



## Area Planning Committee (North)

**Date** Thursday 5 October 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. Minutes of the Meeting held on 27th July 2023 (Pages 3 - 14)
4. Declarations of Interest (if any)
5. Applications to be determined;
  - a) DM/22/03724/FPA - Park View Upper School And Sixth Form, Church Chare, Chester-le-Street, DH3 3QA (Pages 15 - 42)
  - b) DM/23/01721/FPA - Land North Of Fenton Well Lane, Great Lumley (Pages 43 - 68)
  - c) DM/23/00446/FPA - The Chelmsford, Front Street, Ebchester, Consett, DH8 0PJ (Pages 69 - 88)
6. Such other business as, in the opinion of the Chairman of the meeting, is of sufficient urgency to warrant consideration.

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

County Hall  
Durham  
27 September 2023

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

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

Councillors G Binney, J Blakey, L Brown, K Earley, J Griffiths,  
D Haney, P Jopling, B Moist, J Purvis, I Roberts, K Shaw,  
A Sterling, A Watson and S Wilson

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**DURHAM COUNTY COUNCIL**

**AREA PLANNING COMMITTEE (NORTH)**

At a Meeting of the **Area Planning Committee (North)** held in the Council Chamber, County Hall, Durham on **Thursday 27 July 2023 at 9.30 am**

**Present:**

**Councillor E Peeke (Chair)**

**Members of the Committee:**

Councillors W Stelling (Vice-Chair), G Binney, J Blakey, L Brown, K Earley, J Griffiths, D Haney, P Jopling, J Purvis, I Roberts, K Shaw, A Watson and S Wilson

**1 Apologies for Absence**

There were no apologies for absence.

**2 Substitute Members**

There were no substitute members.

**3 Minutes**

Councillor Shaw referred to page 6, second paragraph with regard to the 10% of the units approved to meet the needs of the elderly and disabled and indicated that the Housing Strategy stated at least 10% as a starting point and they should be looking to increase this wherever possible.

Clare Cuskin, The Legal Officer explained that the minutes reflected the discussion held at the meeting and this would be considered outside the meeting and if required brought back to the next meeting.

The minutes of the meeting held on 29 June 2023 were confirmed as a correct record and signed by the Chair, subject to clarification of the above.

## **4 Declarations of Interest**

Councillor Stelling declared an interest in item 5(a) as he had discussions with all parties involved and would take no part in the discussion and would leave the meeting during the debate.

Councillor Earley declared an interest in item 5(a) as he had arranged the planting at the woodland near the Leadgate Industrial estate. He confirmed that he wished to speak on the item but would leave the meeting during the debate.

The Legal Officer confirmed that Members could listen to the application and hear from the objectors and applicant and could address the Committee but would be required to leave the meeting during the debate.

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

### **a DM/22/03331/OUT - Unit 1A Watling Street Industrial Estate, Leadgate, DH8 6TA**

The Committee considered a report of the Planning Officer regarding an outline application seeking planning permission for a change of use of the land to E(g) (light industrial use), the erection of new building to support this change of use and associated works. All matters reserved except for access, scale and layout (for copy see file of Minutes).

J Reed, Planning Officer provided a detailed presentation of the application which included photographs of the site, site location and indicative development from road.

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

Councillor Jopling sought clarification on the proportion of the woodland that would be taken away.

The Planning Officer indicated that in terms of proportion it was acknowledged in the report that the section of loss in comparison to the overall woodland would not be a great amount, however, in terms of a localised impact the section of woodland the impact would be high in terms of the loss. He stated that they would work out the percentage of the loss and advise Members accordingly.

The Chair thanked the Planning Officer and asked Andrew Plant, an objector, to speak on the application.

A Plant stated that Leadgate was a village of over 4000 people. The leisure facilities provided by Durham County Council are a small play area with one swing, two and half sets of goal posts and Watling Wood and you could see the importance to them. The children and people of the village planted this community wood nearly 30 years ago.

This was not a beautiful park or commercial woodland it had become their 'Wild space'; they walked their dogs, rode their horses and bikes, and came to look at the stars, or watch the bats and listen to the owls, its where children came to play robin hood or frozen and build dens and learn to make safe campfires. He stated that Stomping Grounds Forest School have a holiday club in the woods as he spoke this morning.

They go there to watch the butterflies or to catch a glimpse of a retreating deer or fox, to see how close the rabbits would let you get before they ran away. They go to be inspired for photos, art and story writing. They collect sloes, cob nuts, raspberries and mushrooms.

They go to see the king cups, mimulus, orchids, irises, the red campion and fox gloves. Nothing desperately rare, but their touch of the wild, their link with nature. It was true the area of the application was not huge and was not very picturesque but it had a value to the whole of the woods. It was a part where humans and dogs seldom go, a reservoir for nature where the deer can take refuge from us, where the owls can roost away from walkers. It also provided a sound barrier around the applicants' factory. Without it the integrity of the woods as a whole was weakened.

The Council cut the main paths once every two or three years, that's their share of the maintenance, otherwise Leadgate partnership raised the money for benches, duckboards and planting the wetland area and organise litter picks. Members of Leadgate taskforce have worked to maintain the main entrance and try to keep the bridge safe, Leadgate caretakes planted wicked non-native horse chestnuts so kids could play conkers. The applicant's management plan would remove these.

The people of Leadgate cut back the overgrown paths and worked with the Police and Fire Brigade when there were occasional issues, they get odd bits of fly tipping sorted and monitored the Japanese knotweed. They campaigned against the previous two applications for this area of wood to get its designation changed and to register the woods as an asset of community value.

He asked the Council to carefully consider the documents in front of them.

The additional statement provided by the applicant a few weeks ago was not part of the main application and brought in new information which the people of Leadgate had not been informed of or given the chance to comment on. It seemed to imply that rather than the eight jobs involved in the ongoing application there were now going to be fifteen.

He stated that the Highways report had been based on eight jobs which were to be served by 'a maximum of four cars inbound and outbound.' He asked if fifteen staff were still going to produce just four car journeys? He asked that it be noted that the application stated there were no plans for any parking spaces. He also asked if the cars of fifteen staff parked on the curved road going to make it safer.

The ecological impact reports and the arboriculture were produced over two years ago and took no account of the changes to the wood affected by Storm Arwen which had changed woodland across the country. In Watling Wood Storm Arwen had cleared a large number of trees already opening the canopy and reinvigorating the undergrowth throughout the woods. The fallen trees are and would continue to be part of the natural environment home to fungi and beetles and climbing children. He noted the Dendre report on biodiversity specifically stated, 'due to its young age, the woodland lacks deadwood habitat and therefore any dead trees, no matter how small, should be retained.'

The applicants wanted to replant the trees they would fell three-fold but they tell us very sadly there was nowhere near Watling Wood they could do that planting. So, for them the trees are verily irreplaceable if they go, they are gone forever.

The other main proposal was for a new woodland drive, unfortunately that starts by chopping down more trees and destroying two of the best Robin Hood tracks through the wood for their children to play in. It also makes a wide and open path right through one of the two major wetland areas reducing the diversity it aims to improve. There was much that could be done to improve the woods and increase access, but this proposal was not the right way.

He concluded that Watling Wood was one of their great leisure facilities, planted and loved by the people of Leadgate. He asked Members to please help them protect it and reject the application.

The Chair thanked A Plant and asked Claire Hattern, the applicant, to speak in relation to the application.

C Hattern thanked the Chair and for the opportunity to address the Committee on behalf of the applicant. The report recognised the social

economic and environmental benefits of the proposal and they welcomed the Council's acceptance of the principle of the development in this regard.

The application had been reported to Committee given the number of jobs that would be created on site and within the local supply chain. The ongoing support from Business Durham was recognised by the Council with the acknowledgement it would create much needed jobs in the county and contribute to its green economy. There was a strong economic case supporting the approval of this application.

The expansion of local business had been restricted to date and if permission was refused the applicant would be forced to relocate the operation to the company's main site in Northumberland. They would not consider this a positive outcome from any perspective. The concern over potential job losses had been echoed by key stake holders and the local community. Finance Durham had also invested substantially in the site to support its growth and improve its efficiency. The applicant wishes to stress it would not be feasible or be cost effective to make the facility storage and distribution needs on a separate site as suggested by the Council. This was understandable when visiting the site where the integrated technical operations of the facility and the need for skilled specialist operatives to manage it was evident.

They welcomed the Council's acceptance of the scale and massing of the new building and the recognition that the comprehensive pre application engagement undertaken was policy compliant and the proposed development would improve highway safety, access arrangements and local biodiversity. Notably the Council's Ecologist was confident the off-site mitigation proposals could be achieved, which as a package would improve the condition of Watling Wood, maintain and improve public access as well as secure in excess of 10% biodiversity net gains. Members should be aware that the Council's Ecology, Environmental Health, Drainage, Noise, Highways, Spatial Policy and Mineral Safeguarding Teams raised no objections to the proposed development, subject to conditions, these conditions had been noted and accepted by the applicant.

It was, therefore, disappointing that the Officer's report concludes delivering over 10% biodiversity net gains was not Council priority and does not outweigh the landscape impacts of the application even when combined with the other additional benefits. The primary reason for refusal was the Council considered the trees sited for removal to be a high amenity and landscape value meaning their loss would have significant adverse impacts. The Officer's report confirms this assessment was based on the group value of Watling Wood and how it as a whole would be affected. The recreational and social value of Watling Wood was recognised by the applicant; however, they considered that the Council gave a disproportionate amount of weight to its

landscape argument in the overall planning balance, particularly considering the financial benefits that could be secured as a result of the development. As assessed by suitably qualified agriculturists 0.3 hectares of woodland proposed to be removed was in fact young in poor condition in accessible and not within an area of high landscape value. The rest of the woodland provided an extensive physical and visual woodland buffer to the site of the existing residential properties.

In seeking to identify appropriate mitigation of the loss of the small area of woodland the applicant had explored various options in consultation with the Local Community, Key Stake Holders and the Councils Landscape Team over the last eighteen months. The offsite mitigation strategy was intended to compliment and add value to the Council emerging Watling Wood management plan. Proposals and associated developer contributions were designed to help drive the delivery of physical works in Watling Wood and develop a network of volunteers to support long term maintenance. However, the Council's management plan had stalled and there was no evidence when the maintenance had been routinely carried out in Watling Wood. Critically the re-provision of the equivalent or improved area of woodland on a three to one replacement ratio had been offered by the applicant. This offer was refused by the Council on the basis that Watling Wood was over stocked and a suitable site could not be identified. Therefore, there was no mechanism for the applicant to be compliant with Policy 40 of the County Durham Plan.

She concluded stating that the applicant had positively engaged to refine the schemes design, it was considered the applicants multiple benefits outweigh the adverse landscape impacts which are not as harmful as suggested in the Officer's report.

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

Councillor Earley indicated that the best time to plant a tree was 20 years ago, the second-best time was today. He stated that he planted a number of the trees 30 years ago and commented that it was a great project that was a buffer to the industrial estate and amenity value. The land was initially earmarked for industrial use and they got it turned over for community woodland that took some organising. David Bellamy supported the project and stated that it was a grand day and the community had followed on and kept it going. He appreciated the proposal would create jobs and was a hard decision for Members weighing one up against the other and referred to the climate emergency and biodiversity emergency and stated do they just keep saying this is more important than then rest. He asked Members to consider the Officer's recommendation.

*Councillors Early and Stelling withdrew from the meeting*



The Planning Officer advised Members that Watling Wood was severed by Wardle Way and sits to the East and West of Wardle Way. In terms of the calculation, the overall size of the woodland was 11.95 hectares and the loss of the land would equate to around 3.1% of the total woodland lost. If you were to discount the area severed by the road that runs through and it was the woodland directly behind the application site it would equate to 4.02% of the woodland.

Councillor Roberts indicated that she attended the site visit and as indicated by the objector when you walk through the wood you could open your mind to what the children would see and play, that was a good adventure trail and she would not like to see it lost and stated that it was a lot of woodland to lose. She commented that the trees were planted due to the area been boggy and the trees and the roots spread out to draw up the water and this should not be lost and should be kept for the future of the children and walkers.

Councillor Watson indicated that the area of land was classified as an industrial estate. At the time it was considered due to the land been swamped they would get no development on the site and was suggested to plant some trees, but the industrial land status was never removed as they wanted jobs as Consett had lost the steelworks. In the last few years, it had been considered to be a community asset which he understood and was well used, but this particular development was on the fringe of Watling Wood and was part of the industrial estate, he would argue that it was not going to have a great impact on the woodland. He commented that half a football pitch would be lost and the benefits outweighed the disadvantages. The site manufactured wood fuel briquettes and falls within the designated area of a community asset which he understood. The application was for outline planning permission and he understood the planners in respect of the trees but the company was about a cleaner environment that produced wood burning briquettes, employing local people with good conditions and the application would create more jobs. The current site was part of the industrial estate, this was an extension not a new building in the middle of the woods it was on the fringe. There was no footpath and was not an area that a lot of people used as it was the centre of the woods that were used. He referred to the national planning policy framework that continued to advocate new development that was sustainable and should go ahead without delay. It was a suitable site that would produce clean fuel, low carbon in effect and should be approved.

He commented that Ecology had raised no objections and they had to encourage green enterprise and the benefits outweighed the negatives, they were not losing trees as these would be replanted on a three to one ratio. The trees to be felled were of low value and had developed themselves and

further commented that woodlands needed to be managed and the impact on the woodlands was negative and repeated that it was on the fringe of Watling Wood and was where a current factory operates. There would be huge benefit to people and the economy of the area and the application needed to be approved as it falls within national policy framework and Policy 40 and 43 as there was suitable replacement tree planting and the benefits outweigh the adverse effects and moved approval of the application.

Councillor Wilson sought clarification of the designation of the land.

The Planning Officer confirmed that the land was classed as unallocated so falls to the lands current use.

The Principal Planning Officer advised Members that the current business site is within the allocation of the industrial estate but outside of the boundary of the site was unallocated.

Councillor Haney moved refusal of the application and commented that the applicant in their presentation stated they were unable to meet one of the policy requirements. He was from Consett and knew what an asset the woodland was and they could not just consider the economy they had to consider the social economic demographic of the area and what a huge asset it was. He could not see any reason why this application could be approved; it was in clear violation of the policy.

Councillor Brown referred to a newspaper article that stated that wood burning air pollution in the UK had doubled in a decade and commented that she did not know how green these briquettes were. She then stated that she noticed on the site visit yesterday that there are footpaths crisscrossing the whole of the site that would be fenced off if the proposal was approved and would stop access to this asset of community value which was important to the residents and seconded the proposal to refuse the application.

Councillor Jopling asked for an explanation of the manufacture and how it was a green product.

Simon May from the company responded that the wood fuel briquettes that they manufactured were certified ready to burn with samples taken. They had to be certified to sell the briquettes, he stated that all the wood used on site was FSC certified.

In response to a further question from Councillor Jopling, S May indicated that ready to burn certification was clean burning and FSC was sustainable wood that was waste trees in a sustainable forest.

Councillor Jopling indicated that this application was a dilemma due to biodiversity and as a planning committee they talk about green jobs but it would appear Business Durham backed this as it was a good product. She commented that due to the loss of the trees they were not going to improve the job situation in the area and stated that this was similar to considering a housing application and trees had to be felled and nothing was said about that. She understood the value to the community but it was only part of the woodland that was to be felled, if the application was refused and the company relocated to Northumberland it would be a shame when they were looking to bring employment into the area and the wider implications for jobs with the services coming in and out. She knew it went against Planning Policy 40 but you had to weigh up the positives and negatives and, in her opinion, there were more positives.

Councillor Watson agreed with Councillor Jopling and indicated that it did come within policy and was down to interpretation and it did meet a low carbon future. He stated that the extension was on the fringe of the woodland area and would not have much impact and the trees would be replanted. He argued that the area was part of the industrial estate and this would be an extension to the factory and stated that Highways were not objecting to the application.

Councillor Shaw commented that County Durham needed to prosper and grow; however, the loss of woodland and grassland was an important amenity for the community. He stated that the benefits must outweigh the harm and commented that burning wood was not a green solution and generated more carbon than burning coal, gas or oil. He did not think the benefits outweighed the harm.

Councillor Haney stated that when you fell woods you not only lose the value of the woods it affects the woodland as a whole. There was plenty of land in the Consett area identified for development that does not have anything on it.

Upon a vote being taken it was:

**Resolved:**

That the application be **REFUSED** as the development would result in the loss of woodland and grassland which was considered to provide an important recreational and amenity functional to the local area and community. An assessment to clearly show the open space was surplus to requirements had not been undertaken, while the proposed mitigation strategy would not make provision for an equivalent or greater value. The benefits arising from the development were not considered to clearly outweigh the harm arising from the loss of the open space and woodland. The development was considered contrary to Policies 6, 26, 39 and 40 of the

County Durham Plan and Parts 8, 12 and 15 of the National Planning Policy Framework.

*Councillors Earley and Stelling joined the meeting*

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

The Committee were informed that consideration of the application had been deferred following the submission of late information that required more time for officers to consider.

**c DM/22/02627/FPA - Site of Former Bus Depot, Chester Road, East Stanley, DH9 0TH**

The Committee considered a report of the Senior Planning Officer regarding a full planning application for the construction of new retail food store and associated parking (for copy see file of Minutes).

L Ollivere, Senior Planning Officer provided a detailed presentation of the application which included a site location, ariel view, site photographs, proposed site plan and proposed elevations.

The Senior Planning Officer updated Members that the applicant had asked for some flexibility with the opening hours on a Sunday and the opening hours be extended to 6.00 pm. She had spoken to Environmental Health who had raised no objections to the suggested extended hours and would recommend that the amendment be agreed.

She then referred to some grammatical errors in the conditions as follows:

Condition 2 – site plan date should read 12 June 2023

Condition15 – flood risk document should read 20 June 2023

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

Councillor Blakey moved the recommendation to approve the application with the recommended conditions as set out.

Councillor Stelling seconded the recommendation for approval.

Upon a vote being taken it was:

## **Resolved**

That the application be **APPROVED** subject to the conditions listed in the report and the amendments detailed above.

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## Planning Services

# COMMITTEE REPORT

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### APPLICATION DETAILS

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<b>APPLICATION NO:</b>	DM/22/03724/FPA
<b>FULL APPLICATION DESCRIPTION:</b>	Proposed artificial grass pitch (AGP) with perimeter fencing, 6 x 15m LED lighting columns, and hard standing areas.
<b>NAME OF APPLICANT:</b>	Lewis Pendleton (Park View Learning)
<b>ADDRESS:</b>	Park View Upper School And Sixth Form Church Chare Chester-le-Street DH3 3QA
<b>ELECTORAL DIVISION:</b>	Chester-le-Street East
<b>CASE OFFICER:</b>	Scott Henderson Senior Planning Officer Telephone: 03000 265286 <a href="mailto:scott.henderson@durham.gov.uk">scott.henderson@durham.gov.uk</a>

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### DESCRIPTION OF THE SITE AND PROPOSALS

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#### The Site

1. The application site is part of the Park View School complex and is currently in use as grassed sport pitches. Surrounding the site are Cestria Primary School and St Mary's and St Cuthbert's Church (Grade I Listed) to the west, Chester-le-Street Leisure Centre to the north, the A167 dual carriageway to the east and residential properties to the south along the tree lined Roman Avenue and streets running from it. The nearest residential properties are approximately 25 metres from the site boundary. The site sits outside of Chester-le-Street Conservation Area and the nearby Area of Higher Landscape Value at Riverside Park.

#### The Proposal

2. The proposed development comprises the following elements:
  - Artificial Grass Pitch (AGP) with synthetic turf surface;
  - Recesses to store equipment and provide team dugouts;
  - Mesh fence to enclose the pitch;
  - Acoustic fencing to enclose parts of the pitch;
  - 15m high LED lighting system (6 columns);
  - Associated spectator hard standing/access paths; and
  - Tree planting scheme.
3. The proposed operational hours are Monday to Friday 09:00 to 21:30hrs, Saturday 09:00 to 18:00hrs, Sunday and Bank Holidays 09:00 to 17:00hrs.

4. Primary vehicle access to the site will continue to be via Mains Park Road and Church Chare with egress from the site via Roman Avenue.
5. This application is being considered by committee at the request of County Councillor Tracie Smith, on the grounds of public interest.

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## **PLANNING HISTORY**

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6. DM/21/02809/FPA – Proposed 4G pitch, 15m LED lighting columns and associated clubhouse and spectator stands – Withdrawn April 2022.

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## **PLANNING POLICY**

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### **NATIONAL POLICY**

7. The following elements of the National Planning Policy Framework (NPPF) are considered relevant to this proposal:
8. *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.
9. *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.
10. *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.
11. *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.
12. *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.

13. *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.
14. *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.
15. *NPPF Part 15 - Conserving and enhancing the natural environment.* Planning policies and decisions should contribute to and enhance the natural and local environment.
16. *NPPF Part 16 - Conserving and Enhancing the Historic Environment.* Heritage assets range from sites and buildings of local historic value to those of the highest significance, such as World Heritage Sites which are internationally recognised to be of Outstanding Universal Value. These assets are an irreplaceable resource and should be conserved in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of existing and future generations.

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

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

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

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

#### **LOCAL PLAN POLICY:**

##### The County Durham Plan

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

19. *Policy 21 Delivering Sustainable Transport* states that all development shall deliver sustainable transport by (in part) ensuring that any vehicular traffic generated by new development, following the implementation of sustainable transport measures, can be safely accommodated on the local and strategic highway network and does not cause an unacceptable increase in congestions or air pollution and that severe congestion can be overcome by appropriate transport improvements.
20. *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.
21. *Policy 29 Sustainable Design* Requires all development proposals to achieve well designed buildings and places having regard to SPD advice and sets out detailed criteria which sets out that where relevant development is required to meet including; making a positive contribution to an area's character and identity; provide adaptable buildings; minimise greenhouse gas emissions and use of non-renewable resources; providing high standards of amenity and privacy; contributing to healthy neighbourhoods; providing suitable landscape proposals; provide convenient access for all users; adhere to the Nationally Described Space Standards (subject to transition period).
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 32 Despoiled, Degraded, Derelict, Contaminated and Unstable Land* states [in part] that development will not be permitted unless the developer can demonstrate that the site is suitable for the proposed use, and does not result in unacceptable risks which would adversely impact on the environment, human health and the amenity of local communities.
24. *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.
25. *Policy 36 Water Infrastructure*. Advocates a hierarchy of drainage options for the disposal of foul water. Applications involving the use of non-mains methods of drainage will not be permitted in areas where public sewage exists. New sewage and waste water infrastructure will be approved unless the adverse impacts outweigh the benefits of the infrastructure. Proposals seeking to mitigate flooding in appropriate locations will be permitted though flood defence infrastructure will only be permitted where it is demonstrated as being the most sustainable response to the flood threat.

26. *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.
27. *Policy 40 Trees, Woodlands and Hedges* states that proposals will be expected to retain existing trees where they can make a positive contribution to the locality or to the development, maintain adequate standoff distances between them and new land-uses, including root protection areas where necessary, to avoid future conflicts, and integrate them fully into the design having regard to their future management requirements and growth potential.
28. *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.
29. *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.

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## **CONSULTATION AND PUBLICITY RESPONSES**

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### **STATUTORY RESPONSES:**

30. *Highway Authority* consider that the proposals would not be detrimental to road safety or have a severe cumulative impact upon the local road network. Existing junctions and roads would continue to operate within their design capacities and records indicate that there are no existing road safety issues affecting the roads serving the site. Parking is available within the site and is considered to be sufficient to accommodate expected vehicular traffic associated with the 3G pitch. This can be further controlled by the applicant via a management plan. Planning conditions are suggested to secure the following:
  - Submission of a Car Parking Management plan to be approved prior to first occupation;
  - A Booking and Information System;
  - Car parking to be laid out prior to first occupation along with informative parking flip signs at each entrance along with marked out parking bays which should be numbered;
  - Construction Management Plan;
  - Details to be submitted of measures to prevent footballs straying onto the A167;
  - Details to be submitted of lighting for the site including the car park and accesses; and
  - Implementation of Travel Plan.

the proposal is acceptable from a Highways perspective.

31. *Sport England* offers no objection to the proposal, noting that the adopted 2019 Playing Pitch Strategy identified the need for 2 additional AGPs in this part of the County, not yet delivered. The new AGP is likely to be beneficial to the school's delivery of sport to its pupils and will be of greater benefit than the existing sport pitch. Acceptable subject to conditions.
32. *The Coal Authority* have no objections.
33. *Historic England* offer no observations.

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

34. *Design and Conservation Section* comment that the proposed floodlights would have some impact on the setting/views of the nearby Grade I listed church from certain viewpoints but this harm would be less than substantial. There would be no further harm anticipated in terms of other nearby heritage assets. The benefits of the proposal would need to be balanced against this limited harm.
35. *Spatial Policy Section* note that the application is a scaled back version of a previous submission. Policy 26 (Green Infrastructure) would need to be complied with. The policy states that development will not be permitted if it would result in the loss of open space or harm to green infrastructure assets, unless the benefits of the development clearly outweigh that loss. The Council's adopted Playing Pitch Strategy (PPS) lists the site as having one poor quality adult football pitch with a recommendation to retain and improve its quality as required. The impact of the development in terms of residential amenity, highway safety and parking will need to be assessed in line with policies 21 and 31 of the County Durham Plan.
36. *Archaeology Section* consider additional information is required to ensure there is no adverse impact upon archaeological assets but advise this could be secured via planning conditions.
37. *Ecology Section* consider that the proposals are acceptable subject to the measures contained within the Biodiversity Net Gain Assessment and an agreement to maintain these for a period not less than 30 years which can be secured via planning condition.
38. *Landscape Section* have no objections to the proposals subject to the implementation and maintenance of the submitted landscaping and planting scheme which can be secured via planning conditions.
39. *Environmental Health (Nuisance Action Team)* have considered the submitted noise report and proposed acoustic barrier along the boundary with nearby residential properties and consider that subject to the mitigation works being secured by planning condition, the development would be acceptable from a noise impact perspective. In terms of the lighting, the Nuisance Action team consider that the output levels and hours of operation would ensure no adverse impact would be created, advising that this could be achieved via planning condition.
40. *Environmental Health (Contaminated Land)* have no objections and require no planning conditions to be imposed.
41. *Environmental Health (Air Quality)* consider that the level of traffic movement associated with the development would not lead to any significant impacts on air quality.

## **EXTERNAL CONSULTEE RESPONSES:**

42. Kevan Jones MP objects to the proposals on behalf of his constituents, reflecting their concerns in relation to the impact and loss of amenity, parking issues, light and noise pollution.
43. Councillor Scurfield objects to the proposal on the basis of adverse impacts from traffic, parking, noise and light pollution.

## **PUBLIC RESPONSES:**

44. At the time of writing a total of 284 representations have been received in response to the consultation exercise which itself involved individual notification letters to nearby dwellings/properties, press and site notices. Of these, 193 object to the proposals whilst 90 are in support of the application.
45. The main reasons for objection are as follows:
  - Increase in traffic, parking and highway safety issues;
  - Noise disturbance;
  - Light pollution;
  - Visual impact including impact on heritage assets;
  - Impact on biodiversity;
  - Wrong location for an artificial pitch;
  - Potential anti-social behaviour;
  - Increase in litter;
  - Increase in air pollution;
  - Loss of privacy;
  - Difficulties for emergency vehicles to access the area;
  - Better sites elsewhere;
46. Letters In Support
  - Improve access to sport;
  - Support wellbeing;
  - Support the local economy;
  - Provide a facility for all of the community;
  - The lack of evening sporting venues needs to be addressed;
  - Good location with easy access;
  - Currently a shortage in the Chester-le-Street area;
  - Can be used all year round;

## **APPLICANT'S STATEMENT:**

47. At Park View School we pride ourselves on the physical and emotional wellbeing of our pupils and staff. We are very proud of our school and we have done all that we can to enhance outdoor sports and play for our pupils.
48. Park View School is one of the largest schools in county Durham, unlike so many other schools in our locality we lack a full size artificial pitch which makes PE difficult to deliver often resulting in many lessons being cancelled.
49. A new 3G pitch would have a huge impact on our school curriculum, improving outcomes for our learners and freeing up space as the provision could take place all

year round. Our community also further compounds the issue by tearing up the grass pitches when teams use the pitches on a weekend in poor weather.

50. It is greatly disappointing for both our pupils and the local community groups that from October to March we cannot use much of the field for any sports or general recreation.
51. The last two years have been very difficult for students and the community and as we emerge from the pandemic the upgrade to our sports facilities will provide a boost to ensuring that every person in the community has access to, and benefits from, physical activity and good mental health wellbeing.

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

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## **PLANNING CONSIDERATIONS AND ASSESSMENT**

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52. Section 38(6) of the Planning and Compulsory Purchase Act 2004 sets out that if regard is to be had to the development plan, decisions should be made in accordance with the development plan unless material considerations indicate otherwise. In accordance with advice within the National Planning Policy Framework (NPPF), the policies contained therein are material considerations that should be taken into account in decision making. Other material considerations include representations received. In this context, it is considered that the main planning issues in this instance relate to the principle of the development, highway safety and access, residential amenity, heritage and visual impact, ecology, flooding and drainage, and other matters.

Principle of the Development

### *The Development Plan*

53. Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The NPPF is a material planning consideration. The County Durham Plan (CDP) is the statutory development plan and the starting point for determining applications as set out in the Planning Act and reinforced at Paragraph 12 of the NPPF. The CDP was adopted in October 2020 and provides the policy framework for the County up until 2035.
54. Paragraph 11 of the NPPF establishes a presumption in favour of sustainable development. For decision taking this means:-
  - c) approving development proposals that accord with an up to date development plan without delay; or
  - d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:
    - i) the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or,

- ii) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.
55. This proposal seeks to develop land at the Park View Academy (PVA) Church Chare site for an artificial grass pitch together with associated facilities including LED floodlights, storage areas, team dugouts, acoustic and wire mesh fencing and landscaping/tree planting. It represents a resubmission of an earlier planning application Ref: DM/21/02809/FPA submitted in 2021 which also included spectator seating/clubhouse although it is noted that the current resubmission application removes those elements.
  56. The extant development plan for the area comprises solely of the County Durham Plan (CDP) (2020). The area is not covered by a Neighbourhood Plan.
  57. Policy 26 (Green Infrastructure) of the CDP is relevant as the site is identified within the Open Space Needs Assessment (ref: OSNA1494) in recognition of its educational use as playing fields. The Policy states that development proposals will not be permitted that would result in the loss of open space or harm to green infrastructure assets, unless the benefits of the development clearly outweigh that loss or harm and an assessment has been undertaken which has clearly shown the open space or land to be surplus to requirements.
  58. Paragraph 98 of the NPPF (2021) states that 'Planning policies should be based on robust and up-to-date assessments of the need for open space, sport and recreation facilities (including quantitative or qualitative deficits or surpluses) and opportunities for new provision. Information gained from the assessments should be used to determine what open space, sport and recreational provision is needed, which plans should then seek to accommodate.' The County Durham Playing Pitch Strategy (PPS) represents this assessment.
  59. The adopted PPS lists the site as having one poor quality adult football pitch, with a recommendation to retain it for school use and improve quality as required. There is also a half-size 3G pitch which is not subject to this planning application.
  60. It is noted that the proposed AGP will be constructed on the existing adult grass football pitch. Conversion of this site to AGP constitutes a loss of a playing field and Sport England (SE) in their role in protecting playing fields have considered if the application meets one of their five planning policy exceptions. Sport England has considered the application in light of the National Planning Policy Framework (in particular Para. 97), and against its own playing fields policy, which states: 'Sport England will oppose the granting of planning permission for any development which would lead to the loss of, or would prejudice the use of: all or any part of a playing field, or land which has been used as a playing field and remains undeveloped, or land allocated for use as a playing field unless, in the judgement of Sport England, the development as a whole meets with one or more of five specific exceptions.
  61. Sport England have stated that the application relates to the provision of a new indoor/outdoor sports facility or facilities on the existing playing field at the above site. It therefore needs to be considered against exception 5 of the above policy, which states: 'The proposed development is for an indoor or outdoor facility for sport, the provision of which would be of sufficient benefit to the development of sport as to outweigh the detriment caused by the loss, or prejudice to the use, of the area of playing field.'

62. Sport England will assess the potential benefit of the new or extended sports facility by taking into account a number of considerations. These may include whether the facility:
- meets an identified local or strategic need e.g. as set out in a local authority or NGB strategy (rather than duplicating existing provision);
  - fully secures sport related benefits for the local community;
  - helps to meet identified sports development priorities;
  - complies with relevant Sport England and NGB design guidance;
  - improves the delivery of sport and physical education on school sites; and
  - is accessible by alternative transport modes to the car.
63. Proposals will also need to demonstrate that the loss of any area of playing field will not have an unacceptable impact on the current and potential playing pitch provision on the site. For example, it is unlikely that a loss would be acceptable if:
- it would result in the main user (e.g. a school or a club) being unable to meet their own minimum requirements for playing pitches (the Department for Education provide area guidelines for playing fields at existing schools and academies);
  - other users would be displaced without equivalent replacement provision;
  - it would materially reduce the capability and flexibility of the playing field to provide for a range of sports and natural grass playing pitches; or
  - the area of playing field is significant in meeting local or strategic needs.
64. The County Durham Playing Pitch Strategy (PPS) was undertaken in accordance with Sport England's guidance and methodology. The PPS was finalised in November 2019, and subsequently adopted by the Council. The analysis of AGP provision compares existing pitches and their availability with an ideal ratio of provision based on the number of affiliated teams. The PPS identified that there was a need for an additional 10 AGPs across the County (five centrally, two in the North, two in the East and one in the South). The application site falls within the North area within the PPS.
65. AGPs surface characteristics mean that they are not suitable for all sports that utilise grass surfaces, and therefore in some instances their development on a playing field can be detrimental to other sports and activities. The application site's playing field is quite constrained in area, and aerial photos suggest its use has largely been for football, cricket and athletics (during summer months). Clearly the AGP is designed for football use, but athletics (sprints and training) could also be undertaken on the pitch. A cricket wicket seems to have stopped being set out on the field around 2012. The constrained nature of playing field (relative to curriculum use) would mean that it would be prone to overuse. Provided they are properly maintained, AGPs have – by contrast – a capacity for use that is only constrained by programming requirements and broader neighbour constraints. As such, the AGP is likely to be beneficial to the school's delivery of sport to its pupils. In light of the above Sport England is satisfied that the proposed facility will be of greater benefit to sport than the area of playing field that will be lost to its construction. As such the proposal is considered to meet exception 5 of their playing field policy.
66. Subject to the conditions required by Sport England detailed at the end of the report, including a requirement that the pitch only be used for sport, it is considered that the principle of the replacement AGP is acceptable on this site and in accordance with Policy 26 of the CDP and relevant parts of the NPPF. An assessment of the remaining elements of the scheme and the overall wider impact is detailed below.



67. Policy 21 of the CDP outlines that development should not be prejudicial to highway safety or have a severe cumulative impact on network capacity. It also expects developments to deliver well designed pedestrian routes and sufficient cycle and car parking provision. Similarly, Policy 29 advocates that convenient access is made for all users of the development together with connections to existing cycle and pedestrian routes. Specifically, the NPPF sets out at Paragraph 110 that safe and suitable access should be achieved for all people. In addition, Paragraph 111 of the NPPF states that development should only be refused on transport grounds where the residual cumulative impacts on development are severe.
68. This application has been supported by a Transport Statement and an accompanying parking accumulation survey report. The previous determination was viewed unfavourably for issues including unclear parking measures regarding inadequate parking on the school site at peak times of overlapping regular evening events. The Highway Authority have had positive discussions during the course of this application with the applicants Transport Consultant to address the parking concerns at the site. The applicant was asked by The Highway Authority to undertake a full comprehensive net parking accumulation study of the site. This included assessment of the parking present on the surrounding streets when the site would be in operation.
69. There has been a significant level of public concern raised in relation to the parking and highway impact on neighbouring streets from local residents in the surrounding area. In summary the concerns relate to:
- Increased level of traffic visiting the site and using the surrounding streets for parking;
  - Inadequate level of on-site car parking to cater for the increased demand;
  - Associated issues of highway and pedestrian safety;
  - Visitors not using the suggested vehicle access route via Mains Park Road/Church Chare and instead using the surrounding residential streets to access the site;
  - Increased problem of air pollution/noise from vehicle movements;
70. In planning terms, the existing fallback position is a material consideration. The land at the school site already has a lawful and long-established use as a sports pitch and therefore the site is already used for football training / football matches which already generates vehicular traffic to and from Park View School site from the main highway network. The existing use is unrestricted in planning terms i.e. it could be used at any time. From an analysis of accident data there have been no recent personnel injury collisions in the vicinity of the site, the school or its access points. The proposed hours of use of the 3G pitch are out of the normal traffic peak periods and any major events could be controlled and managed by the school to ensure they would not overlap. A traffic marshal would be present onsite to control traffic and parking when the 3G pitch is in operation and this will be controlled through a car park management plan (to be conditioned).
71. A car parking survey submitted shows that 97 spaces are available on site (70 spaces at the main carpark and 27 spaces at the overflow carpark) and that whilst these spaces are well used during the day. This use drops noticeably outside school hours, as observed during site visits, and therefore it is considered that adequate parking spaces would be available for use in the evenings and at weekends (this is explained in further detail below). The school intends to use the secondary carpark when needed which has 27 spaces that would allow access to be controlled outside normal school hours if the school's main carpark is full. Cycle parking is also available on the site which encourages other sustainable modes of transport. Similarly, as the site is

located adjacent to the defined the town centre, there are excellent pedestrian links and bus stops close to the site, and as such the site is highly accessible using alternative more sustainable modes of transport other than private vehicles.

72. The applicant's consultant has used TRICs modelling to predict the net vehicular trip generation during the weekday, weeknight and weekends for the average trip rate per parking space (this data is sufficiently robust and not in dispute). The survey data from the consultant sets out the occupancy levels of the carparks at the time of highest demand. In the time of peak demand, it is considered there would be sufficient spaces available. The gates for the overflow car park within the site would only be open when the main carpark is full, and this would be supported with flip signage. Concerns have been raised about 'rat running' through the school however there would be no real net benefits for motorists to do this out of peak times and the gate would be mainly closed and marshalled. A total of 97 on-site spaces are available across the site and 69 spaces would be required when the proposed sports pitch is operating at capacity on a weekday evening and 90 spaces would be required on a weekend. Therefore, the proposed development is not expected to lead to a harmful increase in parking overspill into surrounding streets. The existing astro-turf pitch at the site can also be used as an overflow parking area if so ever required. The predicted vehicular trips generated are modest at 40 two-way vehicle movements per hour at most and do not warrant further impact assessments on junctions within the town centre. In the Saturday peak there would be 150 predicted two-way movements when traffic is much lower on the network than the weekday peak periods. A school of 1000 pupils and staff could reasonably generate around 485 two-way traffic movements in the AM and PM peak periods.
73. The traffic data count recorded from the DCC Traffic Database system on the network at C183 Church Chare / Main Park Road and Roman Road highlights the levels of traffic that would be reduced when the proposed 3G pitch is at its busiest out of peak times. The recorded traffic volumes are normal and are within reasonable expectations and clearly show that there would be at least around a 50% drop off in peak traffic levels at the site main access and a 70% reduction of traffic on Roman Road when the 3G site would be operating at its busiest times on weekday evening at 7-8pm and a Saturday 4-5pm.

#### Site main mini roundabout Main Access - C183 Church Chare / Main Park Road

ADT (daily traffic)	7,586 per day
4-5 PM Weekday peak traffic	796 per hour
7-8 PM Weekday evening	407 per hour
4-5 PM Saturday Weekend	350 per hour

#### Roman Road - Secondary Overflow Carpark

ADT (daily traffic)	772 per day
4-5 PM Weekday peak traffic	141 per hour
7-8 PM Weekday evening	43 per hour
4-5 PM Saturday Weekend	23 per hour

74. It is therefore concluded that the existing car parking at the school can accommodate expected vehicular traffic outside normal school hours when the 3G pitch is used. The proposed 3G use would therefore result in a negligible impact on the local highway network and as such would not lead to unacceptable additional car parking stress on the local roads.

75. A travel plan is necessary and would be secured via planning condition. A construction traffic management plan would also be conditioned to provide management and control over construction traffic access to the site and measures to reduce the impact on the surrounding highway network and neighbouring properties. The existing School Travel Plan should also be updated to take account of the use of the 3G pitch. Additionally, a Car Park Management Plan will need to be provided and adhered to. This should set out the times of the operation, and when and where parking for staff and visitors are available. The applicant needs to consider measures to be introduced as part of the management of the car parking demand generated by the mixed use if there a smaller activities going on at the school at the same time. This information should be available online, any large events should not be able to be booked on line at the same time as the 3G Pitch. Within the car parking areas, spaces should be appropriately demarcated to differentiate between staff, visitor bays, and accessible badge bays to avoid mistaken use of spaces. Appropriate signage would advise which spaces were accessible to staff and users / visitors of the site as well as the approved route to the overflow car park. The Marshal shall open and close the access gate onto Roman Road only when required. In addition to formal parking areas, a dedicated area for pick-up and drop-off activities for vehicles should be available where required. Should a vehicle be parked in the wrong area then appropriate action should be taken by the applicant regarding the owners vehicle, the Marshal should check that the visitors are parking within designated areas only. Signage detailing this process would be clearly set out and on display in the car park along with flip signs on the main access. All of these issues shall be contained in the approved Car Park Management Plan to be approved upfront by the Local Planning Authority.
76. Overall, the findings of the transport statement are accepted and subject to the suggested conditions there are no objections to the proposal on highway safety grounds. As such the development is considered to accord with the aims of Part 9 of the NPPF and Policy 21 of the County Durham Plan.

#### Residential Amenity

77. Policies 29 and 31 of the CDP outline that developments should provide high standards of amenity and privacy, minimise the impact of development upon the occupants of existing adjacent and nearby properties and not lead to unacceptable levels of pollution. A Residential Amenity Standards Supplementary Planning Document (SPD) has also been adopted by the Council. The aforementioned policies and SPD can be afforded significant weight. Parts 12 and 15 of the NPPF, which require that a good standard of amenity for existing and future users be ensured, whilst seeking to prevent both new and existing development from contributing to, or being put at unacceptable risk from, unacceptable levels of pollution.
78. Objections have been received from local residents raising the following concerns:
- Increased disturbance from noise for a greater length of time, from footballs hitting fences, shouting from players and spectators, vehicle movements and a general increase in activity at the site;
  - Light pollution from the LED floodlights;
  - Loss of privacy through increased visitor activity.
79. The application relates to an existing sports field, the boundary of which is within 20m of housing to the south across Roman Avenue. The development intends to introduce an artificial grassed sports facility, with six 15m high floodlights and an associated hard standing spectator area. The proposed operational hours of are Monday to Friday 0900 to 2130hrs, Saturday 0900 to 1800hrs, Sunday and Bank Holidays 0900 to 1700hrs. School use would be limited to 0900 to 1600hrs Monday to Friday with

community use outside of these times. The development would be a noise and light generating development and this section assesses the impact in regard to both.

80. The application has been accompanied by a Noise Impact Assessment (NIA) examining existing background noise levels and a lighting strategy designed to accord with the Institute of Lighting Professionals Guidance Note 01/20 for the Reduction of Obtrusive Light.
81. The introduction of the AGP would see an increase in the use of the site both in relation to school hours and evening and weekend use by the wider community, noise can be associated with the use of the facilities and the spectator area which includes noise from impact noise on fencing, panels, chain link, vocalisation of players and supporters.
82. The submitted Noise Impact Assessment proposes mitigation measures comprising a Noise Management Plan, Vibration Clamp Panels to eliminate rattle noise from mesh fences and the installation of an acoustic barrier along the southern boundary of the site (close boarded timber fence 3 metres high).
83. DCC Environmental Health Officers have assessed the submitted noise report and mitigation measures and note the following. Current guidance produced by Sports Scotland advises that a noise level of 61dB(A) can be expected in relation to football being played on AGPs at 10 m from the pitch perimeter, as opposed to 58dB(A) suggested within the Sports England document. If we take this higher level than this could have the effect of increasing predicted levels by 3dB(A) at the nearest residential property facades. However, taking the background and predicted levels from the NIA, even when considering the increase of 3dB(A), the recommended mitigation measures suggested should provide suitable attenuation which ensures that noise from the operational phase of the development would appear unlikely to give rise to statutory nuisance.
84. It is worth noting that an increase of 3 decibels is the minimum that can normally be perceived by human hearing and that all facing residential properties along Roman Avenue feature rear amenity space which would be further sheltered from any increase in noise levels.
85. Subject to securing the proposed mitigation measures (plus construction restrictions) Environmental Health Officers are satisfied that the development would not cause nuisance in terms of noise impact.
86. Officers have taken advice from DCC Environmental Health in respect of impact from lighting also. The lighting scheme has been designed in accordance with the Institute of Lighting Professionals Guidance Note 01/20 for the Reduction of Obtrusive Light. The applicants have stated that the scheme was developed to provide the sports facility with the recommended lighting levels as specified by the relevant National Governing Bodies whilst avoiding adverse impacts on surrounding residents. Light spill diagrams have been provided which has illustrated the calculated level of light impact as it diminishes with distance from the site and officers with DCC Environmental Health have confirmed that they consider the impact from lighting would not be adverse to residents and within acceptable levels to recommend approval. Since the original lighting scheme was designed a significant element of tree planting has now been proposed along the southern boundary which would further assist in mitigating issues of light spill.
87. In summary, both in terms of lighting and noise impact, subject to the proposed mitigation measures being implemented, officers consider that any impact to

residential amenity will be within reasonable levels and in accordance with Policy 31 of the CDP and relevant parts of the NPPF.

## Heritage and Visual Impacts

88. Policy 29 of the CDP outlines that development proposals should contribute positively to an area's character, identity, heritage significance, townscape and landscape features, helping to create and reinforce locally distinctive and sustainable communities. Parts 12 and 15 of the NPPF also seek to promote good design, while protecting and enhancing local environments. Paragraph 130 of the NPPF also states that planning decisions should aim to ensure developments function well and add to the overall quality of the area and establish a strong sense of place, using streetscapes and buildings to create attractive and comfortable places to live, work and visit.
89. Policy 39 of the County Durham Plan states proposals for new development will be permitted where they would not cause unacceptable harm to the character, quality or distinctiveness of the landscape, or to important features or views. Proposals would be expected to incorporate appropriate measures to mitigate adverse landscape and visual effects. Policy 26 outlines developments are expected to provide new green infrastructure and ensure provision for its long-term management and maintenance. Similar requirements are outlined in Policy 29. Policy 40 seeks to avoid the loss of existing trees and hedgerows unless suitable replacement planting is provided. Parts 12 and 15 of the NPPF promotes good design and sets out that the planning system should contribute to and enhance the natural and local environment by (amongst other things) recognising the intrinsic character and beauty of the countryside.
90. Policy 44 of the CDP sets out development will be expected to sustain the significance of designated and non-designated heritage assets, including any contribution made by their setting. Development proposals should contribute positively to the built and historic environment and should seek opportunities to enhance and, where appropriate, better reveal the significance and understanding of heritage assets whilst improving access where appropriate.
91. The NPPF advises that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification.
92. The Planning (Listed Buildings and Conservation Areas) Act 1990 imposes a statutory duty that, when considering whether to grant planning permission for a development which affects a listed building or its setting, the decision maker shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. Any such harm must be given considerable importance and weight by the decision-maker. Under the Act also, special attention to the desirability of preserving or enhancing the character and appearance of a conservation area must be equally considered.
93. The development area comprises the playing fields of Park View School and is located directly to the south and east of the Chester-le-Street Conservation Area. The Grade I listed Church of St Mary and St Cuthbert is within the conservation area to the west of the site. The Grade I listed Lumley Castle is 800m to the east of the site and surrounded by a Grade II registered park and garden. The development area is known

to contain a significant archaeological resource relating to the Roman vicus associated with the Roman fort to the west. The remains have been identified below modern ground present throughout the area, averaging 0.7m in depth, and deeper towards the southern and eastern edges of the site. Groundworks associated with the majority of the development would be too shallow to impact on the resource, but floodlight bases have the potential to be deep enough to impact.

94. With regards to the impact of the floodlighting proposal upon the setting of the grade I listed Church of St Mary and St Cuthbert. It would be anticipated that there is likely intervisibility at night from certain viewpoints potentially detracting from the visual experience of the Church as a historic night-time landmark in the town, and by default, potentially the scheduled monument as this is appreciated in the context of the church, and the conservation area. Given the height of the floodlights, proximity to the listed heritage asset, and value of the views it features within, intense lighting and excessive light spillage has the potential to excessively dominate over the more subtle architectural lighting to the Church, thereby detracting, failing to conserve or enhance its setting. The views section of the Councils adopted Chester-Le-Street Conservation Area Character Appraisal states that the key views in the conservation area are dominated by the two most significance structures, the Church of St Mary and St Cuthbert, the other being the Railway Viaduct. The spire of the church is noted in the character appraisal as being a prominent feature on the east side of the town centre.
95. The applicant has submitted a Heritage Statement produced by Durham University which has been assessed by DCC Conservation Officers who conclude that the introduction of LED floodlighting has the potential to adversely impact views of the Church Spire to a degree, when viewed from the east. However, this would be dissipated and filtered by tree planting. Importantly, officers consider that this would be further mitigated by utilising the features of the lights to automatically lower light intensity as daylight fades and automatic curfews to ensure lights are extinguished at a terminal hour. These measures could be satisfactorily secured via planning condition.
96. The Heritage Statement also identifies that there are clear views of the church from Middle Chare and the adjacent car park area where the 15mts floodlights may be partially visible in the background behind the trees and buildings, stating that there would be no discernible effect on the dominance of the spire and the church in either the daytime or when the spire is floodlit at night. It would be expected that in such closer quarter views the floodlights would not harm the dominance of the church, but rather that it has the capacity to form a detracting visual presence in the background at night potentially harming the visual experience of the church.
97. There would be an anticipated negligible impact, that would not be harmful, in terms of the setting of other listed buildings within the town and setting of the grade I listed Lumley Castle and its grade II Park and Garden of Special Historic interest. This would be due to intervening factors such as the distance between site and the listed heritage asset(s), the topography, existing built development and infrastructure, and tree coverage restricting intervisibility.
98. The site is within 200 meters of a recognised pilgrim route that contributes to part of the Outstanding Universal Values of Durham Cathedral and Castle World Heritage Site - Significance 2 criteria iii) The Pilgrimage Routes to the Cathedral. The pilgrim route is that of "Cuddys Corse" part of the final journey the St Cuthbert Community took from Chester-Le-Street to Durham Cathedral. The route begins at the Church of St Mary and St Cuthbert and travels through the old graveyard directly passing Burn Greens then heads under the main road to the Riverside Park. It continues up to Great Lumley to the riverside at Finchale Priory then heads down to the riverside at Durham

City. Officers consider that the development would be anticipated to cause no harmful impacts to its significance or setting. It would have no physical effect upon the route or harm accessibility. Due to the separation distance, intervening topography, existing built development, and tree cover it would be anticipated that no adverse effects would occur to the experience, understanding and appreciation of the route.

99. In summary, the proposal has the capacity to cause some harm to views/setting of the grade I listed heritage asset, and by default the character and visual appearance of the surrounding conservation area but this would equate to “less than substantial” level in NPPF terminology. By requiring curfews or the lighting and controls the reduce lighting intensity as daylight fades, this less than substantial harm can be further mitigated. Section 16 of the NPPF and Policy 44 of the CDP state that in such cases any harm must be balanced against the wider planning and public benefits of the scheme. In this case it is considered that the benefits of the improved public access to sporting facilities in a sustainable location do outweigh the less than substantial harm the lighting may bring about.
100. The applicant has supplied a geophysical archaeological survey report. Whilst the majority of the proposals will have little or no direct impact upon existing archaeology, there is potential for the lighting column foundations to cause disturbance. DCC Archaeological Officers have considered the information and consider it appropriate to require on site monitoring in the form of a watching brief and possibly more detailed excavation if the need arises. These items can be secured via planning condition. Subject to these conditions the proposal is considered to be in accordance with Policy 44 of the CDP and Part 16 of the Framework.
101. In terms of the more general visual impact of the proposal, the site is very visible from the adjacent Roman Avenue and the pedestrian footbridge oversailing the A167. Fleeting views from vehicles on the A167 are limited due in part to the extensive mature tree planting bounding the site. The main visual impact from Roman Avenue would be the introduction of additional tree planting within the site to screen the acoustic barrier and AGP pitch itself beyond. The LED lighting units themselves would have a limited visual impact but would naturally appear as an illuminated fitting in times of darkness. Officers have recommended planning conditions be imposed to secure suitable tree planting along the southern boundary which would introduce significant new elements of native trees leading to visual and ecological benefits as well as further filtering views of the proposed new facilities and fittings. Subject to this, it is considered that the resulting visual impact would be an acceptable one, in keeping with the existing boundary treatments around other parts of the site.
102. In summary, in terms of visual and heritage impact, whilst there would undoubtedly be an impact which would have potentially minor but adverse effects, these are considered to be less than substantial in NPPF terms, and are considered to be outweighed by the wider public benefits of the proposed development. These impacts would be further mitigated through the measures controlled via planning condition. The proposals are considered in accordance with policies 29, 39 and 44 of the CDP and relevant parts of the Framework.

## Ecology

103. Policies 26, 35, 41 and 43 of the CDP seek to secure net gains for biodiversity and coherent ecological networks. Policy 43 relates to protected species and nationally and locally protected sites. Part 15 of the NPPF seeks to ensure that developments protect and mitigate harm to biodiversity interests, and where possible, improve them.

104. The application was accompanied by an Ecological Impact Assessment and a Biodiversity Net Gain Assessment. The impact assessment indicated that there was a single statutorily protected site within 2km of the application site, this being Cong Burn Local Nature Reserve but no impact would be created. The site itself has relatively low ecological value and development has the potential to greatly enhance this. No existing trees are proposed to be removed and no species are to be directly impacted. Bird and bat nesting is proposed to be provided on site, to be controlled via planning condition.
105. The submitted Biodiversity Net Gain Assessment has demonstrated that net gain can be achieved on the site as a rate of 1.44%. This would comply with current policy requirements. Monitoring reports are required to be submitted to the Council in years 2, 5, 10, 15, 20 and 30 years. This will be secured via a separate legal agreement with the applicant.
106. Subject to the implementation of the landscaping, tree planting and bird/bat boxes the proposals are considered to accord with policies 26, 35, 41 and 43 of the CDP and Part 15 of the NPPF.

### Flooding and Drainage

107. Policies 35 and 36 of the emerging CDP relate to flood water management and infrastructure. Policy 35 requires development proposals to consider the effects of the scheme on flood risk and ensure that it incorporates a Sustainable Drainage System (SuDs) to manage surface water drainage. Development should not have an adverse impact on water quality. Policy 36 seeks to ensure that suitable arrangements are made for the disposal of foul water. National advice within the NPPF and PPG with regard to flood risk advises that a sequential approach to the location of development should be taken with the objective of steering new development to flood zone 1 (areas with the lowest probability of river or sea flooding). When determining planning applications, local planning authorities should ensure flood risk is not increased elsewhere and only consider development appropriate in areas at risk of flooding where a sequential test and some instances exception test are passed, informed by a site-specific flood risk assessment.
108. The proposals would feature permeable surfacing and new base layers which would improve surface water drainage compared to the current made ground. No issues of flood risk or drainage are raised, and the proposal is considered to accord with Policies 35 and 36 of the CDP and relevant parts of the Framework.

### Other Considerations

109. The proposal has generated significant public interest, with 193 representations of objection having been received from local residents. The objections, queries and concerns raised have been taken account and addressed within the report, where appropriate.

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## **CONCLUSION**

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110. Section 38(6) of the Planning and Compulsory Purchase Act 2004 sets out that planning applications be determined in accordance with the development plan unless material considerations indicate otherwise.
111. In summary, the application site is an existing school and community sporting facility which is already used for the purposes proposed within the application and as such its



current use and function would not alter in planning terms. The proposal instead seeks to enhance the quality of facilities available and widen the access to these facilities for the benefit of both children attending the school, and the wider community. The proposals address an identified shortfall for such facilities in this part of the County and is considered acceptable in principle.

112. In addition, it represents an opportunity to better manage access and parking arrangements at the site and additional planning controls would be imposed to ensure impact upon the surrounding highway network is managed and within acceptable levels.
113. Whilst there would be some limited impact to identified heritage assets this has been assessed as being less than substantial for the purposes of Part 16 of the NPPF and would be outweighed by the public benefits highlighted in the report. In more general landscape and visual amenity terms the application proposes suitable mitigation via a comprehensive landscape scheme which could be secured via planning condition.
114. Sufficient evidence has been submitted in support of the application to demonstrate that any impact to residential from increase noise, disturbance and light spillage from associated lighting could be satisfactorily mitigated through planning conditions listed below.
115. The importance of this issue to local residents is not underestimated and significant work has been carried out by Highway Officers to address this as detailed in the report.
116. In light of the above the proposal is considered to accord with the requirements of policies 6, 21, 26, 29, 31, 32, 35, 36, 39, 40, 41 and 44 of the CDP, Parts 8, 9, 11, 12, 15 and 16 of the NPPF and Sections 66 and 72 of the Planning (Listed Building and conservation Area) Act 1990.

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## **RECOMMENDATION**

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That the application be **APPROVED** subject to the completion of a Section 39 Legal Agreement to secure the following:

- a Biodiversity Monitoring and Maintenance Plan

And subject to 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 approved plans listed in Part 3 - Approved Plans.

Landscape \_ Ecology Plan

Location Plan

Aerial View

Updated Fencing Plan

Line Marking Plan

Cross Section  
Drainage Plan  
Proposed Block Plan  
Materials Plan  
Proposed floodlighting  
Movement Strategy

Reason: To define the consent and ensure that a satisfactory form of development is obtained in accordance with Policy(ies) 29 and 44 of the County Durham Plan and Parts 12 and 16 of the National Planning Policy Framework.

#### Pre-Commencement

3. Use of the development shall not commence until: (a) certification that the Artificial Grass Pitch hereby permitted has met FIFA Quality Concept for Football Turf – FIFA Quality or equivalent International Artificial Turf Standard (IMS) and (b) confirmation that the facility has been registered on the Football Association's Register of Football Turf Pitches have been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure the development is fit for purpose and sustainable, provides sporting benefits and to accord with Development Plan Policy 26.

4. Use of the development shall not commence until a community use agreement prepared in consultation with Sport England has been submitted to and approved in writing by the Local Planning Authority, and a copy of the completed approved agreement has been provided to the Local Planning Authority. The agreement shall apply to the artificial grass pitch and include details of pricing policy, hours of use, access by non-school and club users, management responsibilities and a mechanism for review. The development shall not be used otherwise than in strict compliance with the approved agreement."

Reason: To secure well managed safe community access to the sports facility/facilities, to ensure sufficient benefit to the development of sport and to accord with Development Plan Policy 26.

5. Prior to the commencement of development further details of the AGP's football pitch markings shall be submitted to and approved by the Local Planning Authority [following consultation with Sport]. The AGP surface shall be marked out in accordance with the approved details.

Reason: To ensure the development is fit for purpose and sustainable, provides sporting benefits in accordance with Development Plan Policy 26.

6. Prior to the commencement of any part of the development or any works of demolition, a Construction Management Plan shall be submitted to and approved in writing by the local planning authority. The Construction Management Plan shall be prepared by a competent person and shall consider the potential environmental impacts (noise, vibration, dust, & light) that the development may have upon any nearby sensitive receptors and shall detail mitigation proposed, as a minimum this should include, but not necessarily be restricted to, the following:

A Dust Action Plan including measures to control the emission of dust and dirt during construction taking into account relevant guidance such as the Institute of Air Quality Management "Guidance on the assessment of dust from demolition and construction" February 2014.

Details of methods and means of noise reduction

Details of measures to prevent mud and other such material migrating onto the highway from construction vehicles;

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.

Waste audit and scheme for waste minimisation and recycling/disposing of waste resulting from demolition and 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: In the interests of residential amenity and Highways and Pedestrian safety in accordance with policies 21, 29 and 31 of the County Durham Plan.

7. No external construction works, works of demolition, deliveries, external running of plant and equipment shall take place other than between the hours of 0800 to 1800 on Monday to Friday and 0800 to 1400 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: In the interests of residential amenity in accordance with Policy 31 of the County Durham Plan.

8. No development shall commence until a Written Scheme of Investigation setting out a programme of archaeological work in accordance with 'Standards for All Archaeological Work in County Durham and Darlington' has been submitted to and approved in writing by the Local Planning Authority. The programme of archaeological work will then be carried out in accordance with the approved scheme of works.

Reason: To safeguard any archaeological interest in the site, and to comply with Policy 44 of the County Durham Plan and part 16 of the National Planning Policy Framework (NPPF).

9. The development shall not be occupied until the post-investigation assessment has been completed in accordance with the approved Written Scheme of Investigation. The provision made for analysis, publication and dissemination of results, and archive deposition, should be confirmed in writing to, and approved by, the Local Planning Authority.

Reason: To comply with Policy 44 of the County Durham Plan and paragraph 205 of the NPPF, which requires the developer to record and advance understanding of the significance of heritage assets, and to ensure information gathered becomes publicly accessible.

#### Pre-Construction

10. No development shall commence until a detailed landscaping scheme 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.

11. 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.

12. In accordance with the submitted Ecological Impact Assessment, development shall not commence until details of bird and bat boxes and their location within the site have been submitted to and approved in writing by the Local Planning Authority. The boxes shall be installed and maintained in accordance with the approved details thereafter.

Reason: In the interests of biodiversity in accordance with Policy 41 of the County Durham Plan and Local Plan and Part 15 of the National Planning Policy Framework.

#### Pre-Occupation

13. Prior to the first use of the 3G pitch hereby approved, a scheme for the ongoing maintenance of the areas of open space and structural landscaping within the development shall be submitted to and approved in writing by the Local Planning Authority. In the event of proposals to maintain the open space by means other than through transfer to the Local Authority then the scheme shall provide for details of an agreed maintenance schedule in perpetuity.

Reason: In the interests of the visual amenity of the area and to comply with Policies 26 and 29 of the County Durham Plan and Parts 12 and 15 of the National Planning Policy Framework.

14. Prior to the first use of the 3G pitch hereby approved, a Car Parking Management plan shall be submitted to and approved in writing by the Local Planning Authority. The plan shall include:
  - the times of the operation when and where parking for staff and visitors are available;

- Details of an online booking system to avoid duplicate activity bookings;
- Details of parking space markings, signage and approved route to access the overflow car park;
- Details of drop off and pick up areas;
- A Marshal scheme to control gate operations and traffic direction on the site; and
- Details of signage throughout the site in relation to parking.

Reason: In the interests of residential amenity and Highways and Pedestrian safety in accordance with policies 21, 29 and 31 of the County Durham Plan.

15. Prior to the first use of the 3G pitch hereby approved, all on site car parking shall be laid out and hard surfaced along with informative parking flip signs at each entrance. All marked out parking bays should be numbered.

Reason: In the interests of residential amenity and Highways and Pedestrian safety in accordance with policies 21, 29 and 31 of the County Durham Plan.

16. Prior to the first use of the 3G pitch hereby approved details of measures to prevent footballs straying onto the A167 shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the measures shall be maintained in accordance with the approved details.

Reason: In the interests of Highways and safety in accordance with policies 21 and 29 of the County Durham Plan.

17. A lighting management plan shall be submitted to and approved in writing by the Local Planning Authority prior to the development hereby permitted being brought into use. The detail provided shall demonstrate adherence to the ILP guidance notes for the reduction of intrusive light. The external lighting shall be erected and maintained in accordance with the approved details thereafter.

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

18. Prior to the first use of the development, a Travel Plan (conforming to the National Specification for Workplace Travel Plans, PAS 500:2008, Bronze level) comprising immediate, continuing or long-term measure to promote and encourage alternatives to single occupancy car use shall be submitted to and approved in writing by the Local Planning Authority. The submitted details shall include mechanisms for monitoring and review over the life of the development and timescales for implementation. The Approved Travel Plan shall thereafter be implemented, monitored and reviewed in accordance with the approved details.

Reason: To reduce reliance on the private motor car and to promote sustainable transport methods in accordance with Policy 21 of the County Durham Plan and Part 9 of the National Planning Policy Framework.

In Accordance with

19. Notwithstanding the provisions of the Town and Country Planning (Use Classes) (Amendment) (England) Regulations 2020 (or any order amending, revoking or re-enacting that order), the artificial grass pitch shall not be used other than for sport.

Reason: To protect the sports facility from a change of use to a non-sporting use that would be inappropriate to justify the loss of the grass playing field land in accordance with paragraph 99 of the NPPF, and to accord with Development Plan Policy 26.

20. The development hereby permitted shall not be brought into use until the noise mitigation measures as detailed in Noise Impact Assessment (acoustic fencing) have been submitted to and approved in writing by the Local Planning Authority. Thereafter the measures shall be installed in accordance with the approved details. The fencing shall be constructed to achieve a sound insulation value of 10dB(A) reduction at the closest Noise Sensitive Receptor.

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

21. The use hereby permitted shall be limited to the following hours at all times:

Monday to Friday 0900 to 2130hrs  
Saturday 0900 to 1800hrs  
Sunday and Bank Holidays 0900 to 1700hrs.

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

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## **STATEMENT OF PROACTIVE ENGAGEMENT**

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

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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

County Durham Strategic Housing Land Assessment Report (2019)

County Durham Strategic Housing Market Assessment (2019)

Open Space Needs Assessment (2018)

Residential Amenity Standards SPD (2022)

County Durham Building for Life SPD (2019)







<p><b>Planning Services</b></p>	<p>DM/22/03724/FPA - Proposed artificial grass pitch (AGP) with perimeter fencing, 6 x 15m LED lighting columns, and hard standing areas</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> September 2023</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/23/01721/FPA
Full Application Description:	Erection of a single story dwelling and associated access and landscaping works
Name of Applicant:	Mr Alan Bell
Address:	Land North Of Fenton Well Lane, Great Lumley
Electoral Division:	Lumley
Case Officer:	George Spurgeon (Senior Planning Officer) Tel: 03000 261 959 Email: george.spurgeon@durham.gov.uk

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### DESCRIPTION OF THE SITE AND PROPOSAL

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#### The Site

1. The application site comprises approximately 0.17ha of land located to the south western edge of the settlement of Great Lumley. The site was formerly occupied by the Lumley Boys School which is thought to have been demolished in the 1960's and now has an undeveloped grassed over appearance, with the remnants of the sites former use limited to areas of hardstanding and foundations which are obscured by the vegetation on the site and have blended into the landscape over time. The site lies within the Green Belt and an Area of Higher Landscape Value.
2. The land comprises an existing engineered platform that accommodated the former school building, framed by a stone wall along its southern boundary. A bank of earth forms the eastern boundary of the site which appears to contain short sections of an old retaining stone wall, whilst the northern and western perimeters are delineated by vegetation which obscures a stone wall to the north west corner. Access is taken through a gap within the eastern section of the southern stone wall leading from an unadopted section of Fenton Well Lane, part of which is the designated route of public footpath no.22, via timber gates

which are in poor condition. The adopted highway begins at the edge of the village approximately 50m to the east.

3. Agricultural land and the wider open countryside lie immediately to the north, south and west of the site. A grassed field also owned by the applicant lies in between the site and the closest existing dwelling to the east, 157 Front Street 35m away. The boundary of the dwelling known as 4 High Farm Rise is located 47m to the south east, forming one of three more modern two storey detached dwellings clustered at the end of a cul-de-sac. The site is physically separate from the built-up area of Great Lumley and so is regarded as being in the open countryside. The land levels at the site fall from the east towards the west.

### The Proposal

4. The application seeks full planning permission for the erection of a single dwelling. The dwelling would be sited towards the centre of the plot and consist of a 'U' shaped form with a footprint of 165m<sup>2</sup> over a single storey. Materials are proposed to consist of a combination of red brick, mocha coloured render and larch cladding for the external walls, with a flat living vegetation roof measuring 3.7m in height above. Solar panels are also proposed to be installed to the roof. Windows and doors would consist of grey aluminium.
5. Internally, the dwelling would comprise 3 bedrooms, an open plan lounge / dining room, kitchen, utility, and bathroom. Entrance to the dwelling would be taken via a small porch to its east elevation.
6. The existing access point would be utilised, with new gates proposed to be installed to mark the entrance to the site, leading to an approximate 230m<sup>2</sup> gravel driveway area. Approximately 77m<sup>2</sup> of paving is proposed, including a patio area to the west of the dwelling, with footpaths along the north and south elevations connecting to the gravel driveway area to the east. The remaining curtilage would accommodate a lawn.
7. A fence is proposed to be installed to the top of the existing stone wall along the southern site boundary with a new 1.2m high fence erected along the northern and western perimeters. A retaining wall would be constructed along the eastern boundary.
8. The proposals are identical to those submitted under applications DM/22/02804/FPA and DM/23/00378/FPA which were withdrawn by the applicant after having been advised that they would have been recommended for refusal.
9. The application is being reported to planning committee at the request of Councillor Heaviside to consider the impact of the proposed development on the Green Belt.

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## **PLANNING HISTORY**

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10. This is the 7<sup>th</sup> application submitted by the applicant seeking permission to erect a dwelling on this site. The first application was submitted in 2003 (2/03/00558/OUT) and was refused by the planning committee and the subsequent appeal dismissed, with a second application (2/06/00208/OUT) withdrawn in 2006. Applications submitted in 2017 (DM/17/03144/FPA) and 2022 (DM/22/00199/FPA) respectively were refused by the planning committee as the proposals represented inappropriate development in the Green Belt thereby harming its openness. The proposed development was re-submitted for consideration under a further two applications which were withdrawn (DM/22/02804/FPA and DM/23/00378/FPA) with the applicant having been advised that they would also have been recommended for refusal.
11. Prior to the above applications, two outline applications (2/75/00441/CM and 2/75/462/CM) similarly seeking consent for the erection of one dwelling were also refused.

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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 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.

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 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 13 Protecting Green Belt Land* - The Government attaches great importance to Green Belts. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence.
21. *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.
22. *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:**

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; air quality; historic environment; design process and tools; determining a planning application; flood risk; healthy and safe communities; land affected by contamination; housing and economic development needs assessments; housing and economic land availability assessment; light pollution; natural environment; noise; public rights of way and local green space; planning obligations; use of planning conditions; and; water supply, wastewater and water quality.

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

### **Local Plan Policy:**

#### The County Durham Plan (CDP)

24. *Policy 1 (Quantity of Development)* outlines the levels of employment land and housing delivery considered to be required across the plan period.
25. *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.
26. *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.
27. *Policy 20 (Green Belt)* states that development within the Green Belt will be determined in accordance with national planning policy.
28. *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.
29. *Policy 27 (Utilities, Telecommunications and Other Broadcast Infrastructure)* requires all residential and commercial development to 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

30. *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.
31. *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.
32. *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.
33. *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.
34. *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.
35. *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

36. *Policy 41 (Biodiversity and Geodiversity)* states that proposal for new development will not be permitted if significant harm to biodiversity or geodiversity resulting from the development cannot be avoided, or appropriately mitigated, or as a last resort, compensated for.
37. *Policy 43 (Protected Species and Nationally and Locally Protected Sites)* development proposals that would adversely impact upon nationally protected sites will only be permitted where the benefits clearly outweigh the impacts whilst adverse impacts upon locally designated sites will only be permitted where the benefits outweigh the adverse impacts. Appropriate mitigation or, as a last resort, compensation must be provided where adverse impacts are expected. In relation to protected species and their habitats, all development likely to have an adverse impact on the species' abilities to survive and maintain their distribution will not be permitted unless appropriate mitigation is provided or the proposal meets licensing criteria in relation to European protected species.
38. Residential Amenity Standards SPD (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:**

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. *Lumley Parish Council* – No response received.
41. *Highways Authority* – Raise no objections to the application.
42. *The Coal Authority* – Confirm that the application site lies within the defined Coalfield Development High Risk Area and recommend conditions to secure further site investigations prior to the commencement of development.

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

43. *Spatial Policy Team* – Advise that the proposals represent inappropriate development in the Green Belt and so very special circumstances must exist to clearly outweigh the harmful impact on its openness.
44. *Landscape Section* – Consider the proposed development to represent an encroachment into open countryside and to impact on the openness of the Green Belt.
45. *Ecology* – Advise that the submitted biodiversity metric calculations were undertaken prior to the submitted Detailed Landscaping Proposals drawing being produced and so the Defra Biodiversity metric should be updated to reflect the latest details. However, given the scale of the development and the nature of the habitats on site, the landscaping proposed is considered sufficient to provide biodiversity net gains.
46. *Environmental Health Nuisance* – Raise no objections.
47. *Environmental Health Contamination* – Advise a conditional approach in relation to land contamination to secure further testing and monitoring.
48. *Public Rights Of Way Section* – Advise that vehicle access to the application site is in part via public footpath no. 22 Great Lumley Parish, with the affected section also being recorded as adopted highway serving a number of other properties Confirm they have no concerns over the proposed access arrangements.

#### **Public Responses:**

49. The application has been advertised by way of a site notice, press notice and individual notification letters sent to neighbouring properties.
50. Two letters of objection have been received raising concerns that the proposed development is located outside the settlement of the village, would adversely impact upon the Green Belt and wildlife, and would not provide any notable benefits to the village or delivering housing need.
51. Four letters of support have been received considering that developing the site with a well-designed bungalow does not represent urban sprawl and would not have any harmful impact, and citing the occurrence of anti-social behaviour on, and the benefits of re-developing, the site.

#### **Applicants Statement:**

52. The site is a brownfield site in a sustainable location. The last developed use was as a boys school that was on site for over 100 years. Site has been in our ownership for over 20 years and due to constraining policy it has remained derelict all these years.

53. The development of this site to provide a low impact dwelling will have a wide benefit for all in the neighbourhood and will rid site of its ASB uses whilst having a net gain for the environment.
54. The site does not perform well at all with the five purposes of being in the greenbelt (GB) and was the reasoning DCC planning policy put site forward for the GB deletion in the Draft County Durham Plan. The application complies with section 149 (g) of the NPPF and limited infilling on a previously developed site (infilling can be on edge of settlements, this was accepted with application DM/21/01278/FPA Tiana Lane Rainton Gate). DCC planning policy team have previously accepted "WOULD NOT BE VISUALLY INTRUSIVE NOR WOULD IT IMPACT ON OPENNESS". Therefore the application is fully compliant with national policy.

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## **PLANNING CONSIDERATION AND ASSESSMENT**

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55. 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, Impact upon the Green Belt, Locational Sustainability, Design and Visual Impact, Highway Safety, Residential Amenity, Flooding/Drainage, Ecology, Ground Conditions, Carbon Emissions, and Other Matters.

### Principle of 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. 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 NPPF Paragraph 12. 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 11c requires applications for development proposals that accord with an up to date development plan to be approved without delay. NPPF Paragraph 12 states that where a planning application conflicts with an up-to-date development plan (including any neighbourhood plans that form part of the development plan), permission should not usually be granted. Local planning authorities may take decisions that depart from an up-to-date development plan, but only if material considerations in a particular case indicate that the plan should not be followed.
58. The application site is considered to lie within the open countryside. The applicant is of the view that the site is located within the settlement of Great Lumley which in their view is demarcated by the hedgerow which separates the site from the surrounding agricultural fields to the north, south and west. The

CDP does not define settlement boundaries nor is there a neighbourhood plan covering Great Lumley to define a boundary to the village. Therefore, each site must be judged on its own merits with regards to whether it is located within a settlement or not. In this instance, the site is physically separate from the built-up area of the village, with the closest building 157 Front Street located 35m away with an undeveloped grassed field in between, and with this property and the dwellings at the High Farm Rise cul-de-sac considered to form the western edge of the village. Therefore, it is concluded that the application site is not physically or visually well related to the settlement of Great Lumley, due to its separation from the existing built form of the village, and therefore in planning terms lies within the open countryside.

59. CDP Policy 10 relates to development in the countryside and aims to direct new development to the built up area in the first instance. However, the policy acknowledges that there are instances where development in the countryside may be appropriate and includes a list of such circumstances and other policies where such development may be permissible.
60. Such circumstances relate to development necessary to support existing or to establish new agricultural or rural land based enterprises; to expand existing businesses where it can be demonstrated that they are viable; the undertaking of non-commercial agricultural activity within existing residential curtilage; to provide essential infrastructure, community facilities, or countryside based recreation or leisure activities; the conversion or subdivision of existing buildings, replacement dwellings of comparable volume; and extensions to existing dwellings. This application proposes the erection of a new dwelling and so does not fall under any of these listed circumstances. There are no other policies within the CDP which are permissible towards the erection of open market housing in the countryside.
61. Therefore, the principle of the erection of a dwelling in this countryside location is unacceptable and in conflict with CDP Policy 10. The general principles of development in the countryside set out by this policy will be discussed in greater detail under the relevant headings below.

#### Impact upon the Green Belt

62. The application seeks to develop the site for one detached dwelling. The site is located within the Green Belt and is regarded as an Area of Higher Landscape Value.
63. There is relevant planning history on this site, as it is noted that five previous planning applications seeking to erect a dwelling in this location have been refused in the past, with one of these also dismissed by an Inspector at appeal. Three other planning applications seeking to erect a dwelling have been withdrawn by the applicant after having been advised they would have been recommended for refusal. Six of these applications were submitted by the current applicant, with the later applications effectively representing re-submissions of their initial application. In all instances the concerns raised

centred around Green Belt implications, including the adverse impact on its openness.

64. Consideration to remove this site from the Green Belt took place through the plan making process, and the evolution and development of the CDP. The version of the CDP which was submitted for examination contained a Policy relating to 'non-strategic Green Belt amendments' which earmarked the former Lumley Boys School site for removal from the Green Belt (it was Policy 21 within the submission version). The Examination in Public (EiP) of the CDP commenced in November 2019 and the programmed hearing sessions closed on the 6th of February 2020. The Inspector issued his post hearing advice on the 20th of February 2020, and an amended CDP was prepared to take account of the specific instructions from the Inspector, and also to take account of all the minor/main modifications which the Council proposed following the hearing sessions and in response to the action points issued by the Inspector. This updated Plan was subject to consultation (26th May until 21st July 2020), with all comments sent to the Inspector to inform his final report, which was issued on the 17th of September 2020. The report confirmed that the CDP was sound and could progress to adoption.
65. The report dealt with the proposed removal of this site from the Green Belt at Paragraph 333, which is set out below:
66. *333. The site of the former Lumley Boys School is in the countryside to the west of Great Lumley. It is physically separate from the village and whilst development may offer the opportunity to remove the last remnants of the former school, these are not visually prominent. On the other hand, new buildings on the site, even if well designed and landscaped, would represent a significant encroachment into the countryside and reduce the openness of the area.*
67. The Inspector concluded that the site was not required to meet identified development needs and was not persuaded that there were exceptional circumstances to justify its removal from the Green Belt. In line with the Inspectors recommendation, Policy 21 was deleted from the CDP and the policies map amended to retain the former Lumley Boys School site in the Green Belt. The finalised CDP was subsequently adopted by the Council on the 21st of October 2020 and is the development plan which covers the whole of County Durham. Within the CDP, the application site remains within the Green Belt.
68. The proposed development must be assessed against the relevant local planning policies from the CDP, as well as national planning policy. As the application site remains within the Green Belt, CDP Policy 20 is applicable. This states that development proposals within the Green Belt will be determined in accordance with national planning policy. The supporting text confirms that there is a presumption against inappropriate development in the Green Belt unless very special circumstances can be demonstrated.

69. The NPPF should therefore be used to assess this proposal. The NPPF attaches great importance to Green Belts, and identifies, at Paragraph 138 that the Green Belt serves five purposes. NPPF Paragraph 147 under proposals affecting the Green Belt states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.
70. NPPF Paragraph 149 advises that a local planning authority should regard the construction of new buildings as inappropriate in the Green Belt. Exceptions to this are:
- a. buildings for agriculture and forestry;
  - b. the provision of appropriate facilities (in connection with the existing use of land or a change of use) for outdoor sport or recreation, cemeteries and burial grounds and allotments; provided the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it;
  - c. the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building;
  - d. the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces;
  - e. limited infilling in villages;
  - f. limited affordable housing for local community needs under policies set out in the development plan (including policies for rural exception sites); and
  - g. limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings), which would:
    - not have a greater impact on the openness of the Green Belt than the existing development; or
    - not cause substantial harm to the openness of the Green Belt, where the development would re-use previously developed land and contribute to meeting an identified affordable housing need within the area of the local planning authority.
71. The starting point for determination of this application in terms of the principle of development is that the construction of new buildings in the Green Belt should be considered as inappropriate development. However, it is necessary to consider whether any of the exceptions set out above and in Paragraph 149 of the NPPF are applicable to the proposed development.

72. The application proposes the erection of a new dwelling and so is not permitted by any of the exceptions set out at a) to d). In terms of exception e), infill development would be considered to comprise the development of a site within a village with existing built form on both sides, rather than a site on the edge or outside of it. In this instance, the site is located outside of the settlement of Great Lumley and so its development would not represent infill development. In terms of exception f), the proposal would not contribute to meeting an identified affordable housing need.
73. In relation to g), it is noted that Annexe 2 of the NPPF defines previously developed land as: *'Land which is or was occupied by a permanent structure, including the curtilage of the developed land (although it should not be assumed that the whole of the curtilage should be developed) and any associated fixed surface infrastructure.'* It goes on to specifically exclude *'land that was previously developed but where the remains of the permanent structure or fixed surface structure have blended into the landscape'* from this definition.
74. The application site comprises the site of the former Lumley Boys School which is thought to have been demolished at some point in the 1960's. The site comprises some remnants of the former building in the form of areas of hardstanding and foundations, but this has since become overgrown with vegetation and there are no built structures visible on the site. As a result, the remnants of the former building have blended into the landscape and so accordingly the site is not previously developed land as set out by the definition within the NPPF. Notwithstanding this, even if the site were to be considered previously developed land, the erection of any new buildings on the site would be considered to have a greater impact on the openness of the Green Belt than the existing hardstanding and foundations. Therefore, the proposed development does not qualify for the exception under NPPF Paragraph 149 g).
75. Therefore, the erection of a dwelling on this site represents inappropriate development in the Green Belt which is by definition harmful to its openness. Consequently, the proposal is contrary to Part 13 of the NPPF and CDP Policy 20.
76. The applicant puts forward some arguments as to what 'very special circumstances' exist in their view that support the proposals and are intended to outweigh the conflicts with the planning policies identified above. Reference is made to the proposed development providing biodiversity net gains and utilising solar panels to maximise sustainability. However, providing biodiversity net gains and measures to minimise carbon emissions are required to comply with CDP Policies 41 and 29 respectively and so would be insufficient to amount to very special circumstances to justify the erection of a new dwelling within the Green Belt.
77. The applicant also cites issues regarding anti-social behaviour occurring on the site. Four letters of support have been received in which one respondent refers to the site attracting youths who park cars and play music and an occasion where bricks were thrown into the garden of 4 High Farm Rise. Another makes

reference to drinking, drug taking and fires being lit, although no evidence of this has been provided.

78. No information has been provided to demonstrate that this is anything other than a low-key issue, and indeed whether it relates to the actual site or the conjunction of lanes on the approach to it. The Case Officer has visited the site for the current application and the applicant has previously provided photographs of evidence of litter and low-level fly tipping in support of the proposals. In addition, the Neighbourhood Warden Team Leader for the area has confirmed that no reports of anti-social behaviour have been received so far this year. This would suggest that there is not a significant problem regarding anti-social behaviour on the site. The applicant has not provided any Neighbourhood Warden or Police reports to evidence the extent of any anti-social behaviour occurring on the site.
79. Where proposed development in the Green Belt has been permitted, material weight has only been attributed where overwhelming formally evidenced information has been submitted. For example, a scheme at Beamish presented an extensive dossier of Police reports of damage and vandalism extending over a number of years. This formed one component of a series of tangible high level benefits, including employment generation. The apparent issue appears to relate as much to 'gatherings' in Fenton Well Lane, rather than specifically or exclusively on the application site, and this issue falls far below the level where it can be afforded significant weight.
80. The opportunity to remediate an untidy site in itself is insufficient to amount to a very special circumstance or a material consideration that could outweigh the significant encroachment into the countryside and reduction in the openness of the area caused by the erection of a dwelling in this location. Therefore, no very special circumstances exist to outweigh the policy conflict and harm to the openness of the Green Belt identified above.

#### Locational Sustainability

81. Criterion p) of Policy 10 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.
82. 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.
83. 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.

84. In terms of distances to services and amenities, in general, a walking distance of around 800m or 10 minutes' walk is considered to represent an appropriate range, with a walking distance of 1650-2000m or a 20-minute walk at the upper end of what future residents could be expected to walk, taking into account topography and desirability of routes. These distances are 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'.
85. The County Durham Settlement Study 2018 is an evidence-based document which seeks to provide an understanding of the number and range of services available within the settlements of County Durham. Great Lumley is a suburban area located in between Chester-Le-Street to the north and Durham City to the south and is rated as having a settlement score of 36.3 (45<sup>th</sup> out of 230), reflecting its status as a medium sized village. Services within the village comprise a Co-op food store, convenience store, community centre, gym, nursery, primary school, two public houses, and various hot food takeaways, all of which are within 900m of the application site and connected by lit footpaths.
86. In addition, there is a bus stop within 150m of the site which is served by the no.78 bus connecting Consett to Sunderland via Great Lumley that runs at approximately half hourly intervals. The no.71 bus also stops here connecting Chester-Le-Street to Seaham via Great Lumley that also runs at approximately half hourly intervals from Monday to Saturday.
87. Therefore, the site is considered to have reasonably good sustainability credentials that would prevent the future occupants from being reliant upon the private car, according with CDP Policy 10 p) and 21 and Part 9 of the NPPF.

#### Design and Visual Impact

88. CDP Policy 39 seeks to protect the character, quality or distinctiveness of the landscape and expects new development to incorporate appropriate measures to mitigate adverse landscape and visual effect. The policy makes clear that development affecting Areas of Higher Landscape Value (as in this case) will only be permitted where it conserves, and where appropriate enhances, the special qualities of the landscape, unless the benefits of development in that location clearly outweigh the harm.
89. CDP Policy 29 also 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.
90. In addition, CDP Policy 10 is not permissible towards development in the countryside where it would give rise to unacceptable harm to the intrinsic

character, beauty or tranquillity of the countryside which cannot be adequately mitigated or compensated for.

91. Parts 12 and 15 of the NPPF also seek to promote good design, while contributing to and enhancing the natural and local environment by (amongst other things) recognising the intrinsic character and beauty of the countryside and optimise the potential use of the site. Specifically, NPPF Paragraph 130 states that planning decisions should aim to ensure developments function well and add to the overall quality of the area, are visually attractive as a result of good architecture, layout and appropriate and effective landscaping, are sympathetic to local character and the surrounding built environment and landscape setting, and establish or maintain a strong sense of place, using streetscapes and buildings to create attractive and comfortable places to live, work and visit.
92. NPPF Paragraph 174 also advises that planning decisions should enhance the natural and local environment by protecting and enhancing valued landscapes in a manner commensurate with their identified quality in the development plan and recognising the intrinsic character and beauty of the countryside.
93. In terms of the design of the dwelling, the modern approach taken is considered to be appropriate and no concerns are raised in this regard.
94. However, the application site occupies a position outside of and not well related to a settlement and so lies within the open countryside as well as the Green Belt. The site is not previously developed land as defined by the NPPF as the remnants of the former Lumley Boys School have blended into the landscape. Therefore, the baseline for the landscape assessment must be the current character of the site.
95. The applicant contends that the land is 'unsightly'. Whilst the site could be considered unsightly when viewed from within the site, this is not the case when viewed from the public domain. When viewed from nearby footpaths, the mown public land around the art feature at the edge of the village, or in longer views from the west across the Area of Higher Landscape Value, the site is only apparent by its formed nature and the flora that has grown up around its boundaries.
96. In its current context, Landscape Officers have advised that the proposed dwelling would appear as an incongruous feature that would read as a small but sprawling incursion into countryside that would not be well related to the current form of the settlement. The incongruity of residential development in this location would result in a degree of localised harm to the special qualities of the Area of Higher Landscape Value. Whilst the character of the site already has an urban fringe quality due to the presence of the field to the east, also owned by the applicant, and its existing engineered platform and walls from its previous use, it nevertheless forms part of wider views of high scenic quality, especially when viewed from the Weardale Way. Although views would be reduced to some degree by the existing vegetation along the boundaries of the site and

the proposed landscaping, the development would still represent an encroachment into open countryside.

97. In this regard it is noted that the Inspector when considering whether the site should be removed from the Green Belt considered that *'any new buildings on the site, even if well designed and landscaped, would represent a significant encroachment into the countryside and reduce the openness of the area.'* Openness is commonly understood to mean the 'absence of built development' and to have both a spatial and a visual dimension. Despite being single storey, the proposed dwelling would inevitably impact on openness by virtue of introducing built development onto the site, although views would be tempered somewhat by the mature vegetation along the western boundary and the proposed landscaping.
98. It is acknowledged that the landscaping now proposed in this application is greater than that proposed by the most recently refused application (DM/22/00199/FPA), although identical to that proposed under the most recently withdrawn applications (DM/22/02804/FPA and DM/23/00378/FPA) which would have nevertheless been recommended for refusal. The landscaping scheme now proposes the planting of 30no. trees (increased from 16), 1138no. shrubs (increased from 768), 222no. hedges (the same as previously), and 27no. herbaceous plants (increased from 0). These additional measures would help to mitigate visual impacts on the landscape and enhance the site level landscape qualities, albeit in a specific and limited way.
99. However, whilst the improvements to and benefits of the landscaping scheme are acknowledged, ultimately these are considered to be insufficient to overcome the principle of proposing inappropriate development in the open countryside and the Green Belt. By virtue of its location physically separate from the main built up area of the village, the development of this site, even with the enhanced landscaping proposed, would represent encroachment into the open countryside thereby causing harm to the special qualities of the Area of Higher Landscape Value, contrary to CDP Policy 10 and 39, and Part 15 of the NPPF.

#### Highway Safety/Access

100. CDP Policy 21 outlines that development should not be prejudicial to highway safety or have a severe cumulative impact on network capacity, expecting developments to deliver well designed pedestrian routes and sufficient cycle and car parking provision. Similarly, Policy 29 advocates that convenient access is made for all users of the development together with connections to existing cycle and pedestrian routes. Criteria e) and q) of Policy 6 and 10 do not permit development where it would be prejudicial to highway safety.
101. The NPPF sets out at Paragraph 110 that safe and suitable access should be achieved for all users. In addition, NPPF Paragraph 111 states that development should only be refused on transport grounds where the residual cumulative impacts on development are severe.

102. The application proposes access to the site to be taken from Fenton Well Lane. The adopted highway ends 50m to the east of the site and so the site would be accessed from a private track. The Highways Authority consider the new access to be safe and suitable for the proposed development and the introduction of a single dwelling is not considered to generate a tangible increase in traffic or to adversely affect highway safety. The dwelling would be served by an ample amount of in-curtilage car parking space.
103. As the part of Fenton Well Lane connecting to the site is unadopted, bins serving the dwelling would need to be taken to the nearest adopted highway on the day of collection, and then taken back to the dwelling post collection. This would require the occupant to drag their bins over 50m to the closest part of the adopted highway if they are to be collected by the Council's refuse vehicle. This would be undesirable due to the incline to the east. A suitably worded condition could be imposed to secure details of a scheme for refuse collection, potentially involving a private company.
104. Overall, a safe and suitable access can be achieved, and the proposed development would not adversely affect highway safety, according with CDP Policies 6, 10, and 21, and Part 9 of the NPPF.

#### Residential Amenity

105. 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.
106. CDP Policy 31 states that all new development that has the potential to have an unacceptable impact through overlooking, visual intrusion, visual dominance or loss of light, noise or privacy will not be permitted.
107. Criterion r) of Policy 10 is not permissible towards development in the countryside that would impact adversely upon residential or general amenity.
108. In addition, CDP Policy 29 states that all new residential development will be required to comply with the Nationally Described Space Standards (NDSS). The proposed dwelling would comply with the NDSS.
109. A Residential Amenity Standards Supplementary Planning Document (SPD) has been adopted by the Council, which recommends that dwellings benefit from gardens which are at least 9m long. The rear garden of the dwelling would exceed this requirement.
110. The SPD also advocates minimum separation distances of 21m between primary habitable room windows which are adjacent to each other where either building exceeds a single storey, and a minimum of 18m between primary habitable room windows which are adjacent to each other and both buildings are single storey. Where a main facing elevation containing a primary habitable room window is adjacent to a gable wall which does not contain a primary

habitable room window, a minimum distance of 13m shall be provided where either building exceeds a single storey or 10m where both buildings are single storey. There are no buildings within 21m of the site so the above separation distances would be achieved.

111. Given the relatively isolated position of the site away from nearby dwellings, the proposed development is not considered to adversely affect the amenity of surrounding residents, either in terms of overlooking, visual dominance, or overshadowing. Additional vehicular movements associated with the new dwelling would not be significant in terms of noise or light pollution.
112. Overall, the proposed development is considered to provide a good standard of amenity for existing and future residents, according with CDP Policy 10 r), 29 e) and 31 and Parts 12 and 15 of the NPPF.

### Drainage

113. 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.
114. CDP Policies 35 and 36 relate to flood water management and infrastructure. Policy 35 requires development proposals to consider the effects of the scheme on flood risk and ensure that it incorporates a Sustainable Drainage System (SUDs) to manage surface water drainage. Policy 36 seeks to ensure that suitable arrangements are made for the disposal of foul water.
115. The site is not located within a flood zone or an area identified as being at high risk of surface water flooding. Foul and surface water is proposed to be disposed to the main sewer. Hard surfaces are proposed to consist of permeable patio and gravel driveway areas. There are no watercourses on or near the site, with the River Wear located 675m away to the north west, and so in line with the hierarchy of preference surface water is proposed to be discharged to the nearest public sewer.
116. Overall, these details are considered to be sufficient to accord with CDP Policies 35 and 36 and Part 14 of the NPPF, with the proposal not considered to increase the risk of flooding on or off site.

### Ecology

117. 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 secure net gains for biodiversity and coherent ecological networks. Policy 43 relates to protected species and nationally and locally protected sites. Part 15 of the NPPF seeks to ensure that developments protect and mitigate harm to biodiversity interests, and where possible, improve them.

118. A Local Wildlife Site (LWS), Brough's Gill Wood, is located approximately 835m to the north of the site, with Chester Dene LWS located 1.25km to the west. The application is supported by a Preliminary Ecological Appraisal (PEA) which identifies that the proposed development may result in the disturbance of commuting and/or foraging bats due to light spillage should external lighting be erected; the destruction of an active birds' nest; and the loss of a small mosaic of common habitats, containing an assemblage of common birds and common invertebrates. To avoid these impacts, the report recommends that the timing of works avoid the bird nesting season, the development of a sensitive lighting scheme to avoid light spillage, the use of insect friendly plants and native trees of local provenance in the landscaping of the site, and the installation of integrated bat and bird boxes to provide biodiversity enhancements in the form of roosting and nesting opportunities. A condition could be imposed to secure adherence to these recommendations.
119. The PEA concludes that the proposals will result in a net habitat loss of 0.32 biodiversity units (-62.9%). However, the report was originally undertaken to support application DM/22/00199/FPA where it was considered that given the scale of the development and the nature of the habitats on site, the landscaping proposed at that time was sufficient to provide biodiversity net gains. The landscaping proposed in this application has since been increased and whilst no updated biodiversity metric has been provided to establish the impact of these revisions it is still considered that the proposed development is capable of achieving net gains in biodiversity, in line with the requirements of CDP Policy 41 and NPPF Paragraph 180 d).
120. Therefore, the proposed development is considered to accord with CDP Policies 41 and 43, and Part 15 of the NPPF.

#### Ground Conditions

121. CDP Policy 32 requires sites to be suitable for use taking into account contamination and unstable land issues. NPPF Paragraph 183 requires sites to be suitable for their proposed use taking account of ground conditions and any risks arising from land instability and contamination.
122. The application site lies within the defined Coalfield Development High Risk Area. The application is accompanied by a Phase I Geo-Environmental Site Assessment. Based on a review of relevant sources of coal mining and geological information, the submitted report concludes that there is a moderate risk to residential development at this site due to historic unrecorded shallow coal mine workings that may have taken place beneath this site. Therefore, in order to mitigate any risk of ground subsidence or mitigation measures that may be required to ensure that the development will be safe and stable, intrusive

ground investigations are required to take place prior to the commencement of the development.

123. The Coal Authority, as a statutory consultee, has reviewed the submitted information and concurs with the recommendation for the undertaking of intrusive site investigations. They advise that these should be designed and carried out by competent persons and should be appropriate to assess the ground conditions on the site in order to establish the coal-mining legacy present and the risks it may pose to the development.
124. Given the above, the Coal Authority recommend two conditions to secure the implementation of remediation works and mitigation measures prior to the commencement of development, and the receipt of a signed statement or declaration prepared by a suitably competent person confirming that the site is, or has been made, safe and stable for the development prior to its first occupation. These conditions would be necessary to address land instability arising from coal mining legacy to ensure that the site is made safe and stable for the development proposed.
125. The Contaminated Land Officer has indicated their satisfaction with the information provided in the submitted Phase 1 report which identifies that further investigation is required. Therefore, they recommend conditions to secure the submission of a Phase 2 site investigation and, if the Phase 2 report identifies any unacceptable risks, a Phase 3 remediation strategy.
126. Subject to these conditions, the proposal is considered to comply with CDP Policy 32 and NPPF Paragraph 183.

#### Carbon Emissions

127. Criterion c) of 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.
128. Criterion d) of 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.
129. The application proposes the installation of solar panels to the roof of the dwelling which is considered to meet the requirements of CDP Policy 29. A condition could be imposed to secure their installation prior to the first occupation of the dwelling.
130. Given the above, the proposal is considered to accord with the sustainability aims of CDP Policy 29 and Part 2 of the NPPF.

## Other Matters

131. CDP Policy 27 requires all new residential development to be served by a high speed broadband connection. This will need to be directly accessed from the nearest exchange and threaded through resistant tubing to enable easy access to the cable for future repair, replacement and upgrading. Where it can be demonstrated that this is not appropriate, practical or economically viable, developers will be encouraged to provide appropriate infrastructure to enable future installation. No details of how the dwellings will be served by a high speed broadband connection have been submitted with the application, but the Ofgem website confirms that the settlement of Great Lumley is served by multiple broadband suppliers offering ultrafast broadband connection and so it is considered appropriate to secure these details via a suitably worded condition.
132. The Council's PRow Section have advised that they have received a Definitive Map Modification Order application to upgrade the status of footpath no. 22 to a public bridleway which is pending consideration. Public footpath no. 1 Great Lumley Parish passes close to the northeast corner of the development site but would not be affected by the proposed development. Consequently, there is no conflict with CDP Policy 26.
133. The applicant has previously referenced two planning applications which have previously been approved at Planning Committee. The first relates to the erection of a dwelling in Rainton Gate (DM/21/01278/FPA) which was located within the Green Belt and immediately adjacent to a rear garden. However, this site is not comparable as it occupies a position that is physically separate from the nearest garden. The second was a proposal for holiday accommodation associated with an established garden centre, so is not comparable to this application. Each case must be determined on its own merits and Green Belt policy has in its intent and application been consistent for some years. Therefore, the previous refused planning applications for the erection of a dwelling on this site, along with the withdrawal of similar applications having been advised they were contrary to planning policy and could not be supported, as well as the conclusions of the Inspector when considering the adoption of the CDP, represent a clear consistency of approach that it would be inappropriate to deviate from.

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## **CONCLUSION**

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134. 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.
135. In this instance, it is concluded that the application site is physically and visually separate from the settlement of Great Lumley, due to the distance between the



site and the closest built form which comprises properties 157 Front Street and 4 High Farm Rise which form the western edge of the village. Consequently, from a planning perspective the site lies within the open countryside. CDP Policy 10 does not permit development in the countryside unless it is allowed by one or more listed exceptions or by another policy within the Plan. Policy 10 is not permissible towards the erection of a dwelling in the countryside and there are no other relevant policies within the Plan from which this proposal in this location could draw support. Therefore, the proposed development is contrary to CDP Policy 10 and unacceptable in principle.

136. The site is also located within the Green Belt. The erection of a dwelling does not fall under any of the exceptions specified by NPPF Paragraph 149 and so represents inappropriate development in the Green Belt, which by definition is harmful to its openness. Therefore, the proposed development is contrary to Part 13 of the NPPF and CDP Policy 20.
137. In addition, the site lies within an area designated as an Area of Higher Landscape Value. The erection of a dwelling in this location outside of the village would represent significant encroachment into the open countryside and would appear as an incongruous feature in this respect. Therefore, the proposed development would harm the intrinsic character of the countryside and the special qualities of the Area of Higher Landscape Value. Whilst the improvements to the landscaping scheme are acknowledged, ultimately these are considered to be insufficient to overcome the sites position outside of the settlement and within the Green Belt. Therefore, the proposed development is contrary to CDP Policies 10 and 39, as well as NPPF Paragraph 174.
138. No concerns are raised regarding the locational sustainability of the site, the impact upon highway safety, residential amenity, flood risk, ecology, or carbon emissions.
139. In terms of other material considerations, the applicant contends that the dwelling would of a design that would make a positive contribution to the character and appearance of the area by improving the current appearance of the site; would be within easy reach of services and facilities in Great Lumley; provide biodiversity net gains; and utilise solar panels as a renewable energy source.
140. Whilst no concerns are raised in relation to the design and appearance of the dwelling itself, officers are of the view that the erection of a dwelling on this site would represent and appear as encroachment into the countryside and so the opportunity to remediate an untidy site is insufficient to amount to a very special circumstance or a material consideration that could outweigh the significant encroachment into the countryside and reduction in the openness of the Green Belt caused by the erection of a dwelling in this location. Although it is accepted that the future occupants of the proposed dwelling would not be solely reliant upon the private car for access to services and facilities, and employment and education opportunities, again this does not outweigh the harm and policy conflict identified above.

141. CDP Policies 29 and 41 require all development to provide biodiversity net gains and to minimise carbon emissions and so complying with these requirements is insufficient to demonstrate very special circumstances.
142. The Neighbourhood Warden Team Leader has confirmed that no reports of anti-social behaviour relating to the application site have been received during the period January 2023 to August 2023. The applicant has not provided any formal evidence to demonstrate a significant problem with anti-social behaviour occurring on the application site, at a level above relatively low key gatherings. Therefore, the benefits of developing of the site to address anti-social behaviour cannot be afforded significant weight.
143. The provision of a single dwelling does not justify an alternative approach being taken in the context that the Council can demonstrate a five year supply of deliverable housing sites, as required by NPPF Paragraph 75. Whilst the proposed development would employ skilled tradespeople during the construction phase, this is likely to be relatively brief and any economic benefits brought about relatively limited.
144. Overall, the proposed development is considered to be contrary to CDP Policies 10, 20, and 39, as well as and Part 13 and 15 of the NPPF, with no material considerations to outweigh this policy conflict and associated harm. Therefore, the application is recommended for refusal.

#### Public Sector Equality Duty

145. 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.
146. 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 proposals constitute inappropriate development within the Green Belt that would reduce the openness of the area. It has not been demonstrated that there are any very special circumstances that exist and are capable of outweighing this harm. Therefore, the proposed development is contrary to Policy 20 of the County Durham Plan and Part 13 of the National Planning Policy Framework.
2. The proposed development would represent significant encroachment into the countryside and would appear as an incongruous feature that would not

conserve the special qualities of the surrounding Area of Higher Landscape Value. It has not been demonstrated that there are any quantified or evidenced benefits to a degree that would outweigh this harm. Therefore, the proposed development is contrary to Policies 10 and 39 of the County Durham Plan and Part 15 of the National Planning Policy Framework.

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## **STATEMENT OF PROACTIVE ENGAGEMENT**

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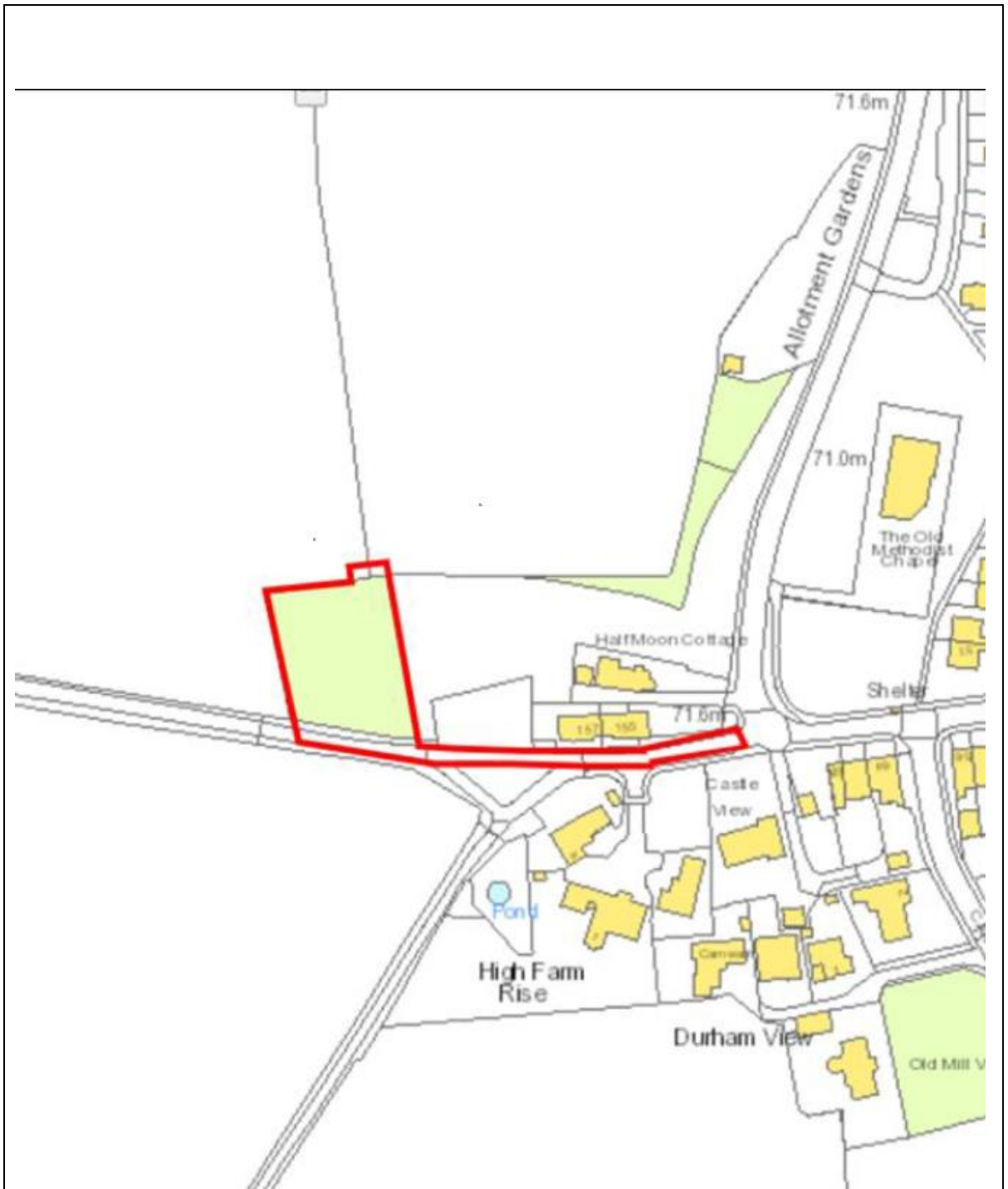
In accordance with Article 35(2) of the Town and Country Planning (Development Management Procedure) (England) Order 2015, the Local Planning Authority has, without prejudice to a fair and objective assessment of the proposals, issues raised and representations received, sought to work with the applicant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

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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 Plan Settlement Study 2018  
Residential Amenity Standards Supplementary Planning Document 2023  
Statutory consultation responses  
Internal consultation responses  
External consultation responses



<p><b>Planning Services</b></p>	<p>Erection of a single story dwelling and associated access and landscaping works</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>Comments</p>	
	<p>Date: 11<sup>th</sup> September 2023</p>	



## Planning Services

# COMMITTEE REPORT

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### APPLICATION DETAILS

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Application No:	DM/23/00446/FPA
Proposal:	Change of use from commercial (Public House) to a five-bedroom residential dwelling (C3)
Name of Applicant:	Miss Trysha Suddick
Address:	The Chelmsford, Front Street, Ebchester, Consett, DH8 0PJ
Electoral Division:	Leadgate and Medomsley
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 within the village of Ebchester on Front Street. The application site consists of The Chelmsford Public House and surrounding car park. The Chelmsford is a two-storey building stone building with a slate roof dating from 1890. The building has been altered over the years with small extensions and rendering. The site is accessed from Front Street to the west.
2. The application site is located within the Ebchester Conservation Area and three Listed Buildings are located to the north, west and south.
3. The land to the rear of the pub comprises a residential development plot and woodland.

#### The Proposal

4. The proposal is for conversion of the existing building to a single dwelling. To facilitate this the Applicant is proposing the removal of the public house branding and to re-expose the original stonework with rendered sections re-painted. The windows are to be replaced but no details provided. No further external works would be carried out.
5. No details of external landscaping have been provided.

6. The application in being reported to committee at the request of Councillor Stephen Robinson to consider the viability of the public house because of the complexity regarding the complaints made against members regarding this application.

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## **PLANNING HISTORY**

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7. A planning application was submitted on 29 March 2022 for the change of use from public house to 4 bed dwelling. A total of 35 letters of objection were received. This application was withdrawn by the Applicant on 22 November 2022.

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## **PLANNING POLICIES**

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### **NATIONAL POLICY:**

8. 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.
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 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.

14. *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.
15. *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.
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 16 Conserving and Enhancing the Historic Environment* - Heritage assets range from sites and buildings of local historic value to those of the highest significance, such as World Heritage Sites which are internationally recognised to be of Outstanding Universal Value. These assets are an irreplaceable resource, and should be conserved in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of existing and future generations.

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

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

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 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:**

## The County Durham Plan (CDP)

20. Policy 6 (Development on Unallocated Sites) supports development on sites not allocated in the Plan or Neighbourhood Plan, but which are either within the built-up area or outside the built up area but well related to a settlement will be permitted provided it: is compatible with use on adjacent land; does not result in coalescence with neighbouring settlements; does not result in loss of land of recreational, ecological, or heritage value; is appropriate in scale, design etc to character of the settlement; it is not prejudicial to highway safety; provides access to sustainable modes of transport; retains the settlement's valued facilities; considers climate change implications; makes use of previously developed land and reflects priorities for urban regeneration.
21. *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.
22. *Policy 10 (Development in the Countryside)* states that development will not be permitted unless allowed for by specific policies in the Plan or Neighbourhood Plan or unless it relates to exceptions for development necessary to support economic development, infrastructure development or development of existing buildings. The policy further sets out 9 General Design Principles for all development in the Countryside. Provision for economic development includes: agricultural or rural land based enterprise; undertaking of non-commercial agricultural activity adjacent to applicant's residential curtilage. All development to be of design and scale suitable for intended use and well related to existing development. Provision for infrastructure development includes; essential infrastructure, provision or enhancement of community facilities or other countryside based recreation or leisure activity. Provision for development of existing buildings includes: change of use of existing building, intensification of existing use through subdivision; replacement of existing dwelling; or householder related development.
23. *Policy 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.
24. *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.
25. *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.

26. *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.
27. *Policy 36 (Water Infrastructure)* advocates a hierarchy of drainage options for the disposal of foul water. Applications involving the use of non-mains methods of drainage will not be permitted in areas where public sewerage exists. New sewage and waste water infrastructure will be approved unless the adverse impacts outweigh the benefits of the infrastructure. Proposals seeking to mitigate flooding in appropriate locations will be permitted though flood defence infrastructure will only be permitted where it is demonstrated as being the most sustainable response to the flood threat.
28. *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.
29. *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.
30. 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

31. 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:

32. *Highways Authority* – No objections would be raised

### NON-STATUTORY CONSULTEE RESPONSES:

33. *Design and Conservation* - The building has undergone a level of alteration over time, including the modest extensions with rendered sections of walling. There would be no concern with this render remaining in situ and for stonework elsewhere to be exposed should it be historic. Elevation plans also note that windows may be replaced but are not clarified on the plans. There is potential for enhancement in terms of reintroducing an appropriate traditional style.
34. *Ecology* – Given there are no external alterations or alternations to roof spaces proposed the risk to bat roosts are negligible and so no further works required.
35. *Nuisance Action Team* – The property has benefited from residential use, upstairs, in the past, it is in a similar setting to other residential properties in relation to proximity to the A694, to ensure suitable sound levels are achieved internally planners may wish to consider applying a noise condition. Any noise mitigation measures required shall be installed prior to the beneficial occupation of the development and shall be permanently retained thereafter. In addition, I can confirm that I have assessed the environmental impacts which are relevant to the development in relation to their potential to cause a statutory nuisance, as defined by the Environmental Protection Act 1990 and would comment as follows: I am satisfied, based on the information submitted with the application, that the development is unlikely to cause a statutory nuisance.
36. *Spatial Policy* – The applicant needs to demonstrate that the public house is no longer viable in accordance with the requirements set down under Policies 6 and 9. If the case officer is satisfied that the public house is no longer viable then any detailed alterations would need to accord with CDP policy requirements - including but not limited to, those set down under 29 and 44 - given the heritage value and prominence of the building in the conservation area.
37. The applicant needs to provide evidence demonstrating that there was a lack of market interest in the public house. This was to satisfy criteria g.) of Policy 6 of the County Durham Plan (CDP) (2020) which states that information / evidence should be provided to demonstrate that the public house is no longer viable. The supporting text to the policy notes that applicants must be able to provide evidence that the premises has been advertised as a going concern in the press, online and on-site, at least four times within a six-month period and all reasonable offers have been explored. It also confirms that this evidence will be considered on a case-by-case basis.

38. The Marketing and Viability report received May 2023 is very similar to what was submitted in March 2023. This additional information does not include the actual evidence that the premises was advertised as a going concern in the press, online and on-site, at least four times within a six-month period and all reasonable offers have been explored. We had previously said that we were of the view that it fell short of what was required. What has been provided is the sales particulars (with two agents: Sidney Phillips & Pattinson) relating to the property, but no details have been provided from either of those agents confirming the length of time they listed the property for sale, together with details of the level of interest and/or offers which were made for the property. Without this information, we cannot conclude that the requirements of Policy 6 have been met. To rectify this, the applicant should be requested to provide letters from both agents which contains this information required by Policy 6.
39. *Further Spatial Policy Advice following the submission of the Viability Report from Mr Cartmell -*
40. The asking price (£395k) took account of the planning approval for a new dwelling (DM/19/02881/FPA) and as that development site has been sold off separately, then the pub has not been marketed in isolation, nor recently (i.e. within the last year).
41. With regard to the viability report which has been submitted, it contains the views of someone who has extensive experience in the hospitality sector and their insight into the issue facing pubs at the current time is useful. He highlights the many challenges facing public houses in terms of running costs etc, and the cost-of-living factors affecting the amount of disposable income patrons have to spend on leisure activities like visiting pubs. The section covering the marketing history of the Chelmsford does however confirm that the public house has never been marketed since the sale of the land to the rear which benefitted from a planning consent for a residential unit forming part of the sales particulars. There is therefore no robust evidence that there would be no takers from someone else wanting to re-open the pub, were it to be re-listed for sale at a price which reflected its revenue earning potential, rather than its conversion to residential home value which appears to be the case historically. Notwithstanding this, the points which are made relating to the lack of a beer garden and dedicated car park are accepted and given the length of time which the pub has been closed and not trading (3+ years), it is likely that modernisation to the internal areas would be necessary and there would be upfront costs associated with this. However, it would be expected that the valuation and asking price would take all of these factors into consideration.
42. Whilst the points around the difficulties facing the hospitality sector are acknowledged, the fact that the Chelmsford has not been marketed since May 2022 (over 1 year ago), and listed separately from the land benefiting from planning permission for a house, weighs against the proposal in assessing compliance with Policy 6 (criteria g.). The value at which the pub is listed should take account of all the factors identified within the viability submission to ensure that the valuation is realistic and reflects its earning potential.

**PUBLIC CONSULTATION:**

43. The application has been advertised by way of a site notice, and individual neighbour notification letters have been sent to neighbouring properties.

44. A total of three letters of representation have been received.
45. A single letter from Ebchester Village Trust states that whilst they do not want to see the demise of the village pub, they consider that there is probably no realistic alternative to its change of use. The letter makes the following requests:
- The building should look residential rather than like a public house.
  - The rendered areas are returned to stone.
  - The 'toilet block' extension be removed.
  - A smaller window should be installed to the gable end.
  - Details of the replacement windows should be provided for approval.
  - A stone wall should be constructed to the front of the property.
  - Amenity space should be included on the plans.
  - Only a single residential property should be allowed rather than flats.
46. A letter sent on behalf of the Ebchester Resident Group states that a local social media poll had been in support of the retention of the pub. The letter stated:
- Ebchester is a tourist attraction and very busy during school holidays, weekends and evenings.
  - New housing is proposed nearby in neighbouring County.
  - Pub has not been marketed at a fair price.
  - Pub deliberately ran into the ground.
  - Hope pub is reopened as a community asset.
47. The final letter of representation from a resident supports the retention of the public house. It states that it was the heart of the community and has now been run into the ground. The letter states they would be willing to contribute to a community owned pub. It also states that it is the only 'local' pub.

*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**

48. The applicant is a successful multi-business owner, and runs a thriving Pub/Restaurant in Shotley Bridge. She bought The Chelmsford Public House with a view to turning this into a successful enterprise, and put a great deal of time and money into trying to grow the business to make it a thriving venue over a period of years. In spite of the applicant's best efforts, the business remained economically unviable and was effectively subsidised by the applicant for the duration. As a result, she tried to sell the pub commercially with Sidney Philips and Pattison Agents. Neither commercial listing resulted in any viewings or any acceptable offer for the building.
49. As the applicant reached the conclusion that no amount of effort was going to see the business thrive as a public house, and there were no interested buyers, she then listed it as a potential development project with JW Wood. There were interested buyers but only if the building was granted 'change of use' from commercial to residential. This is why the applicant has submitted the current proposal to change the building's use to a private 5-bedroom dwelling.

50. In a separate application, permission was granted to sell off an area of land behind the public house and build a dwelling on it. This was done in order to raise money.
51. The planning officer now appears to raise concerns whether this sub-division of the land has affected the viability of the pub in terms of available space. The land involved has never formed part of the public house's footprint nor had it ever been used in relation to commercial activity, as an additional parking area, beer garden, or for any other purpose. It was redundant, unused land and its' sale has had no impact upon the viability of the pub as a business (nor was the pub operating when the land was sold). If the planning department had concerns at the time (that this development would negatively impact upon the original buildings' use), the proposal should not have been supported. At no time were any such concerns raised, and the application was granted.
52. The pub was closed permanently in March 2020. The building has now been unoccupied and disused for three and a half years and has therefore not been providing any services during this time. It has not been identified or listed by the community as a potential asset, and there have been no community bids to buy the premises. There are no objections locally to the current application. The property remains vacant and deteriorating, and the fabric of the structure is degrading over time.
53. The applicant will not re-open the building as a public house, and there is demonstrable evidence that it will not sell as a commercial interest. The report into viability and marketing submitted by Barry Cartmell (an expert in hospitality) makes a very strong case that it is not viable as a public house (and never was). Within close proximity to the site, the Council have granted similar applications to change the use of former licensed premises to domestic dwellings. Should this application be granted, it would be consistent with other recent decisions. The proposals are reasonable, proportionate, respectful to the building's historic integrity, and in keeping with local policy. If the application is rejected the building will remain unused and likely become derelict.
54. The applicant has done everything in her power to make a case that would be acceptable to the planning officer, and asks the committee to consider this application in good faith and without prejudice. The applicant feels that the benefits which will be derived in allowing this to pass, far outweigh any negative impacts upon the locality, and has demonstrated this in documents including the Heritage Statement, Marketing & Viability Report and associated supporting information.
55. Respectfully submitted for your consideration by Ms Trysha Suddick, 11/09/23.

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## **PLANNING CONSIDERATION AND ASSESSMENT**

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56. As identified in Section 38(6) of the Planning and Compulsory Purchase Act 2004 the key consideration in the determination of a planning application is the development plan. Applications should be determined in accordance with the development plan unless material considerations indicate otherwise. The main considerations in regard to this application are the principle of the development, impact on heritage assets,

housing need, design and impact on neighbouring amenity, highways safety and sustainable transport, impact on ecology and drainage and surface water.

#### Principle of the Development

57. The application proposes the change of use of an existing public house into a residential dwelling. Policy 6 allows development of sites which are not allocated within the Plan but which are located within the built-up area. The site is located within the village of Ebchester and is therefore considered to be within the built-up area. Policy 6 sets out criteria which such development must meet. In this instance the proposal must meet the requirements of criteria (a), (d), (e), (f), (g), (h) and (i).
58. The proposal would reuse an existing building within a predominately residential area. The proposal is therefore in accordance with Policies 6(a) and (i). Discussions relating to criteria (d), (e), (f), (g) and (h) will be covered later in the report.

#### Loss of a community asset

59. Policy 9 defines a retail hierarchy for the county and seeks to protect and enhance the centres within the hierarchy. It goes on to advise that those locations outwith those identified in the hierarchy the loss of essential shops and services will be resisted. The supporting text goes on to identify that within smaller settlements, a local shop/convenience store or community facility such as a pub is of even greater importance to the local population and therefore the unnecessary loss of shops, community or cultural facilities within the county's smaller settlements should be avoided where possible.
60. The Plan further states that in assessing applications that would potentially see the loss of such facilities, particular consideration will be given to the accessibility or availability of equivalent facilities nearby and the role that facility plays within the settlement, in addition it highlights that the views of local people and relevant town or parish councils will be of particular importance in assessing such applications.
61. Policy 6(g) states that development should not result in the loss of a settlements or neighbourhoods valued facilities or services unless it has been demonstrated that they are no longer viable.
62. The supporting text to the policy notes that applicants must be able to provide evidence that the premises have:
- been advertised as a going concern in the press, online and on-site, at least four times within a six-month period and;
  - all reasonable offers have been explored.
63. It also confirms that this evidence will be considered on a case-by-case basis. This is supported within the NPPF under paragraph 84d) which requires proposals to enable the retention and development of accessible local services and community facilities, including pubs and paragraph 93c) which requires proposals to guard against the unnecessary loss of valued facilities and services.

#### *Marketing and Business Viability*

64. In terms of Policy 6(g) the applicant has provided evidence from estate agents, unaudited accounts and a Viability Report in support of the application.

65. The applicant has provided copies of the sales advertisements for the property from Sidney Philips estate agents from May 2017 and Pattinson estate agents which they advise they switched too, with a lower price, after no interest from the Sidney Philips advert however no specific date is given. A statement has been provided by Pattinson confirming that they marketed the property between 20 February 2020 and 19 August 2020. With no viewings and only one interested party. No additional information was provided with regard to this interest. In addition, a marketing statement from JW Wood has been submitted stating that the property was marketed between 21 August 2021 and 24 May 2022 with a total of three viewings and no offers. The only interest expressed was for the property after change of use had been granted. No other information was provided by JW Wood. The sales particulars provided by the estate agents show that the listing included the pub, and two plots to the rear of the building, one with permission for residential development.
66. The applicant has provided their own marketing and viability report to support the application prepared by Ms Anna Philips BA(Hons) History and English, RHS Dip. Hort. and a viability report prepared by Mr Barry Cartmell of Delmont Project Services. Neither document has been provided by a verifiable company and the qualifications of the authors has not been confirmed.
67. The report from Ms Philips, refers only to marketing by JW Wood estate agents and makes no reference to the previous marketing by Sidney Philips or Pattinson. It advises that the property was valued by JW Wood in August 2021 and advertised by them at that time until June 2022 via multiple websites. It states that the valuation was split into three parts including two building plots to the rear of the pub, one with existing permission for residential development and the premises themselves. The applicant has advised that Plot 1 was valued at £130,000, Plot 2 at £120,000 and The Chelmsford itself at offers over £300,000, either as a 5- or 6-bedroom detached house or split into two 3-bedroom apartments. However, the applicant has provided no copy of the estate agents valuation report. Furthermore, Ms Philips states that the pub was advertised as a 'public house' and Mr Cartmell advises in his report that the property was advertised as a 'going concern' however the sales particulars provided by the Applicant from JW Wood state that the property is 'an interesting development opportunity' and that the pub is now closed. No information is provided in the listing regarding the trading information for the pub, the opening hours, licencing details, or rateable value which potential operators would expect to see in a commercial listing of this nature.
68. The last marketing of the property, until May/June 2022 by JW Wood, included The Chelmsford premises and the two plots of land to the rear of the building. However, these plots were sold in July 2022 with only The Chelmsford remaining within the ownership of the Applicant. Therefore, the only evidence provided with regard to market interest refers to the entirety of the site, including the building plots, and is over 1 year old now. The report by Mr Cartmell states that the Applicant was advised not to market the property further until the issue of the change of use was resolved by JW Wood. Nevertheless, the lack of marketing of the single unit falls short of the requirements of Policy 6(g) and the Applicant could still have chosen to market the property should they have wished.
69. As the pub has not been remarketed as a single unit or at a revised price which reflects the loss of the additional plots of land it is considered that the Applicant has

failed to demonstrate that there is no market interest in the property in accordance with the requirements of Policy 6(g).

70. In terms of viability, applications which propose the loss of pubs are often assessed against the Campaign for Real Ale (CAMRA) 'Public House Viability Test'. Although this is not a Policy requirement, the test considers several criteria to assess the continued viability of a pub business many of which include considerations from Policy 9 and is therefore a useful tool for this assessment. This includes local trade, customer potential, competition, flexibility of the site, parking, public transport, multiple use, partial loss, competition case studies, the business-past and present and the sale. These are discussed below.
71. The Chelmsford is the only pub within the village and is therefore considered to be a community asset. In respect of visitor potential and local trade, the pub is located within the village of Ebchester with local historical sites and the River Derwent attracting visitors into the area. There are also walking routes leading into the village. In addition, the area benefits from a rowing club which attracts people into the area. The village itself benefits from over 400 properties therefore it is considered that there is a good local population in the area. In terms of neighbour interest in the application, three letters of representation were received from a neighbouring resident, from the Ebchester Residents Group and the Ebchester Village Trust. The Ebchester Village Trust has stated that whilst they do not want to see the demise of the village pub, they consider that there is probably no realistic alternative to its change of use. However, all letters consider the pub to be a community asset and that local tourism and existing and proposed housing in the area would provide a customer base for the business. The previous application, which was withdrawn, had over 35 letters of representation raising concerns regarding the loss of the pub however the current application has not received similar levels of interest. Whilst no application has been received to include The Chelmsford on the 'asset of community value' list this alone does not demonstrate that the pub would not be used should it reopen and consideration must be given to the length of time the business has been closed, impacting on local interest.
72. The Chelmsford is the only pub within the village of Ebchester, with the next nearest pub, The Derwent Walk Inn located over 700m to the southwest of The Chelmsford within Ebchester Hill. There are a further 2 pubs within 1.5miles of the application site, The Royal Oak and The Miners Arms located within Medomsley. The Chelmsford is located within the settlement and is a walkable option for those living within Ebchester or those visiting local attractions. Whilst those living closest to The Chelmsford would need to use private cars or public transport to access these pubs, these options are not considered to be an unreasonable distance from these properties. Nevertheless, it is considered that there is limited competition for customers within 1.5 miles of the pub and that as the sole remaining pub within the settlement it is a valuable community asset.
73. The report by Mr Cartmell states that the pub itself lacks 'premium features' which are offered at those neighbouring pubs in the wider area which makes them a more attractive option to customers, such as catering, larger car parks and beer gardens. As set out above the Applicant has sold the land to the rear of the pub which was included within the estate agents listing. This land was an asset to the public house which would have given future owners options with regard to increased parking and provision of a beer garden. Together with the installation of a commercial kitchen this could have brought The Chelmsford on par with other pubs in the wider area.



74. In terms of the flexibility of the site, the building itself benefits from a 3-bedroom flat the first floor together with the pub. Should any future owner not wish to reside onsite they would have the option to rent the first floor flat as visitor accommodation to bring in additional revenue. Based on the marketing information submitted by the Applicant the building and flat are in good condition and would not require extensive works to bring back into use.
75. The sale of the two plots of land to the rear of the property has resulted in a reduction in the outside space available to the pub, however some space has been retained which can be used for outdoor seating and parking. It is considered however that even with the loss of the land the site overall still retains some flexibility in terms of being brought back into use through the potential to offer catering, visitor accommodation and utilising the remaining space available.
76. Nevertheless, as set out above, had the land to the rear been retained it would have offered future owners more options for the expansion of the business. Thus, the sale of the land has effectively 'asset stripped' the business to the detriment of the future viability of the public house.
77. Parking and public transport comprise the next two tests on the Viability Test. As the plots to the rear of the building have been sold the available parking spaces have been reduced to 4 to the front and 4 to the rear. However, given the central location of the pub within the village local users would easily be able to walk to the pub should they wish. Additionally, the site can be accessed by public transport with the nearest bus stop less than 100m from the pub connecting Ebchester to Consett, the Metro centre and Newcastle. On balance, given the options for public transport and village location it is considered that the parking provision is sufficient, and the site is accessible. Again the ability to expand the parking further has been removed by the Applicant through the sale of the land to the rear.
78. In terms of multiple use of the building, the local area benefits from a community centre, church and shop. Therefore, it is considered that there are existing community facilities within the area and that it is unlikely that there would be demand for the use of the pub for community activities give the availability of the community centre. Nevertheless, the pub could be utilised for local and private events if any future owner desired to offer these.
79. Given the nature of the proposal that part 8 (partial loss) of the Viability Test is not relevant in this instance.
80. In terms of competition case studies, Mr Cartmell has advised in his report that other pubs within the local area provide better services than The Chelmsford. He specifically states that the area benefits from a healthy pub industry, many only a short drive from The Chelmsford. These pubs are able to offer "*large capacity dining, significant outdoor public spaces, car parking provision for numerous vehicles and guest accommodation*". As set out above the Applicant has chosen to sell the land to the rear of the property separately which could have been utilised for increased dining, outdoor public space, increased car parking and subject to a planning application, visitor accommodation. The ability of The Chelmsford to compete with other pubs in the area, as set out in their own viability report, has been diminished by the Applicant themselves. Yet, as set out above there are opportunities to offer some outdoor space, parking, increased catering and visitor accommodation on site and

the Applicant has failed demonstrate that this is not an attractive option on the open market through their failure to advertise the property as it is currently without the land to the rear.

81. Mr Cartmell states that four pubs within the Durham area are currently for sale as freehold businesses and these all benefit from outdoor space, larger car parking and larger catering than the application site. The report advises that these properties have been on the market for a significant period of time without a buyer coming forward. Mr Cartmell states this is indicative of the situation in the hospitality industry at present. It is not disputed that the industry is struggling regionally and nationally, nevertheless, some businesses are turning a profit, as demonstrated by Mr Cartmell himself in his report. In recognition of this Policy 6(g) allows applicants to demonstrate that their business is no longer viable and lacking market interest through the provision of marketing evidence from a six-month period. This is not something that the Applicant has provided for the business as it stands at the moment. Therefore, irrespective of the other premises for sale in the local area the Applicant has not provided evidence that this business lacks market interest.
82. Based on the above, The Chelmsford is the only pub within walking distance within the village of Ebchester and the area itself attracts visitors for both recreation and historical interest. The pub would therefore not be solely reliant on local trade and there is limited competition in the immediate area. Whilst parking is limited on site there is some available and customers have access to sustainable transport options as an alternative. It is considered in light of this, that the Applicant has failed to demonstrate that the pub is not viable in line with parts 1-9 of the CAMRA Public House Viability Test.
83. The final two criteria of the Viability Test focus on the business past and present and the sale of the property. As set out above these specific elements are also key considerations for Policy 6(g).
84. Only limited details have been provided with regard to historical trading performance. The sales particulars from 2017 by Sidney Philips state that the Applicant operated the business on a part-time basis due to the Applicants' other businesses. It is stated that at that time they were able to achieve an average of £3000 wet only, per week. The (unaudited) accounts submitted in support of the application cover the period 2016 to July 2019. The Applicant has advised that the minimum weekly takings would need to be £5000 just to keep the business open. Therefore, longer opening hours and diversification into catering has the potential to boost turnover. Whilst it is recognised this is based on figures from 2017 these are the only figures provided by the Applicant for consideration. Ms Philips advises in her report that the property was tenanted in 2018 and subsequently opened under a new manager in October 2019. The pub has not reopened since March 2020 and the Covid lockdown.
85. Mr Cartmell has stated that the customer base would be predominately limited to local residents (400) due to the lack of the 'premium features' discussed above. He therefore surmises that based on 'a countrywide survey' which found that the average household spend on alcohol per week as £1.60 (in 2021 after the pandemic restrictions were lifted) the potential takings for The Chelmsford would be only £640 per week. The report goes on to state that the space available within the pub would further restrict capacity for additional customers. It is stated that based on his experience the potential for takings would be up to £2500 per week whilst the net costs in running the business would be approximately £3380 per week. However,

whilst increased opening hours and increased catering are discussed these options are not fully costed. Furthermore, as stated above, this report has been provided by an individual rather than a verifiable company with specific experience in viability assessment.

86. There has seemingly been no effort on the part of the Applicant to reopen the pub or increase turnover since lockdown. There is a lack of evidence provided by the Applicant in terms of verified audited accounts, a business plan or viability assessment provided by a verifiable company or individual to demonstrate that the pub is not or would not be a viable business. There is no evidence at this time that a new pub operation would necessarily fail.
87. The CAMRA have been consulted on the proposal but have provided no comment to date.
88. The Chelmsford is therefore considered to be a valued community asset. The loss of such a community facility which would be significantly harmful to the quality of life of the local community. It is for the Applicant to demonstrate that the loss of such a community asset is justified in terms of its future viability. No meaningful evidence has been provided that demonstrates that the property has been advertised, as it stands as a single premises with a much-reduced plot, for a suitable length of time, or as a going concern or that all reasonable offers have been explored. Without such evidence it is considered premature to conclude that the property is not of interest to another operator or that the public house itself is unviable. The Applicant has failed to demonstrate that it is not a viable business. As such the proposal is considered to be contrary to Policies 6(g) and 9 of the County Durham Plan. It would also conflict with paragraphs 84d) and 93c) of the National Planning Policy Framework which requires planning decisions to retain and guard against the unnecessary loss of valued and accessible facilities and services, particularly where this would reduce the community's ability to meet its day-to-day needs.

#### Impact on heritage assets

89. 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.
90. The Chelmsford is located within the Ebchester Conservation Area. It is specifically noted within the Ebchester Conservation Area character appraisal:
91. *"The only public house in the heart of the village. Built in 1890. The post office, which was once attached to the Front elevation has since been demolished. Stone building with slate roof. Although it has undergone significant alteration that has undermined its character, its south elevation has an important townscape value in the village when viewed alongside the listed Burn House and Jubilee House".*
92. The building is considered to be a prominent building within the Conservation Area and village centre. The Applicant is proposing limited external changes to the building to convert into a residential property. The public house branding would be removed, that the original stonework would be re-exposed and the rendered sections of the

building repainted to match the stonework. The windows would be upgraded but no details have been provided on the specification however this detail could be controlled by condition. The Design and Conservation Officer has advised that the building has undergone a number of changes over the years and that the proposed works would not harm the Conservation Area. It is considered that the proposal would not result in harm to the character or appearance of the Conservation Area or the building itself, therefore the proposal, subject to a condition relating to the windows, is in accordance with Policy 44 of the County Durham Plan and would cause no harm to the heritage asset which would be preserved in accordance with Part 16 of the NPPF and Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

#### Housing Need

93. The Council has established a 6-year housing land supply therefore the need for new housing is afforded limited weight in terms of a benefit to the proposal. However, this does not mean that new housing cannot be supported. In this instance there is no justification for the loss of a community asset therefore this loss is not outweighed by the benefit of additional housing.

#### Design and impact on neighbouring amenity

94. 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. The Council's Residential Amenity Standards SPD offers advice in relation to the design of new developments, including minimum privacy distances and garden spaces. Policy 6(d) also requires that the proposal is appropriate in terms of scale, design, layout and location not the character, function, form and setting of the settlement. Policy 31 seeks to prevent development that would have an unacceptable impact upon the amenity of existing neighbouring residents and only allow development where adequate amenity for future occupiers is provided.
95. As set out above, the building itself is considered to make a positive contribution to the character and appearance of the area. As set out above the Design and Conservation Officer raises no objection to the proposed limited changes to the building.
96. There are existing residential properties to the north, west and south. The SPD requires a minimum separation distance of 21m between two storey dwellings with windows to habitable rooms. Properties to the west and south of the application site are located in excess of 21m from the application site. There is a single window in the northern elevation of The Chelmsford which overlooks the neighbouring property, the School House, to the north. This window is currently a bedroom window and would be retained as a bedroom window. The proposal would retain the existing level of overlooking currently experienced between the two properties rather than increasing it. To the east of the site is the building plot which the Applicant has sold. The previously approved dwelling is currently under construction and the western elevation of the dwelling will face onto the rear elevation of The Chelmsford. The

property would be located 23m from this elevation therefore achieves the minimum required separation distance. It is therefore considered that the proposal meets the required minimum separation distances between the properties and therefore would not result in an unacceptable impact on the neighbouring property.

97. In addition, the existing car park would be landscaped to provide amenity space in excess of 9m for future occupants in line with the requirements of the SPD.
98. The Government have introduced 'Nationally described space standards' (NDSS) which set out the minimum floorspace required for dwellings, bedrooms and storage. The building currently comprises two floors with an approximate floorspace of approximately 249.2sq.m. It is proposed to provide 4 bedrooms at first floor level with an additional room labelled as a study/bedroom. Bedrooms 1 and 3 would have their internal ceiling heights raised to achieve the minimum required 2.2m headroom, nevertheless a 1.5m headroom could be achieved based on the submitted plans. The plans show a study which could be used as a bedroom, this would not meet the minimum requirements and therefore would need to be used as study. The remaining two bedrooms would meet the required floorspace.
99. One of the environmental objectives of the NPPF is to mitigate climate change and Policy 29(c) requires that the proposal is designed to reduce greenhouse emissions. A condition would therefore be recommended that would ensure the submission and implementation of a scheme to minimise greenhouse gas emissions if the proposal were deemed to be acceptable.
100. In terms of the noise and disturbance, the proposal would introduce residential use to the building in line with neighbouring properties. Overall, noise and disturbance resulting from the use of the public house would be considered to be greater than that resulting from residential use therefore the impact on neighbouring properties would be reduced in the long term. However, it is acknowledged that there would be noise and disturbance resulting from the conversion works but as these would be temporary it is considered to be acceptable.
101. Given the above, it is considered that the proposal meets the requirements of Policies 6(d), 29 and 31 and the SPD of the County Durham Local Plan.

#### Highways safety and sustainable transport

102. Policy 6(e) requires proposals to not be prejudicial to highway safety and 6(f) requires good access to sustainable modes of transport. Policy 21 of the CDP 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. One of the social objectives of the NPPF is to support a strong, vibrant, and healthy community by fostering a built environment with accessible services. Paragraph 110 of the NPPF advises that in assessing applications for development appropriate opportunities to promote sustainable transport modes can be or have been taken up, given the type of development and its location. Paragraph 112 advises that development should be designed to enable charging of plug-in and other ultra-low emission vehicles in safe, accessible, and convenient locations.
103. The proposal would be 100m to bus stops which is considered accessible. These bus stops have regular services to Ebchester, Consett and Newcastle. Whilst there is a

local shop any future occupant would need to travel to Consett or further afield to access larger and more diverse shops and services. However, given the distance to and accessibility of the bus stops it is not considered that there would be a heavy reliance on the private car for all journeys or that there is a need to include measures to improve sustainability in this case. Furthermore, it has been borne in mind that the former use would have involved a significantly greater number of car journeys. The proposed residential property would utilise the existing access and off-road parking would be provided in curtilage. In addition, the Highways Officer is raising no objection to the proposal.

104. It is therefore considered that the proposal meets the requirements of Policies 6(e)(f) and 21 of the County Durham Local Plan and the NPPF.

#### Impact on ecology

105. Policy 43 of the CDP requires all development that would likely have an adverse impact on the ability of species to survive, reproduce and maintain or expand their current distribution to not be permitted unless appropriate mitigation, or as a last resort compensation, can be provided, which maintains a viable population and where possible provides opportunities for the population to expand; and where the species is a European protected species, the proposal also meets the licensing criteria (the 3 legal tests) of overriding public interest, no satisfactory alternative and favourable conservation status. These policies are in accordance with section 15 of the NPPF.
106. The Ecologist has confirmed that no works are required. It is therefore considered that the proposal meets the requirements of Policy 43 of the County Durham Local Plan and the NPPF.

#### Drainage and surface water

107. The proposal would not alter the existing surface drainage situation that is currently in situ and the property is already connected to the public sewerage system. The proposal is therefore considered to be in accordance with the requirements of Policies 6(h), 35 and 36 of the County Durham Plan.

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## **CONCLUSION**

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108. The Chelmsford is the only pub within the village of Ebchester and therefore considered to be a community asset, the loss of which would be significantly harmful to the quality of life of the local community. The CAMRA Public House Viability Test demonstrates that there is both a local market of customers together with potential trade from visitors to the area. The lack of local competition puts The Chelmsford in a strong position. The test did not prove that the pub would be unviable.
109. The sale of the land to the rear of the property has impacted upon the long-term viability of The Chelmsford. The Applicant has effectively 'asset stripped' the business reducing the overall flexibility of the site. Though, there remains potential for changes to increase the profitability of the premises. Due to a lack of marketing of the single unit the Applicant has failed to demonstrate that there is no market interest in the premises as a pub.

110. The Applicant has failed to provide meaningful evidence to demonstrate that the pub has been appropriately advertised for the minimum required time and that all reasonable offers have been explored to accord with the policy requirements, and therefore the loss of the community asset is therefore considered to be unjustified and therefore contrary to Policies 6(g) and 9 of the County Durham Plan.
111. All other considerations in terms of impact on heritage assets, housing need, design and impact on neighbouring amenity, highways safety and sustainable transport, impact on ecology, drainage and surface water are neutral or could be controlled via conditions.
112. 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

113. 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.
114. 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:

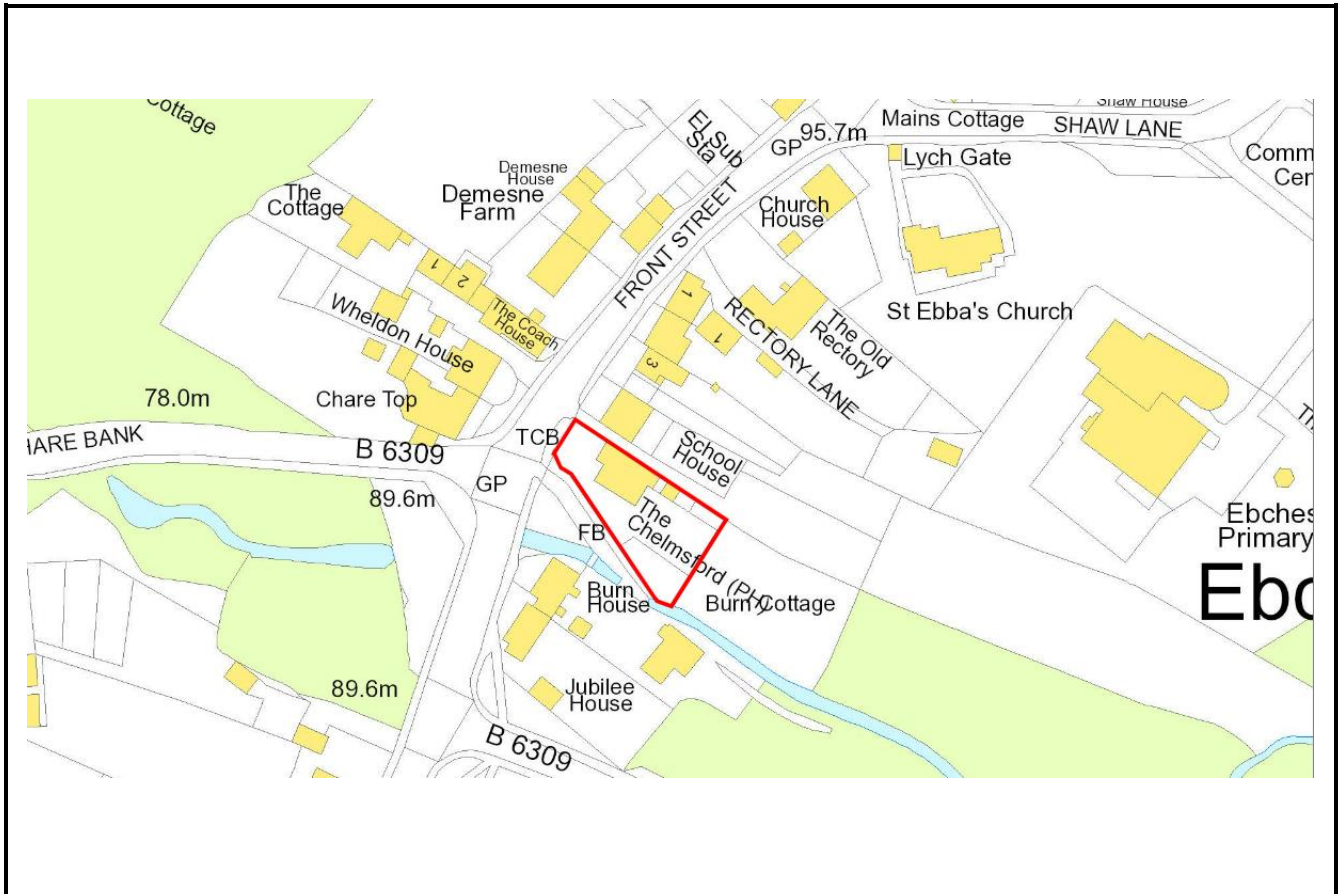
1. The pub use provides a community asset to the local community and its loss would have a negative impact upon the quality of life of the local community which has not been adequately justified by the viability, marketing and supporting information submitted with the application. The proposal is therefore in conflict with Policies 6(g) and 9 of the County Durham Plan and paragraphs 93(c) and 84(d) of the National Planning Policy Framework and there are no material considerations that indicate that the local plan should not be followed in this case.

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## **BACKGROUND PAPERS**

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The National Planning Policy Framework (revised 2021)  
National Planning Practice Guidance Notes  
Durham County Plan 2020  
Residential Amenity Standards Supplementary Planning Document  
Statutory, internal and public consultation responses  
Submitted forms, plans and supporting documents



<p><b>Planning Services</b></p>	<p>Change of use from commercial (Public House) to a five-bedroom residential dwelling (C3)</p> <p>Application Number DM/23/00446/FPA</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> 28 September 2023</p>	<p><b>Scale</b> NTS</p>