amenity:

73. CDP Policy 31 (Amenity and Pollution) 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 that can be integrated effectively with any existing business and community facilities. The proposal will also need to demonstrate that future occupiers of the proposed development will have acceptable living and/or working conditions. 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 whilst ensuring that any existing business and/or community facilities do not have any unreasonable restrictions placed upon them as a result.

74. CDP Policy 10 stipulates that new development should not impact adversely upon residential or general amenity. In addition, CDP Policy 29 states that all residential development will be required to comply with the Nationally Described Space Standards (NDSS). A Residential Amenity Standards Supplementary Planning Document (SPD) has been adopted by the Council, which recommends that residential dwellings benefit from gardens which are at least 9m long.
75. Part 15 of the NPPF seeks to prevent new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by, unacceptable levels of air and noise pollution. Paragraph 130 of the NPPF advises that planning policies and decisions should promote a high standard of amenity for existing and future users.
76. The NDSS sets out that a that a single storey 3 bedroom 4 bedspace (persons) dwelling should provide a minimum of 74 m<sup>2</sup> of Gross Internal Area (GIA) along with 2 m<sup>2</sup> of built in storage. A single bedroom is required to be at least 7.5 m<sup>2</sup> of floor area and a double or twin room at least 11.5m<sup>2</sup> of floor space.
77. The floor plans of the chalets show a 3-bedroom unit with two bathrooms and an open plan kitchen, living and dining room with a GIA of approximately 85m<sup>2</sup>, which on the assumption that 4 persons accommodating the unit would comply with the required standard. One of the bedrooms would achieve the minimum size for a double room, while the remaining 2 bedrooms would achieve the minimum size for a single room. Each room would also be served by a window opening providing natural daylight and outlook. In this regard, it is considered that the scheme would provide an adequate level of amenity to future occupiers in accordance with Policies 29 and 31 of the CDP.
78. The Residential Amenity Standards SPD advises that gardens should be no less than 9m in length, unless site specific circumstances allow for a reduction in size. The holiday chalets are served by an enclosed grassed amenity space to the south, which would satisfy the provisions of the SPD in this regard. However, given the openness of the existing boundary treatment, there would be an element of overlooking of this space by any future occupiers of the remaining chalet 2 when constructed and used for visitor accommodation. This however would not be considered sufficient to warrant the refusal of the application, as this issue could be resolved via the erection of a replacement boundary treatment.
79. To conclude, the development is considered to adequately protect residential amenity in accordance with objectives outlined in the SPD, Policies 10, 29 and 31 of the CDP and Paragraph 130 of the NPPF.

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## **CONCLUSION**

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80. This application seeks to remove a condition to control the use of one of the chalets to allow occupation by a manager of a future business. When determining a S73 application the LPA should be considering only the question of the conditions subject to which planning permission should be granted. However, in approving the application a new planning permission for the development as a whole is granted.
81. Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise. The National Planning Policy Framework is a material consideration in planning decisions. The key considerations in this case relate to the principle of development, locational sustainability and impact on residential amenity.

82. It is concluded that the removal of the condition to allow one of the chalets to be occupied by a manager of a proposed camping and caravan would undermine the LPA's drive in boosting the rural tourist economy, contrary to CDP Policy 8. Furthermore, the proposal has failed to demonstrate that it would fall within any of the exception provisions of CDP Policy 10 or provide a functional need for an established and viable rural enterprise contrary to CDP Policy 12. The full-time occupation of the holiday chalet as a manager's dwelling, even for a temporary period, would result in housing in an unsustainable location where residents would be unduly reliant upon trips by private vehicles to access everyday shops, services, education and employment opportunities contrary to CDP Policies 10, 12 and 21.
83. Whilst the applicant's personal circumstances are acknowledged, insufficient evidence has been submitted to demonstrate that alternative accommodation could not be sought elsewhere at an existing residential site. It is deemed unreasonable to discount properties within the nearby larger settlement of Bishop Auckland or the surrounding smaller settlements (such as West Auckland, St Helen Auckland etc), which are all within a reasonable travel time/distance to the site and where there is a greater housing stock available. In any event it is concluded that the personal circumstances of the applicant are not sufficient to outweigh the conflict with policies of the CDP.
84. The development has been assessed against all relevant policies of the County Durham Plan, it is concluded that the development would conflict with the identified policies, there are no material considerations which would outweigh the identified harm as a result of the policy conflict, or which would indicate a decision should be otherwise and therefore the application is recommended for refusal.

#### Public Sector Equality Duty

85. 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.
86. In this instance, officers have assessed all relevant factors and do not consider that there are any equality impacts identified

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### **RECOMMENDATION**

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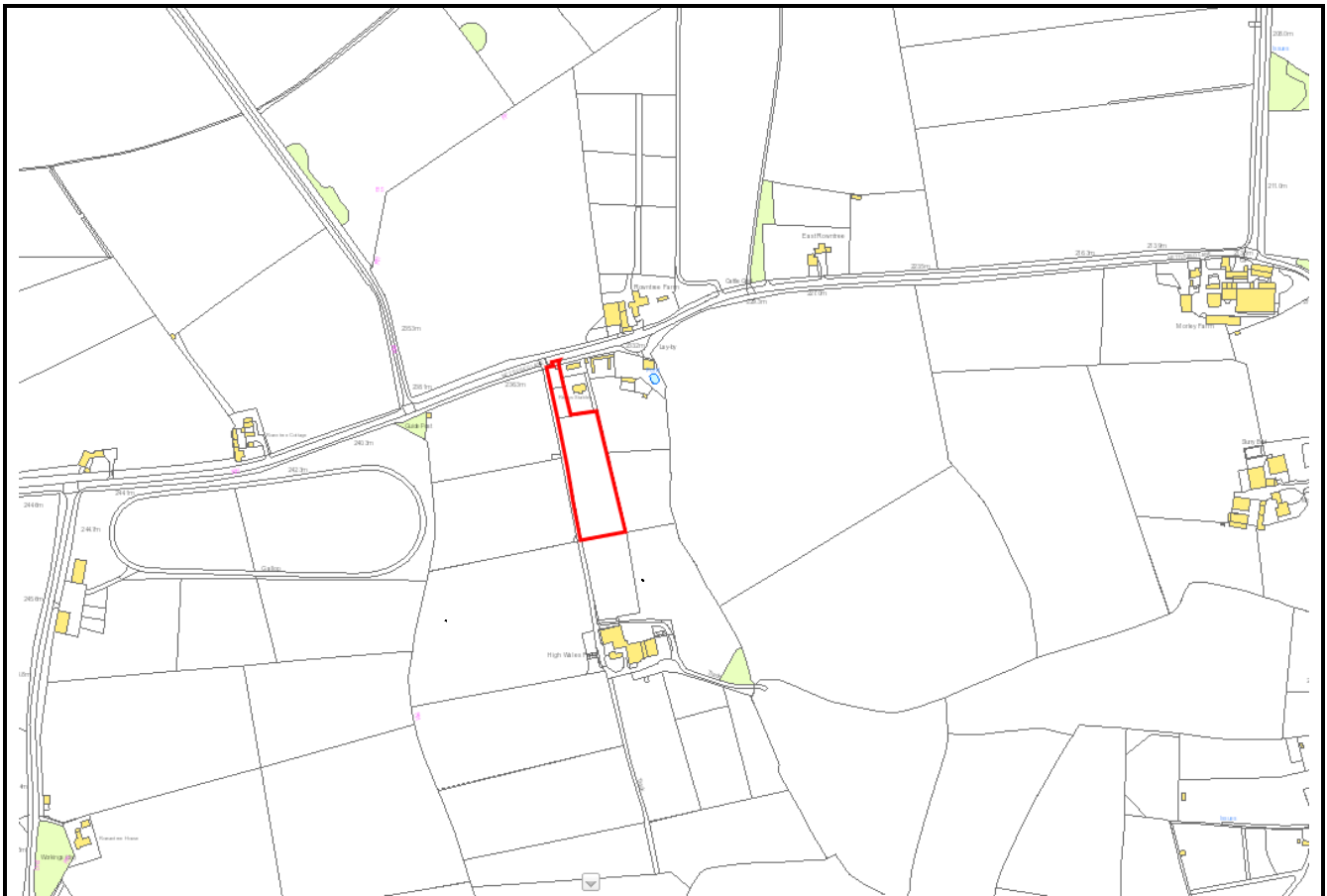
87. That the application be **REFUSED** for the following reason:-
1. The removal/variation of the condition to allow the residential occupation of a chalet as manager's accommodation would result in the formation of an isolated dwelling in an unsustainable countryside location, without meeting relevant exception tests for such development in the countryside. These tests include the requirement to demonstrate the functional need of a full-time worker to serve an established, financially sound rural enterprise. The proposal would also result in the temporary loss of tourism accommodation removing the economic and social benefits of such development in a rural area. The personal circumstances of the applicant are not considered to outweigh this harm and policy conflict. The development is therefore considered contrary to Policies 8, 10, 12 and 21 of the County Durham Plan and Parts 5, 6 and 9 of the National Planning Policy Framework.

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### **BACKGROUND PAPERS**

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Submitted application form, plans, supporting documents and subsequent information provided by the applicant  
Statutory, internal and public consultation responses  
The National Planning Policy Framework  
National Planning Practice Guidance Notes  
County Durham Plan  
Residential Amenity Standards SPD (2020)



<p><b>Planning Services</b></p>	<p>DM/23/00921/VOC          Variation of Condition 2 (occupancy restriction) pursuant to planning permission DM/20/01153/FPA to allow Chalet 1 to be occupied as a manager's dwelling linked to the proposed use of the site for camping/caravanning</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></p>	<p><b>Scale</b> NTS</p>



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## Planning Services

# COMMITTEE REPORT

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### APPLICATION DETAILS

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Application No:	DM/23/00298/VOC
Proposal:	Removal of Condition 9 on planning permission ref: 3/2011/0038 to allow an approved holiday cottage to be occupied as a permanent dwelling (use class C3).
Name of Applicant:	Mrs Angela Fielding
Address:	Bracken Hill Farm Cottage, Bracken Hill Road, Hunwick, DL15 ORF
Electoral Division:	Willington and Hunwick
Case Officer:	Sarah Seabury Planning Officer 03000 261 393 <a href="mailto:sarah.seabury@durham.gov.uk">sarah.seabury@durham.gov.uk</a>

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### DESCRIPTION OF THE SITE AND PROPOSAL

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#### The Site

1. The application site is located approximately 185m to the north of the village of Hunwick. The site consists of a detached brick-built barn and associated residential curtilage located off the highway Bracken Hill Road. The barn was converted in 2012 to a holiday let which opened in 2014 and has operated as a holiday let since. The site is in an isolated location and is surrounded by agricultural fields. The residential property of Bracken Hill Farm is located to the northwest of the site, separated by mature trees and vegetation.
2. The building is single storey with 2no. bedrooms and an open plan lounge, dining and kitchen area. A small curtilage is provided to the southwest of the dwelling, with an embankment to the surrounding agricultural fields. Vehicular access is provided off Bracken Hill Road to the north of the site leading to a hardstanding/parking area.
3. A Public Right of Way, Footpath No. 12 (Crook) is located directly to the north of the site, extending to the south. The application site is located within a designated Area of Higher Landscape Value.

## The Proposal

4. Planning permission is sought through a Section 73 application (variation/removal of condition) for the removal of Condition 9 from planning permission 3/2011/0038. The condition stated that:-

*The holiday cottage hereby approved shall be occupied for holiday purposes only and shall not be occupied as a person's sole or main place of residence. The owners/operator shall maintain an up-to-date register of the names of all occupiers and of their main home addresses and telephone numbers, and shall make this information available at all reasonable time to the local planning authority.*

*Reason: In order to prevent permanent residential occupancy in accordance with policies GD1 and H3 of the Wear Valley District Local Plan as amended by the Saved and Expired Policies September 2007.*

5. Removal of the condition would allow the dwelling to be occupied as a permanent dwelling.
6. The application in being reported to committee at the request of Councillor Olwyn Gunn to consider the occupancy of the building, intensity of use of the premises and highway/access issues.

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## **PLANNING HISTORY**

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7. Planning permission was granted in 2011 for the change of use of an existing byre to form a holiday cottage.

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## **PLANNING POLICIES**

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### **National Policy:**

8. A revised National Planning Policy Framework (NPPF) was published in July 2018 (with updates since). The overriding message continues to be that new development that is sustainable should go ahead without delay. It defines the role of planning in achieving sustainable development under three overarching objectives – economic, social and environmental, which are interdependent and need to be pursued in mutually supportive ways.
9. *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.
10. *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.

11. *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.
12. *NPPF Part 6 Building a Strong, Competitive Economy* - The Government is committed to securing economic growth in order to create jobs and prosperity, building on the country's inherent strengths, and to meeting the twin challenges of global competition and a low carbon future.
13. *NPPF Part 9 Promoting Sustainable Transport* - Encouragement should be given to solutions which support reductions in greenhouse gas emissions and reduce congestion. Developments that generate significant movement should be located where the need to travel will be minimised and the use of sustainable transport modes maximised.
14. *NPPF Part 12 Achieving Well-Designed Places* - The Government attaches great importance to the design of the built environment, with good design a key aspect of sustainable development, indivisible from good planning.
15. *NPPF Part 15 Conserving and Enhancing the Natural Environment* - Conserving and enhancing the natural environment. The Planning System should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes, geological conservation interests, recognising the wider benefits of ecosystems, minimising the impacts on biodiversity, preventing both new and existing development from contributing to or being put at unacceptable risk from pollution and land stability and remediating contaminated or other degraded land where appropriate.

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

#### **National Planning Practice Guidance:**

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

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

#### **Local Plan Policy:**

17. The following policies of the County Durham Plan (CDP) are considered relevant to this proposal
18. *Policy 8 (Visitor Accommodation)* supports new and extensions to visitor accommodation provided it is appropriate to the scale and character of the area and not used for permanent residential occupation. In the countryside such accommodation would also need to meet an identified need, support business viability (if an extension) or involve conversion and should respect the character of the countryside and demonstrate how the location can be made sustainable. For chalets, camping and caravanning development and infrastructure, in addition to the above criteria the development would need to provide flood risk details, not be unduly prominent, have appropriate layouts and have sensitive materials, colours and scale.
19. *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.
20. *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 the Parking and Accessibility Supplementary Planning Document and Strategic Cycling and Walking Deliver Plan.
21. *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.
22. *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.

23. *Policy 39 (Landscape)* states that proposals for new development will only be permitted where they would not cause unacceptable harm to the character, quality or distinctiveness of the landscape, or to important features or views. Proposals are expected to incorporate appropriate mitigation measures where adverse impacts occur. Development affecting Areas of Higher landscape Value will only be permitted where it conserves and enhances the special qualities, unless the benefits of the development clearly outweigh its impacts.
24. *Policy 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.
25. Residential Amenity Standards SPD (2023 Adopted version) – Provides guidance on the space/amenity standards that would normally be expected where new dwellings are proposed.

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

## Neighbourhood Plan

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

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## CONSULTATION AND PUBLICITY RESPONSES

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### Statutory Consultee Responses:

27. *Highways Authority* – Advise that from a highway safety perspective, the removal of this condition would not cause any detriment to the local highway network or road safety.

### Non-Statutory Consultee Responses:

28. *Spatial Policy* - Advise that section 38(6) of the Planning and Compulsory Purchase Act 2004 states that the determination of applications should be made in accordance with the development plan unless material considerations indicate otherwise. In this instance, the proposal would conflict with the plan led strategy for growth. In addition, the application site's location is not well served by services and facilities to support the day to day living of people occupying the cottage as their sole or permanent residence. From the information provided the applicant has not demonstrated that the current visitor accommodation use of the property is no longer viable. The CDP identifies the visitor economy as an important and resilient part of the County's economy. As such the plan seeks to protect visitor accommodation from being lost. There was previously an identified need for this cottage for holiday purposes. No information has been submitted which would enable a conclusion to be reached that such a need no longer exists. As such, for the reasons given above, the proposals

would conflict with the development plan and there are no material considerations that would outweigh this conflict.

29. *Visit County Durham* – Confirm that there is a general undersupply of visitor accommodation across the county.

**Public Consultation:**

30. The application has been advertised by way of a site notice, and an individual notification letter sent to a neighbouring property.
31. No letters of representation have been received

*The above 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/>*

32. Policy 10 of the County Durham Plan and the NPPF are both clear that the re-use of an existing building in the countryside for residential purposes is an acceptable form of development as a matter of principle. The cottage already benefits from a residential consent (Use Class C3), albeit one that is restricted to holidaying purposes only, and its proposed occupation as a permanent residence also falls squarely within Use Class C3. No material change of use in the building is being proposed.
33. It is acknowledged that the proposed permanent residential occupation of the property would result in the loss of existing tourist accommodation. However, the suggestion that this would represent a failure to comply with planning policy is patently not correct when there is simply no policy basis on which the Council can take this position. Policy 8 of the County Durham Plan relates only to the provision of new visitor accommodation (and extensions to existing visitor accommodation) and is therefore not of relevance to the determination of this application. The policy makes no provision to resist the loss of existing tourist accommodation nor does any other policy in the County Durham Plan. This being the case there is no reasonable or lawful policy basis on which to refuse the application.
34. Notwithstanding this, evidence has been presented to the Council that the continued use of the property for holidaying purposes is not viable nor does it make business sense. This is due to demand for the holiday cottage being much lower than expected with occupancy levels only ever reaching a maximum of 60% since first being brought into use in 2018 and in some years falling as low as 34%. An alternative use for the building therefore needs to be found. Permanent residential occupation is the most logical option given the nature and characteristics of the building as it exists currently. Moreover, the building is an attractive property that makes a positive contribution to the character and appearance of the area and its use for residential occupancy would not only safeguard the future of the building but it can also be carried out without any alterations to the building. Traffic movements to and from the site would also likely be reduced when compared to tourist occupation with many guests tending to come and go from the cottage frequently throughout the day.
35. In sustainability terms, whilst located just outside of the built extent of Hunwick, the property is located just 200m from the western edge of the village and is therefore readily accessible to the range of services and facilities that it has to offer including an excellent primary school, small convenience store, award-winning café/tea room,

pub, sports clubs, equestrian stables and bus stops with connections to larger settlements nearby such as Bishop Auckland, Crook and Willington. The site is an inherently sustainable and accessible location for residential living and, as already explained above, there is no policy basis on which the Council can legally refuse this application on the grounds of a loss of existing visitor accommodation when there is no development plan policy preventing such loss.

36. Members are therefore respectfully requested to approve the application without delay in line with the expectation and requirements of paragraph 11 of the NPPF due to the clear compliance of the proposal with all relevant national and local planning policy.

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## **PLANNING CONSIDERATION AND ASSESSMENT**

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37. Section 73 of the Town and Country Planning Act 1990 (as amended) applies to the determination of applications to develop land without the compliance with conditions previously attached. S73 states that on such an application the Local Planning Authority (LPA) shall consider only the question of the condition(s) subject to which planning permission should be granted. The LPA should decide whether planning permission should be granted subject to conditions differing from those subject to which the previous permission was granted or that it should be granted unconditionally. If the LPA decide that planning permission should be granted subject to the same conditions as those subject to which the previous permission was granted, they should refuse the application.
38. In considering such an application the Development Plan and any material considerations under section 38(6) of the Planning and Compulsory Purchase Act are relevant in the determination. LPAs should, in making their decisions, focus their attention on national and development plan policies, and other material considerations which may have changed significantly since the original grant of permission.
39. The main planning issues considered under application 3/2011/0038 related to; the principle of the development; highway safety and ecological issues. The implications of the proposed removal of the condition are discussed below.

### Principle of development

40. Under application 3/2011/0038 consideration was given to the principle of the use given the countryside location. It was identified that planning policies at the time contained within the Wear Valley District Local Plan were permissive of conversions of suitable rural buildings for employment and tourism uses. Residential uses of such buildings were only considered acceptable where buildings could not be developed for employment and tourism uses and the building formed part of a wider group of dwellings. The condition in question was therefore attached to the planning approval restricting the residential use of the building, limiting it to tourism accommodation.
41. Since the determination of the original application a new planning policy framework has been introduced both nationally through the NPPF and locally through the adoption of a new development plan for the County, the County Durham Plan. Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate

otherwise with the NPPF representing a material planning consideration in this regard. The County Durham Plan (CDP) represents the up-to-date local plan for the area and the starting point for the determination of this planning application.

42. The consideration is therefore whether the removal of the condition allowing an unrestricted residential use in the countryside and loss of the tourism accommodation would be supported by relevant planning policies in force today.
43. One of the key policies in the determination of this application is CDP Policy 10 which restricts new development in the countryside unless exceptional circumstances apply or permitted by other policies within the Plan. It establishes that visitor accommodation is an appropriate use in the countryside, where it accords with the requirements of CDP Policy 8. Policy 10(h) is of particular relevance as it allows for the conversion of existing buildings which:
  1. already makes a positive contribution to the character and appearance of the area and is capable of conversion without complete or substantial rebuilding, disproportionate extension, or unsympathetic alterations;
  2. results in an enhancement of the buildings immediate setting;
  3. does not result in the unjustified loss of a community service or facility; and
  4. in the case of a heritage asset, represents the optimal viable use of that asset, consistent with their conversion.
44. In terms of CDP Policy 10(h), the LPA consider that the proposal would not meet the provisions of the above criteria. Notably Policy 10(h.3) which relates to the loss of existing facilities. The LPA consider that visitor accommodation is de facto an existing facility in the countryside, which brings about economic and employment benefits to its rural location.
45. The CDP highlights the role that tourism accommodation in rural areas, can have in delivering a positive impact on the local economy, including social benefits. The visitor economy is important to County Durham, with approximately 14.39m being day visitors, spending on average £22.97 per day, whereas overnight visitors spent on average around £209.61 per trip. In this way, around 46% of all tourism expenditure in the county can be attributed to only 9% of the total visitors. Consequently, encouraging overnight stays is a key issue for the tourism economy within County Durham.
46. Further to this the NPPF sets that the purpose of the planning system is to contribute towards the achievement of sustainable development. Achieving sustainable development means that the planning system has three overarching objectives, which are interdependent and need to be pursued in mutually supportive ways (so that opportunities can be taken to secure net gains across each of the different objectives). These are categorised as economic, social and environmental objectives. The assessment of the development against the social and environmental objectives are detailed below, however in terms of the economic objectives, Part 6 of the NPPF states that significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development. In particular in rural areas, paragraph 83 of the NPPF states that sustainable rural tourism which respect the character of the area should be enabled.

47. Visit County Durham, the tourism management agency for the County advises that it would be regrettable to lose visitor accommodation stock in the County as there is a general undersupply of visitor accommodation across the county. Bracken Hill Farm Cottage has a 5 star rating on Trip Advisor and according to their website has numerous bookings up to October 2023 and is therefore a well-established, highly sought-after local business, typical of a type of tourism facility encouraged by DCC and certainly one which would be regrettable to lose.
48. Turning back to CDP Policy 10, the supporting text, para 5.77 advises that *"The change of use of any such building must be clearly justified on a case-by-case basis according to their individual circumstances including consideration of the proposed use's future viability and the impact the loss of that proposed use would have."* The proposal would therefore require demonstration that the business is unviable, and that it has also been marketed for an adequate period of time at a price/value which reflects its current use and the restrictive condition in place. The applicant has provided occupancy data for the 5-year period leading to the 2022/2023 season. Both the LPA and the applicant acknowledge that the figures for 2020/21 and 2021/2022 will have been impacted by the Covid pandemic. However, the most recent figures show a pickup to 51%. The Spatial Policy Officer has considered the information however does not consider the occupancy rates to be unreasonable. They have stated that there is often a break between guests, with tourists often selecting varying holiday lengths and, taking into account the popularity of weekend stays which explains this figure.
49. The applicant has not provided any other marketing or viability information such as evidence of listings, rates or financial accounts therefore based on the information provided it is difficult to determine if the business is profitable or unviable. If the applicant is unable to provide evidence to demonstrate that the business is unviable, then the LPA is unable to make an informed judgment on whether the current visitor accommodation at this location is financially sound or not. Justification for the loss of visitor accommodation must be robust as its loss would reduce the available stock within the County. It is therefore considered that the proposed development could not draw support from CDP Policy 10(h).
50. Consistent with CDP Policy 10 is Paragraph 80 of the NPPF which seeks to avoid the development of isolated homes in the countryside unless the proposal meets the listed criteria. Notably Paragraph 80(c), where the development would re-use redundant or disused buildings and enhance its immediate setting. The requirement to enhance the buildings immediate setting is also referenced in CDP Policy 10 (h.3). The LPA do not accept that the building is disused, or the tourist accommodation is redundant moving forward.
51. Also relevant to this application is CDP Policy 8, which supports proposals for visitor accommodation in the open countryside where it is necessary to meet an identified need (or an extension to existing accommodation which helps support future business viability) or is a conversion of an existing building and it respects the character of the countryside and demonstrates clear opportunities to make its location more sustainable.
52. The agent contests the relevance of CDP Policy 8 in the determination of this application, stating that it relates to new visitor accommodation only and contains no mechanism for considering applications for changes of use away from such. CDP Policy 8 sets out the approach to encouraging a range of suitable visitor

accommodation and facilities in order to increase the benefits of tourism to the County. It was developed in direct recognition and understanding that Visit County Durham have identified significant gaps in provision countywide. It is acknowledged that Policy 8 does not capture the scenario whereby existing visitor accommodation is proposed to be taken out of that use, and that is a reflection of the fact tourism can contribute to the growth of an area's economy, with the income derived from it helping to support other businesses and services in the locality. Given the overall identified lack of accommodation, it remains the LPA's stance that all cases which would result in its loss need to be scrutinised and fully justified. No such information has been provided in support of the application and given the information, which is available on the property website, it is considered that the business remains viable and therefore does not draw support from CDP Policy 8.

53. Overall, it is considered that the removal of the condition to allow and unrestricted residential use would undermine the LPA's drive in boosting the rural tourist economy, contrary to Policy 8 of the County Durham Plan. Furthermore, the proposal has failed to demonstrate that it would not fall within any of the exception provisions of Policy 10, therefore the proposal conflicts with this policy. The proposal would result in the formation of an isolated dwelling in an unsustainable location, without the associated benefits of the reuse of a vacant building, or resulting in an enhancement of the properties setting, contrary to Policy 10 of the County Durham Plan and Paragraph 80 of the NPPF. Consideration is given below to the impact of the development and whether any material planning considerations exist to outweigh this policy conflict in the planning balance.

#### Locational sustainability/highway safety

54. CDP Policy 10(p) does not permit development in the countryside where it would be solely reliant upon unsustainable modes of transport, with new development in countryside locations not well served by public transport expected to exploit any opportunities to make a location more sustainable including improving the scope for access on foot, by cycle or by public transport.
55. In addition, CDP Policy 21(b) requires all developments to deliver sustainable transport by providing appropriate, well designed, permeable and direct routes for walking, cycling and bus access, so that new developments clearly link to existing services and facilities together with existing routes for the convenience of all users.
56. NPPF Paragraph 105 advises that significant development should be focused on locations which are or can be made sustainable, through limiting the need to travel and offering a genuine choice of transport modes. NPPF Paragraph 110 states that appropriate opportunities to promote sustainable transport modes should be taken, whilst Paragraph 112 amongst its advice seeks to facilitate access to high quality public transport.
57. There is a distinct difference to the types of services and facilities that would be accessed by permanent occupiers of the cottage and holiday occupiers. The latter may permanently reside outside of the local area and are likely to make more recreational trips to local attractions such as Kynren or Auckland Castle, as advertised on the applicants' website. They are unlikely to need regular access to services and facilities such as local health facilities, places of employment or education. As such housing for permanent residential occupation is directed to locations either within or outside, but well related to, the built-up areas of settlements.



It is also recognised that in certain scenarios that the wider benefit of providing tourism accommodation outweighs the harm arising from an unsustainable location.

58. The removal of the condition would result in the formation of an unrestricted residential dwelling in an isolated location. The edge of the settlement of Hunwick is located a distance of approximately 600m by road, however a distance of 1000-1500m is evident to services such as a newsagents/café, employment opportunities and the primary school. It is considered that this walking distance of a 15 to 20-minute walk is considered at the upper end of what future residents could be expected to walk, based on good practice guidance set out in the Chartered Institute of Highways and Transportation (CIHT) documents including 'Guidelines for Providing for Journeys on Foot' and 'Planning for Walking', The Department for Transport's 'Manual for Streets'. It is also noted that the majority of this would be on an unlit country road without street lighting which would discourage accessibility by foot.
59. It is noted that there is an extensive network of PRow's in and around Hunwick, including a single route from the application site to the outer edge of the village. Whilst this gives an alternative to walking along the roadside this route again is unlit making it a less desirable option than a vehicle. The application site is therefore considered to be in an unsustainable location with limited undesirable options for pedestrians. The nearest bus stop is located approximately 450m away, beyond the minimum distance advocated by relevant guidance, this route again is unlit, with no footpath and with some topography changes. It is therefore considered that this would not be a reasonable option of future occupants.
60. Notwithstanding accessibility concerns, the Highways Authority confirm that the removal of the condition would not give rise to a loss of highway safety.
61. Overall, it is considered that the site is not located in a sustainable location to support an unrestricted residential use contrary to Policies 10 and 21 of the County Durham Plan and Part 9 of the NPPF.

#### Residential Amenity

62. Parts 12 and 15 of the NPPF require that a good standard of amenity for existing and future users be ensured, whilst seeking to prevent both new and existing development from contributing to, or being put at unacceptable risk from, unacceptable levels of pollution.
63. CDP Policy 31 states that all new development that has the potential to lead to, or be affected by, unacceptable levels of air quality, inappropriate odours and vibration or other sources of pollution, either individually or cumulatively, will not be permitted including where any identified mitigation cannot reduce the impact on the environment, amenity of people or human health to an acceptable level.
64. Criterion r) of CDP Policy 10 is not permissible towards development that would impact adversely upon residential or general amenity. In addition, CDP Policy 29 states that all residential development will be required to comply with the Nationally Described Space Standards (NDSS). A Residential Amenity Standards Supplementary Planning Document (SPD) has been adopted by the Council, which recommends that residential dwellings benefit from gardens which are at least 9m long.

65. The NDSS sets out that a that a single storey 2 bedroom 4 bedspace (persons) dwelling should provide a minimum of 70 m<sup>2</sup> of Gross Internal Area (GIA) along with 2 m<sup>2</sup> of built in storage. A single bedroom is required to be at least 7.5 m<sup>2</sup> of floor area and a double or twin room at least 11.5m<sup>2</sup> of floor space.
66. In reviewing the floor plans submitted on the original application the property has been arranged with one master double bedroom and a second twin bedroom, this is also the basis on which the property is marketed as a holiday let. The gross internal floor space of the property measures 59.5 m<sup>2</sup>, with both bedrooms measuring 8.3m<sup>2</sup> and 9.24m<sup>2</sup> respectively.
67. The development would therefore fail to satisfy the minimum requirements of the NDSS in terms of GIA for the property, whilst both bedrooms would fail to satisfy the minimum size for double rooms. Whilst one of these bedrooms could theoretically revert to a single bedroom, the NDSS sets out that where 2 or more bedspaces are proposed at least one has to be a double bedroom. In this instance the remaining double room would still fall below NDSS standards. Furthermore, even in the event the property is considered a 3 person property, a minimum GIA of 61m<sup>2</sup> would still need to be achieved which the development fails to satisfy.
68. Along with a failure to achieve NDSS standards, it is noted that the second bedroom is only served by small conservation style rooflights with no window in the external wall. This is considered to be substandard arrangement, particularly for a property of this scale. Sufficient outdoor amenity space is considered to be provided for the property, while existing land users are considered unlikely to adversely affect the amenity of future occupiers.
69. Overall, the development fails to achieve minimum NDSS space standards, which would adversely impact on the amenity of the living conditions of future occupants contrary to Policies 29 and 31 of the County Durham Plan and Part 12 of the NPPF. It is recognised that current users of the property experience theses substandard conditions, however given its use as tourism accommodation, this is market lead and usually occupants would have a relatively short stay at the property.

#### Other Matters

70. The proposed removal of the condition would have no impact on ecological constraints. The development would therefore comply with Policy 41 of the County Durham Plan and Part 15 of the NPPF in this respect
71. The site is rurally located, set within an Area of Higher Landscape Value (AHLV). The property is of a high visual standard and proposes no alterations as a result of this application. The proposal would therefore be compliant with Policies 29 and 39 of the County Durham Plan and Part 15 of the NPPF in this respect.

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## **CONCLUSION**

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72. This application seeks to remove a condition to control the use as the property as a holiday let to allow unrestricted residential use. When determining a S73 application the LPA should be considering only the question of the conditions subject to which planning permission should be granted. However, in approving the application a new planning permission for the development as a whole is granted.

73. Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise. The National Planning Policy Framework is a material consideration in planning decisions. The key considerations in this case relate to the principle of development, locational sustainability and impact on residential amenity.
74. It is concluded that the removal of the condition and allowing an unrestricted residential use would undermine the LPA's drive in boosting the rural tourist economy, contrary to Policy 8 of the CDP. Furthermore, the proposal has failed to demonstrate that it would fall within any of the exception provisions of CDP Policy 10, therefore the proposal conflicts with this policy. The site is located in an unsustainable location in which to support new residential dwellings, which is contrary to Policies 10, 21 and 29 of the County Durham Plan and Part 9 of the NPPF. The change of use would result in unacceptable living standards for future occupiers contrary to Policies 29 and 31 of the County Durham Plan.
75. The development has been assessed against all relevant policies of the County Durham Plan, it is concluded that the development would conflict with the identified policies, there are no material considerations which would outweigh the identified harm as a result of the policy conflict, or which would indicate a decision should be otherwise and therefore the application is recommended for refusal.

#### Public Sector Equality Duty

76. 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.
77. In this instance, officers have assessed all relevant factors and do not consider that there are any equality impacts identified

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### **RECOMMENDATION**

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

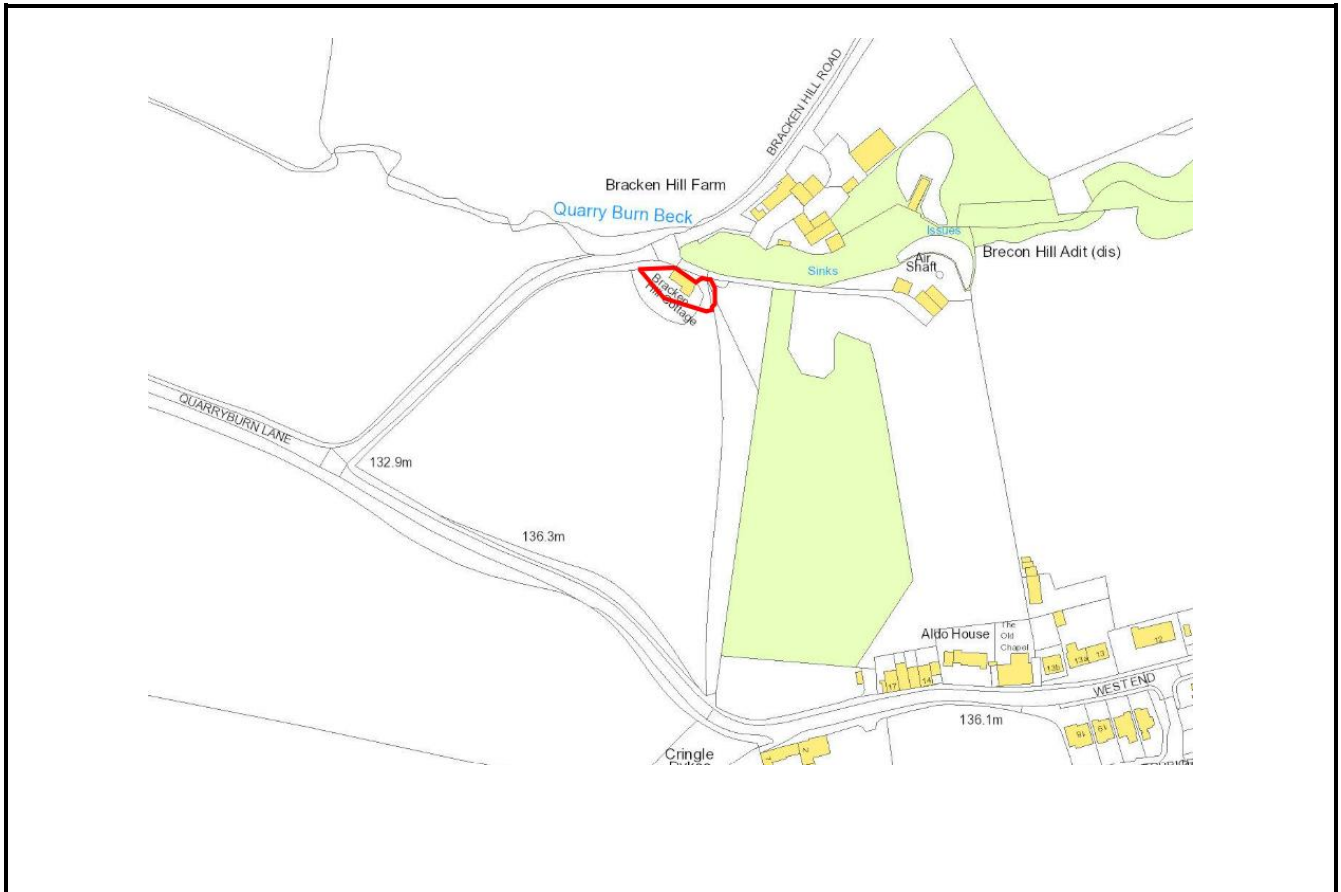
1. The removal of the condition would result in the formation of an isolated residential dwelling located in an unsustainable countryside location, without meeting relevant exception tests for such development in the countryside. The proposal would also result in the loss of tourism accommodation which brings about economic and social benefits to the rural area. The development is therefore considered contrary to Policies 8, 10, and 21 of the County Durham Plan and Parts 6 and 9 of the National Planning Policy Framework.
2. The removal of the condition would result in the formation of a residential dwelling where future occupants would experience unsatisfactory living conditions below the minimum thresholds set out in the Nationally Described Space Standards contrary to Policies 29 and 31 of the County Durham Plan and Part 12 of the National Planning Policy Framework.

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## **BACKGROUND PAPERS**

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The National Planning Policy Framework (revised 2018)  
National Planning Practice Guidance Notes  
Durham County Plan 2020  
Statutory, internal and public consultation responses  
Submitted forms, plans and supporting documents



<p><b>Planning Services</b></p>	<p>Removal of Condition 9 on planning permission ref: 3/2011/0038 to allow an approved holiday cottage to be occupied as a permanent dwelling (use class C3).</p> <p>Application Number DM/23/00298/VOC</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>Comments</b></p>	<p><b>Date</b> 20 July 2023</p> <p><b>Scale</b> NTS</p>

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