



Area Planning Committee (South and West)

Date Thursday 18 July 2024
Time 10.00 am
Venue Council Chamber, County Hall, Durham

Business

Part A

1. Apologies for Absence
2. Substitute Members
3. Declarations of Interest (if any)
4. The Minutes of the Meeting held on 16 May 2024 (Pages 3 - 10)
5. Applications to be determined
 - a) DM/24/00315/FPA - Land West of 31 to 32 Church Street, Coundon (Pages 11 - 44)
Erection of 16no. dwellings, together with formation of the site access, and associated landscaping and external works.
 - b) DM/23/02925/FPA - Hardwick Hall Hotel, Sedgefield (Pages 45 - 68)
Creation of a new spa complex and wellness facility.
6. Such other business as, in the opinion of the Chairman of the meeting, is of sufficient urgency to warrant consideration.

Helen Bradley
Director of Legal and Democratic Services

County Hall
Durham
10 July 2024

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

Councillor J Quinn (Chair)

Councillor A Savory (Vice-Chair)

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

Contact: Amanda Stephenson Tel: 03000 269703

DURHAM COUNTY COUNCIL

At a Meeting of **Area Planning Committee (South and West)** held in Council Chamber, County Hall, Durham on **Thursday 16 May 2024 at 10.00 am**

Present:

Councillor J Quinn (Chair)

Members of the Committee:

Councillors A Savory (Vice-Chair), E Adam, J Atkinson, D Brown, J Cairns, N Jones, S Quinn, G Richardson and M Stead

Also Present:

Councillor C Hunt

1 Apologies for Absence

Apologies for absence were received from Councillors L Maddison and S Zair.

2 Substitute Members

There were no substitute members.

3 Declarations of Interest

There were no declarations of interest.

4 Minutes

The minutes of the meeting that was held on 21 March 2024 were agreed as a correct record and signed by the Chair.

5 Applications to be determined

a DM/23/03330/FPA - Bus Depot, Morland Street, Bishop Auckland, DL14 6JG

The Committee considered a report of the Senior Planning Officer that was for the erection of 23no. dwellings with associated means of access and works on land that previously contained a bus depot at Morland Street, Bishop Auckland, DL14 6JG (for copy see file of minutes).

G Heron, Senior Planning Officer gave a detailed presentation that included the site location, an aerial view of the site, site photographs that showed the neighbouring residential properties, the proposed site plan and proposed floor layout of the three and four bedroomed properties. There was a public right of way to the east of the land and properties were affordable dwellings that would be situated in two linear rows that faced out towards an internal access road. Upon consultation highways had no objections but had requested a maintenance and management plan be submitted to indicate how the bins would be collected as the road would not be adopted. Tree Officers had requested an amended landscape plan as they did not support the current plan as the selection of tree species was not satisfactory.

The Senior Planning Officer advised that there had been one letter of objection that raised concern over the landscape plan as shrub planting would affect the maintenance of the fence and the planting of trees would encroach their land ownership. The application had been accepted in principle as it was in a sustainable location and complied with policy 6 of the County Durham Plan. The design was considered to be acceptable as it scored ten 'green' classifications and two 'amber' classifications following assessment through the Design Review Panel.

There were no amenities/natural space on site which required a financial contribution of £39,999.30 through a section 106 agreement to be compliant with Policy 25 of the County Durham Plan and paragraph 34 of the National Planning Policy Framework. The Senior Planning Officer advised the committee that an error had been made in the report in terms of how many affordable rented properties would be available. The report stated that there would be 19 but there would be 21 affordable rented units. Officer recommendation was to approve the planning application subject to conditions detailed in the report, a section 106 agreement in place and 100% affordable housing provided.

Councillor C Hunt, local member addressed the Committee in support of the application. The land was subject to anti-social behaviour and was in a untidy state. The path was a well-used walkway by pedestrians and dogwalkers and the proposal would tidy up the area and provide much needed affordable housing.

The Chair informed the Committee that the applicant was in attendance but they had not registered to speak but would answer any questions from Members. He opened up the meeting for questions and debate.

Councillor E Adam referred to the waste collection of the site being the responsibility of the developer and queried how this would work. He asked what would happen if the developer in five years time could not afford to continue with the service would the Council have to step in and what would the costs associated with this be.

The Senior Planning Officer responded to Councillor E Adam that there was a condition that required that a maintenance and management plan be submitted by the developer that provided details on how the refuse collections would be dealt with within the private development. The developer would need to employ a company to remove the refuse as Durham County Council's Refuse and Recycling Team would not enter the site as the road would not be adopted. Upon receipt of the plan highways would be consulted to determine if it was suitable. If the developer was not compliant with the maintenance and management plan that was agreed the planning team could carry out enforcement action.

Councillor E Adam stated that within the report it indicated that the waste collection would be part of a lifetime agreement and queried how the developer would sustain this commitment.

C Wilson, applicant confirmed that the developer was bound by the planning condition that would ensure that perpetuity was upheld for the full development.

Councillor E Adam asked if there were any measures apart from the legal document that could ensure that the refuse collection was met. He was concerned that if in five years time they could not meet the condition that Durham County Council would pick up the cost. He felt that the Council should be collecting the waste from the start.

S Pilkington, Principal Planning Officer indicated that it was preferred that the road was offered up for adoption but the planning authority could not impose this on the developer, therefore a commercial company would ensure that the bins were emptied. He expected that the maintenance and management plan would be scrutinised before the condition was discharged. He stressed that Durham County Council would not be responsible for the cost of collecting the refuse and the developer was bound by the wording of the condition.

Councillor E Adam was happy with the response. He referred to paragraph 150 of the report that noted that there was to be no energy assessment provided to demonstrate compliance with Policy 29 of the County Durham Plan yet paragraph 151 seemed to contradict this by stating that the requirements of policy 29 had been met. He mentioned that he had raised this conflict in wording at a previous meeting on another planning application and queried if there was an error in the report.

The Senior Planning Officer acknowledged that Councillor E Adam had raised this point in a previous meeting but confirmed that there was no error in the report. She stated that the developer had met policy 29 under building regulations regarding sustainability.

Councillor G Richardson stated that Councillor E Adam had covered the points he had wanted to comment on and had nothing further to add. He **moved** that the application be approved.

Councillor J Cairns was confused as to why the road into the development was not to be adopted as it was not a gated community. She noted that residents would pay council tax and as such should have their refuse collected by Durham County Council. She assumed that if confused her it would also confuse residents.

The Senior Planning Officer reiterated that there were no requirements under planning policies to direct a developer to construct their roads to be adopted, therefore the Planning Authority could not insist that developers do so.

C Wilson, applicant repeated that there was no requirement for the developer to construct roads to be adopted. She advised that the development was to be sold to Livin Homes and they ran successful maintenance and management plans in other residential projects they managed. She informed the committee that residents would be notified of the arrangement.

Councillor J Cairns acknowledged that her question had been answered but it made no sense to her. She had Livin accommodation in her division but none had private refuse collection arrangements in place.

J Robinson, Principal DM Engineer explained that although residents paid council tax the Council's refuse vehicles would not drive on a unadopted road due to any liability incurred if they caused damage to private kerbs and paths. The Refuse and Recycling crew would also not enter the private development to collect bins due to liability issues if they fell and become injured.

Councillor J Quinn shared the concerns of members regarding the bin collection but it was his understanding that this did not make a planning consideration.

Councillor J Atkinson was happy with the planning application and happy with the proposal. He **seconded** the application for approval.

Councillor A Savory noted that she was also going to second the application for approval as the proposal would make good use of the land and the local member supported the application as did she.

Upon a vote being taken it was **unanimously**:

Resolved:

That the application be **APPROVED** subject to conditions outlined in the report and section 106 agreement.

b DM/23/03533/FPA - Land to the South of Broadway Avenue, Salters Lane, Trimdon, TS29 6PU

The Committee considered a report of the Senior Planning Officer that was for the construction of 41 dwellings with associated works on land to the south of Broadway Avenue, Salters Lane, Trimdon, TS29 6PU (for copy see file of minutes).

L Morina, Senior Planning Officer gave a detailed presentation that included the site location, aerial photos of the site, proposed layout that showed the bungalows at the front of the cul de sac and the proposed house type. The site was part of an agricultural field and was not classed as a brownfield development site. The proposed entrance for the estate was from Salters Lane and the field had a PROW run across the site. The application proposed 41 dwellings of 2, 3 and 4 bedroomed properties that included bungalows. The application proposed that a SuDS area was positioned at the south of the development for drainage.

The site had an existing roadway that had been established as part of the previous planning application that was submitted in 2018 for self-build properties that were never constructed. Upon consultation there were no objections from highways, drainage, Natural England, PROW team, landscaping, Environmental Health or Ecology subject to the conditions in the report. There had been a financial contribution requested for the NHS, open space and education through a Section 106 agreement.

The Senior Planning Officer advised that there had been three letters of objection from neighbouring properties regarding concerns over the lack of landscaping on the site, extra traffic and the additional pressure it would place on the local school and GP surgery. There were good links to amenities. The development was a nutrient neutrality site and a full certificate from Natural England had been provided and mitigated for. The site would provide 28% biodiversity net gain on site. The application had been accepted in principle and it was the officer's recommendation to approve the application subject to conditions and section 106 agreement.

The Chair informed the Committee that the applicant was in attendance but they had not registered to speak but would answer any questions from Members. He opened up the meeting for questions and debate.

Councillor G Richardson queried how the land qualified as being a brownfield site.

The Senior Planning Officer informed the committee that consent had been implemented on a previous planning application for the consideration of properties on a self-build basis. The roadway had been constructed with the foundations for at least one dwelling started however no dwellings had been fully built. On this basis the land qualified as a brownfield development site.

Councillor D Brown asked what would happen to the public right of way (PROW) whether it would be diverted, extinguished or incorporated into the development.

The Senior Planning Officer advised that there was a proposal to divert the PROW along the bottom of the development and link back into Salters Lane.

Councillor J Atkinson had no questions or objections. He was happy with the application and **moved** the application to be approved.

Councillor E Adam also had no objections as it was a reasonable set of proposals to come forward and **seconded** the application to be approved.

Councillor S Quinn stated that a planning application had already been granted for the site but no houses had been built. She asked what the timeline would be for the developers to commence building houses on the site if the application was successful.

The Senior Planning Officer responded to Councillor S Quinn that the developers were eager to start building as soon as possible. There were still pre-commencement conditions outstanding that would need to be dealt with as soon as possible before work could begin.

Upon a vote being taken it was **unanimously**:

Resolved:

That the application be **APPROVED** subject to conditions outlined in the report and a section 106 agreement.

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Planning Services

COMMITTEE REPORT

APPLICATION DETAILS

| | |
|-------------------------------|---|
| Application No: | DM/24/00315/FPA |
| Full Application Description: | Erection of 16no. dwellings, together with formation of the site access, and associated landscaping and external works |
| Name of Applicant: | Mandale Homes |
| Address: | Land West of 31 to 32 Church Street, Coundon |
| Electoral Division: | Coundon |
| Case Officer: | Gemma Heron Senior Planning Officer 03000 263 944 gemma.heron@durham.gov.uk |

DESCRIPTION OF THE SITE AND PROPOSAL

The Site

1. The application site relates to an undeveloped parcel of land that measures approximately 0.98 hectares in area. The site is bound by the public highway (Church Street) to the north, residential properties to the west and east of the site, with an existing farmstead and associated buildings to the southwest and open countryside to the south. A level change is evident across the site rising from the public highway to the north to higher land to the south of the site and beyond (amounting to a 13-metre change).
2. In terms of planning constraints, the Grade II Listed Building (St James Church) is located to the east and the Grade II Listed Coundon War Memorial is to the northeast. The site partially lies within a Coal Mining High Risk Area.

The Proposal

3. Full planning permission is sought for the erection of 16no. dwellings with the formation of a site access and associated landscaping and external works. The development would comprise five 2-bed bungalows and eleven 3-bed bungalows.

4. The dwellings would be laid out around a cul-de-sac road, served off a single access point taken from the B6287. A SUD's detention basin would be located to the northern site boundary with the dwellings arranged in a linear form, with engineering works including retaining walls to accommodate the site levels. The scheme proposes four house types, but would utilise a standard palette of materials, faced with stone, including water tabling detailing, chimneys and concrete roof tiles. Each of the dwellings would be compliant with the Nationally Described Space Standards (NDSS) and would be provided on an open market basis, with two units offered as affordable housing.
5. The application is being reported to planning committee in accordance with the Council's Scheme of Delegation as it constitutes a housing development which exceeds 10 dwellings.

PLANNING HISTORY

6. 3/2001/0085 – 3 bungalows (Outline). Approved 6th July 2001.
7. 3/2008/0783 – Residential development. Refused 23rd March 2009. Appeal Allowed.
8. 3/2012/0113 – Extension of time for planning application 3/2008/0783 for residential development. Approved 14th June 2012.
9. DM/14/02267/RM – Submission of reserved matters (access, layout, scale, appearance and landscaping) of planning application 3/2012/0113 (Outline planning permission for 8no. residential dwellings). Approved 29th October 2014.
10. DM/14/02268/FPA – Erection of 9 detached dwellings. Approved 29th October 2014.
11. DM/17/00912/OUT – Outline application for residential development for up to 30 dwellinghouses with all matters reserved except access. Approved subject to a S106 on 27th April 2018.
12. The above applications have not been implemented and the permissions have subsequently lapsed.
13. DM/23/01719/FPA – Erection of 51no. dwellings, together with formation of the site access, landscaping and associated works. This application was refused at South West Planning Committee on 14th December 2023 for seven reasons including relating to the principle of the development; poor design; unacceptable highway safety implications; loss in biodiversity; unacceptable surface and foul drainage; impacts of past coal mining activity and no provision of affordable housing or financial contributions. An appeal is ongoing.

PLANNING POLICY

National Policy

14. The following elements of the National Planning Policy Framework (NPPF) are considered relevant to this proposal:
15. *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.
16. *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.
17. *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.
18. *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.
19. *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.
20. *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.
21. *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.

22. *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.
23. *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.
24. *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.
25. *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:

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

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

Local Plan Policy:

The County Durham Plan (CDP)

27. *Policy 6 (Development on Unallocated Sites)* states the development on sites not allocated in the Plan or Neighbourhood Plan, but which are either within the built-up area or outside the built up area but well related to a settlement will be permitted provided it: is compatible with use on adjacent land; does not result in coalescence with neighbouring settlements; does not result in loss of land of recreational, ecological, or heritage value; is appropriate in scale, design etc to character of the settlement; it is not prejudicial to highway safety; provides access to sustainable modes of transport; retains the settlement's valued facilities; considers climate change implications; makes use of previously developed land and reflects priorities for urban regeneration.
28. *Policy 10 – Development in the Countryside.* States development in the countryside will not be permitted unless allowed for by specific policies in the Plan, by relevant policies within an adopted Neighbourhood Plan relating to the application site, or where the proposal relates to one or more of the following exceptions; economic development, infrastructure development or the development of existing buildings. New development in the countryside must accord with all other relevant development plan policies and with the General Design Principles set out in Policy 10.
29. *Policy 14 – Best and Most Versatile Agricultural Land and Soil Resources.* States that development of the best and most versatile agricultural land will be permitted where it is demonstrated that the benefits of the development outweigh the harm, taking into account economic and other benefits.
30. *Policy 15 (Addressing Housing Need)* establishes the requirements for developments to provide on-site affordable housing, the circumstances when off-site affordable housing would be acceptable, the tenure mix of affordable housing, the requirements of developments to meet the needs of older people and people with disabilities and the circumstances in which the specialist housing will be supported.
31. *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.
32. *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.

33. *Policy 25 (Developer Contributions)* advises that any mitigation necessary to make the development acceptable in planning terms will be secured through appropriate planning conditions or planning obligations. Planning conditions will be imposed where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects. Planning obligations must be directly related to the development and fairly and reasonably related in scale and kind to the development.
34. *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.
35. *Policy 27 (Utilities, Telecommunications and Other Broadcast Infrastructure)* supports such proposals provided that it can be demonstrated that there will be no significant adverse impacts or that the benefits outweigh the negative effects; it is located at an existing site, where it is technically and operationally feasible and does not result in visual clutter. If at a new site then existing site must be explored and demonstrated as not feasible. Equipment must be sympathetically designed and camouflaged and must not result in visual clutter; and where applicable it proposal must not cause significant or irreparable interference with other electrical equipment, air traffic services or other instrumentation in the national interest. Any residential and commercial development should be served by a high-speed broadband connection, where this is not appropriate, practical or economically viable developers should provide appropriate infrastructure to enable future installation.
36. *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.
37. *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.
38. *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.

39. *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.
40. *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.
41. *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
42. *Policy 40 (Trees, Woodlands and Hedges)* states that proposals for new development will not be permitted that would result in the loss of, or damage to, trees, hedges or woodland of high landscape, amenity or biodiversity value unless the benefits of the scheme clearly outweigh the harm. Proposals for new development will be expected to retain existing trees and hedges or provide suitable replacement planting. The loss or deterioration of ancient woodland will require wholly exceptional reasons and appropriate compensation.
43. *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.
44. *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.

45. *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.
46. *Policy 56 (Safeguarding Mineral Resources)* states that planning permission will not be granted for non-mineral development that would lead to the sterilisation of mineral resources within a Mineral Safeguarding Area. This is unless it can be demonstrated that the mineral in the location concerned is no longer of any current or potential value, provision can be made for the mineral to be extracted satisfactorily prior to the non-minerals development taking place without unacceptable adverse impact, the non-minerals development is of a temporary nature that does not inhibit extraction or there is an overriding need for the non-minerals development which outweighs the need to safeguard the mineral or it constitutes exempt development as set out in the Plan. Unless the proposal is exempt development or temporary in nature, all planning applications for non-mineral development within a Mineral Safeguarding Area must be accompanied by a Mineral Assessment of the effect of the proposed development on the mineral resource beneath or adjacent to the site of the proposed development.
47. The Council's Residential Amenity Standards Supplementary Planning Document (SPD) 2023 provides guidance on the space/amenity standards that would normally be expected where new dwellings are proposed.
48. The Council's Parking and Accessibility Supplementary Planning Document (SPD) 2023 provides guidance on parking and access for new development.

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

Neighbourhood Plan:

49. There are no neighbourhood plans which apply to this application site.

CONSULTATION AND PUBLICITY RESPONSES

Statutory Consultee Responses:

50. *Lead Local Flood Authority* – Advise that the surface water drainage design is acceptable in principle but request additional information regarding the construction details of the basin and hydraulic calculations to be submitted for review. This can be controlled by condition.
51. *Coal Authority* – Object to the application. The Coal Authority records indicate that mine shafts are present within the northern part of the site. Due to potential plotting inaccuracies, the actual positions of these features could depart/deviate from their plotted positions by several metres. It is advised that the Phase 1: Desk Study and Phase 2: Site Investigations do not satisfactorily demonstrate that the proposed layout has been suitably informed by the presence of recorded mine entries. Further intrusive investigation is required prior to determination of the application to confirm the exact positions of both shafts

present within the site and to establish the extent of their associated zone of influence and corresponding 'no-build' zones which will inform the site layout.

52. *Highways Authority* – Object to the application as the proposal does not demonstrate that the required visibility splay for the site access is achievable in accordance with the recommended design standards.

Non-Statutory Responses:

53. *Spatial Policy* – Advise that the main issue with the proposal is whether the form of development is appropriate, taking into account of the interrelationships with existing properties and neighbouring uses in the local area. At the time the County Durham Plan was adopted, part of this site was treated as a housing commitment in recognition that it benefitted from outline planning permission for 30 units (DM/17/00912/OUT) at that time. However, this application will need to be assessed against Policy 6 of the CDP. It is advised that the site is within the low value viability area and accordingly, 10% of the dwellings need to be secured as affordable which means 2 affordable dwellings comprised of 1 First Home and 1 Affordable Home Ownership units. A financial contribution towards green infrastructure would be required to the sum of £50,371.20 to be secured via S106.
54. *Affordable Housing Team* – Advise that the proposal needs to comply with First Homes requirement.
55. *Archaeology* – Advise that the report on the geophysical survey undertaken in 2017 suggests the existence of potential archaeological features on part of the site. Consequently, trial-trenching needs to be undertaken pre-determination to clarify if the anomalies detected are archaeological and, if so, what mitigation measures would be appropriate. A Written Scheme of Investigation (WSI) for the trial-trenching prepared by a professional archaeological contractor should be submitted to the LPA prior to the commencement of the work.
56. *Ecology* – Advise that there is an overall loss in biodiversity. Further information is required as to how the calculated losses will be alleviated and a net gain achieved by the development.
57. *Landscape Section* – Advice provided through the Council's Design Review process.
58. *Education* – Advise that based on the projected rolls of schools, taking into account the likely implementation of the development, build out rates and other relevant committed development, there will be sufficient space to accommodate the pupils generated by the development in primary and secondary schools and no further mitigation is required. With regard to SEND pupils, there is a shortage of SEND places across the County. In order to mitigate the impact of the development on SEND provision, a contribution of £13,437 would be required.
59. *Environmental Health Nuisance* – Advise that a Construction Management Plan has been submitted, however the detail in relation to noise, dust controls and monitoring is not sufficient. However, this could be overcome through the use of planning conditions requiring the submission of a revised Construction

Management Plan, an acoustic report which can identify any noise mitigation measures if required prior to the commencement of the development.

60. *Environmental Health Land Contamination* – Advise that the Phase 2 Site Investigation recommends a clean cover system in area of soft landscaping. The details of this, including verification should be detailed in a Phase 3 Remediation Strategy and a final ground gas risk assessment is still required. Therefore, a contaminated land condition relating to the submission of a Phase 2 to 4 Report shall be applied.
61. *Arboricultural Officer* – Advise that the proposal has not identified any significant harm to any existing arboricultural features. T5 has been recommended for minor root pruning slightly within the Root Protection Area (RPA), however this is considered to be minor. There should be no negative impact on any existing hedgerows.
62. *Design and Conservation* – Advise provided through the Council's Design Review process which scored the proposal '8 'Red' classifications; 1 'Amber' and 3 'Green' classifications. Fundamental concerns have been raised stating how the scheme does not integrate appropriately into the surrounding and would result in a change in character of the edge of the village to accommodate the vehicular entrance; the design of the dwellings shows water tabling and chimney details which are overly formal and heavy, being at odds with the simple contemporary approach and this is a highly engineered response to the site which poorly addresses the settlement edge; the dwellings do not turn corners well and the useability of the public and private space is questionable given the topography of the site.
63. *Air Quality* – Advise that given the scale of the development and that the site is not located near to any Air Quality Management Areas, it is considered that the development would not have a significant impact upon air quality and there would be no air quality concerns for the future occupants of the development. Advise a Construction Management Plan is conditioned.

External Consultees

64. *NHS* – No comments.
65. *Northumbrian Water Ltd* – No response received.
66. *Police Architectural Liaison Officer* – No response received.

Public Responses:

67. The application has been advertised by way of a site notice, press notice and individual notification letters sent to neighbouring properties.
68. In response, 23 letters of objection have been received. The main concerns are summarised below and relate to:
 - The number of dwellings proposed has been reduced following the refusal of planning permission DM/23/01719/FPA and this application could be Phase

1 of the refused application. This development is a 'cut and paste' of the first part of the previous layout.

- The car parking for Plots 11 and 13 would allow for entry points into the remainder of the site to the south and west for further development on the site.
- Previous outline consent for up to 30no. dwellings was given prior to the adoption of the County Durham Plan and therefore, there have been policy revisions since then.
- The site is outside of the village of Coundon in the open countryside and does not meet CDP Policy 10.
- The settlement study identifies Coundon as having a score of 53 and in accordance with the sustainable development approach, no housing allocations were proposed in Coundon in the CDP.
- Proposal does not comply with Policy 6 and is not within or well-related to the settlement of Coundon and does not comply with the criteria.
- Principle of the development as previous housing development was approved prior to the adoption of the County Durham Plan and at a time when the LPA could not demonstrate a five-year housing land supply.
- There are more appropriate brownfield sites within the built-up area.

Natural Environment

- Flooding and drainage concerns.
- Impact of ground instability and past coal mining activity on the development.
- Impact upon the ecology of the site and surrounding area with the loss of wildlife and biodiversity.

Highways

- Visibility splay would be interrupted by an existing residential property, Fairview Cottage.
- Amount of traffic generated by the development and its impact upon highway safety as well as pressure upon parking provision.
- Access to the site being unsuitable and unsafe with it being located on a dangerous bend.

Residential Amenity

- Impact of the development upon the garage at Fairview Cottage and adjacent land.
- Noise pollution created from the construction site.
- Levels of the site and impact upon residential amenity.

Sustainability

- No demand for additional houses in the area due to low house prices.
- No employment in the area for local people.
- Footpaths are too narrow to be fully utilised.
- The capacity of local schools, both primary and secondary and the impact the development will have upon them.
- The capacity of local Doctors and general NHS and the potential strain the development will have upon this.

- The settlement does not have the services or facilities to support additional people.
- Housing should be built in more urban locations supported by the necessary infrastructure and transport network.

Design

- Impact upon the local landscape and character.
- The scale of the development.
- Impact upon the setting of the Listed Buildings.
- Density of the development.
- Contradicts the Prime Minister's recent pledge "not to concrete over the countryside".

Other

- Submitted maps are out of date and fail to demonstrate the current topography of the connected/adjacent land.

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

69. In light of the previously refused scheme, which is presently subject to a live appeal, the latest proposals are for a dramatically reduced quantum of development on land that has had residential permission before.
70. In addition, effort has been made to improve the design of the proposed dwellings in response to previous comments, by introducing water tabling and chimney pots, which are noticeable features on existing dwellings opposite. Thus, the scheme will suitably reflect the local context, bearing in mind that such is already highly varied.
71. With the above in mind, the applicant considers that the detailed proposals will satisfy all relevant policies of the development plan and NPPF provisions, as well as supplementary guidance. This is on the basis the proposals have been informed by the constraints and opportunities of the site, and will:
 - Make a positive contribution towards the Council maintaining a 5YHLS, on a site assessed as being a mix of developable and deliverable - and thus potentially suitable for housing - in the Council's Strategic Housing Land Availability Assessment (SHLAA);
 - Not introduce a land use that has not been approved previously on a significant part of the site, with outline consents for 8no. and 30no. dwellings, and full consent for 9no. dwellings, having been approved previously;
 - Be of an appropriate layout and density;
 - Use suitable materials, both in terms of the dwellings and hard landscaping, which can be secured by condition;
 - Deliver much needed bungalows, of two and three-bed sizes, with clear demand for such according to the latest Strategic Housing Market Assessment;

- Represent an appropriate scale of development, bearing in mind the topography of the site;
 - Not create any unacceptable residential amenity issues for either new or existing residents;
 - Be served by a previously approved point of vehicular access, which achieves the required visibility in either direction from the site entrance based on Manual for Streets standards, which are the appropriate standards to apply according to Transport Consultant advice. The Design Manual for Roads and Bridges standards sought by Council Highways are neither appropriate given the site context nor in line with what was sought during the previous consent(s). This represents inconsistent decision making;
 - Deliver a suitable quantum of resident and visitor parking;
 - Be located in a sustainable location, within walking distance of local facilities;
 - Not increase flood risk, on or off-site, with the site LLFA advising approval of the surface water drainage layout, subject to the provision of some additional details, which we feel can be adequately secured by condition(s);
 - Provide bat and bird boxes on the most suitable dwellings for such, based on Ecologist advice. This application was submitted before Biodiversity Net Gain became mandatory, but in the event BNG was sought this could be secured by condition, as confirmed by the Council during the aforementioned appeal;
 - Provide a policy compliant amount and type of affordable housing; and
 - Not give rise to any unacceptable heritage impacts, subject to further archaeology work, which can be secured by condition.
72. Turning to the Coal Authority objection, as part of the previous consents, including one for full planning DM/14/02268/FPA, it was acknowledged in the Officer's Report that: *'A small part of the phase 1 lies within a small area of High Risk Coal Mining Referral Area due to the presence of a coal seam. No Coal Mining Risk Assessment has been submitted as part of this application, given the nature of the application (Reserved Matters) it is considered that this matter be brought to the applicants attention by informative.'*
73. It is unclear why such an informative could not be applied again. Likewise Highways, this represents inconsistent decision making.
74. Lastly, we note there is a large residential application elsewhere in the village for 156no. dwellings, which is still undetermined after over a year. Surely Members would agree that it would be better for Coundon to be subject to smaller residential development, such as that proposed by our client, rather than large applications that appear to be completely out-of-scale with the village. We respectfully encourage the Committee to support the application, accordingly.

PLANNING CONSIDERATION AND ASSESSMENT

75. Having regard to the requirements of Section 38(6) of the Planning and Compulsory Purchase Act 2004 the relevant Development Plan policies, relevant guidance and all other material planning considerations, including representations received, it is considered that the main planning issues relate to the Principle of development, Locational Sustainability, Scale/Design/Landscaping and Visual Impact, Highway Safety, Residential Amenity, Infrastructure and open space provision, Affordable Accessible and

Adaptable Housing, Ecology, Flooding/Drainage, Ground Conditions, Sustainability and other matters.

Principle of Development

76. 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) constitutes 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.
77. Paragraph 11c of the NPPF requires applications for development proposals that accord with an up-to-date development plan to be approved without delay. Paragraph 12 of the NPPF states that where a planning application conflicts with an up-to-date development plan (including any neighbourhood plans that form part of the development plan), permission should not usually be granted. Local planning authorities may take decisions that depart from an up-to-date development plan, but only if material considerations in a particular case indicate that the plan should not be followed.
78. In considering the previous planning history, planning application DM/23/01719/FPA related to the erection of 51no. dwellings together with the formation of site access, landscaping and associated works which was refused planning permission by Southwest Planning Committee in December 2023. The previous application (DM/23/01719/FPA) included this current site within its wider proposal for development. The application was refused and had seven reasons of refusal relating to the principle of the development; poor design; unacceptable highway safety implications; loss in biodiversity; unacceptable surface and foul drainage; impacts of past coal mining activity and no provision of affordable housing or financial contributions.
79. It is also recognised that, at the time the County Durham Plan was adopted, the site was treated as a housing commitment in recognition that it benefitted from outline planning permission for 30 dwellings (DM/17/00912/OUT). However, this permission has lapsed and does not provide a fallback position for the development of the site. The previous application was also assessed in the tilted balance in the presumption in favour of sustainable development due to the age of the relevant policies of the Wear Valley District Local Plan and the Councils Housing supply position at the time. Since the approval of the previous application, the local and national planning policy context has changed considerably, and the development is to be assessed under the up-to-date policies of the County Durham Plan. Therefore, the previous outline planning approval granted in 2018 is not a fallback position for the site.
80. In relation to the Strategic Housing Land Availability Assessment (SHLAA), the site has been assessed under entry 3/CO/10b which states: '*Planning permission for 8 detached dwellings was allowed previously on appeal which confirmed the suitability of the site from a landscape, highways and relationship to settlement perspective.*' This SHLAA assessment was made in reference to the first planning permission on this section of the site which was for eight dwellings only (3/2008/0783). Whilst the site has been included in the SHLAA, as a housing commitment, this was based on the extant planning permissions

of the time which have since lapsed, as highlighted above. The previous planning application does not represent a fallback position for the proposal. Since the publication of the SHLAA in 2019, the County Durham Plan has been adopted and has up to date policies for assessing planning applications. Therefore, as set out in the SHLAA Report 2019, all planning applications for residential development will continue to be determined against current development plan policies and other material planning considerations and assessed on their own merits. Being classified as green 'suitable' within a SHLAA does not grant a site planning permission and does not mean that the development of the site would be acceptable when the detailed considerations are prepared and brought forward. Overall, whilst the site is shown as 'suitable' within the SHLAA, the previously approved planning permission has since lapsed and therefore, there is no fallback position on the site. The SHLAA does not establish the principle of the development of the site for residential development.

81. Accordingly, the proposal would need to be assessed against the most up to date development plan for the area, the County Durham Plan 2020 and the National Planning Policy Framework as well as relevant SPDs and guidance.
82. Turning to an assessment against relevant County Durham Plan (CDP) Policies. The application site is not allocated for housing within CDP Policy 4 and therefore, the application is an unallocated site within the County. As the site is unallocated, CDP Policy 6 is applicable as this policy sets out that the development of sites which are not allocated in the plan or a Neighbourhood Plan (i) within a built-up area; or (ii) outside the built-up area but well-related to a settlement will be permitted where they accord with all relevant development plan policies, and which:
 - a. *are compatible with, and not prejudicial to, any existing, allocated or permitted use of adjacent land;*
 - b. *do not contribute to coalescence with neighbouring settlements, would not result in ribbon development, or inappropriate backland development;*
 - c. *do not result in the loss of open land that has recreational, ecological or heritage value, or contributes to the character of the locality which cannot be adequately mitigated or compensated for;*
 - d. *are appropriate in terms of scale, design, layout, and location to the character, function, form and setting of the settlement;*
 - e. *would not be prejudicial to highway safety or have a severe residual cumulative impact on network capacity;*
 - f. *have good access by sustainable modes of transport to relevant services and facilities and reflects the size of the settlement and the level of service provision within that settlement;*
 - g. *do not result in the loss of a settlement's or neighbourhood's valued facilities or services unless it has been demonstrated that they are no longer viable;*

- h. minimise vulnerability and provides resilience to impacts arising from climate change, including but not limited to, flooding;*
 - i. where relevant, make as much use as possible of previously developed (brownfield) land; and*
 - j. where appropriate, reflect priorities for urban regeneration.*
83. In the first instance, an assessment of whether or not the development is within the built-up area of Coundon; or outside the built-up area but well-related to the settlement needs to be made before moving onto the specific criteria of CDP Policy 6.
84. In this case, the dominant built-up core of Coundon as a settlement is focused around a triangular core of the residential development around the B6287 to the north; Victoria Lane to the east and Collingwood Street to the southern element with further residential development expanding from this core development area. Between this core and the application site, there are transitional parcels of land between the built-up settlement and the open countryside with St James Church and its grounds, followed by the allotments and further open countryside before reaching the application site. In its wider context, the site reads as agricultural pastureland at a raised level compared to the B6287 which frames the rural character of the settlement core of Coundon especially when approaching the settlement from the southwest. In considering this, due to the reduction in the quantum of development compared to the previously refused application for 51 dwellings, it is considered that the site is well-related to Coundon given it would be bound by residential development to the west and residential development alongside allotments to the east and the public highway to the north. Therefore, in terms of CDP Policy 6, the site is considered as outside the built-up area of Coundon but well-related.
85. Turning to the criteria of CDP Policy 6, the development would be compatible with adjacent uses of land to meet criteria (a); it would not contribute to coalescence, or ribbon development and would not be inappropriate back land development to meet criteria (b); and it would not result in the loss of a settlements or neighbourhood's valued facilities or services to meet criteria (g).
86. CDP Policy 6 criterion (c) and (d) will be discussed in detail under 'Scale/Design/Landscaping and Visual Impact' section of this report. Criterion (e) will be discussed under 'Highway Safety' section of the report. Criterion (f) will be discussed under 'Locational Sustainability'.
87. Therefore, overall, whilst the site is well-related to the settlement of Coundon for the purposes of CDP Policy 6, the principle of the development is inherently linked to the detail of the application and consideration of the following material planning considerations and policies of the County Durham Plan as set out below. However, in the event that development is not supported by CDP Policy 6, as the site is outside of the built up area of Coundon, in the countryside, CDP Policy 10 would apply. This Policy states that development in the countryside will not be permitted unless allowed for by specific policies in the CDP, by relevant policies within an adopted neighbourhood plan relating to the application site, or where the proposal relates to one or more of a number of

exceptions stated in the Policy. The proposal does not meet any of those exceptions, and there is not yet any Neighbourhood Plan for the Neighbourhood Plan area; therefore should the development conflict with CDP Policy 6 it will also inherently conflict with CDP Policy 10.

Locational Sustainability of the Site

88. Turning next to sustainability, CDP Policy 21 provides greater clarity on what the CDP requires in respect of sustainability, with Policy 21 considering more than just public transport connections. CDP Policies 6 (f) and 10 (p) build upon these areas and cover public transport connection considerations.
89. CDP Policy 21 requires the delivery of sustainable transport by facilitating investment in safe sustainable modes of transport, 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. The Policy requires all development to have regard to the policies set out in the County Durham's Strategic Cycling and Walking Delivery Plan and, where possible, contribute to the development of a safe strategic cycling and walking network and in particular the routes set out in Local Cycling and Walking Infrastructure Plans. It also requires development to have regard to the Parking and Accessibility Supplementary Planning Document. CDP Policy 21 supports modal shift and sustainable transport improvements.
90. CDP Policy 21 first requires the transport implications of development to be addressed as part of any planning application, where relevant this could include through Transport Assessments, Transport Statements and Travel Plans. This is discussed in the highway safety section of this report.
91. Turning first to CDP Policy 21 criteria a) and b), it is noted that these criteria prioritise pedestrian connectivity ahead of cycling and bus transport. Officers are mindful of the CIHT's Planning for Walking (2015) guidance which states under Section 6.4:

“Building Sustainable Transport into New Developments (DfT, 2008) gives the following advice on pedestrian catchment areas: Traditional compact town layouts: Walking neighbourhoods are typically characterised as having a range of facilities within 10 minutes’ walking distance (around 800 metres). However, the propensity to walk or cycle is not only influenced by distance but also the quality of the experience; people may be willing to walk or cycle further where their surroundings are more attractive, safe and stimulating. Developers should consider the safety of the routes (adequacy of surveillance, sight lines and appropriate lighting) as well as landscaping factors (indigenous planting, habitat creation) in their design. The power of a destination determines how far people will walk to get to it. For bus stops in residential areas, 400 metres has traditionally been regarded as a cut-off point and in town centres, 200 metres (DOENI, 2000). People will walk up to 800 metres to get to a railway station, which reflects the greater perceived quality or importance of rail services.”
92. The centre of the site is approximately 250 metres actual walking distance from the nearest four bus stops located to the west and east of the site entrance which is within the desirable CIHT 400 metres range from the centre of the site

to be an acceptable walking distance. The bus stops provide access to Bishop Auckland and Durham city with a bus running every hour.

93. Officers note that CDP Policy 21 (a) requires proposed development to deliver, accommodate and facilitate investment in safe sustainable modes of transporting in the following order of priority:
- Those with mobility issues or disabilities.
 - Walking.
 - Cycling.
 - Then bus and rail transport.
94. In considering this the development against the above policy context, Coundon is identified as a 'Local Centre' within the County Durham Plan, these centres are considered to support a number of local shops and services that meet local residents' daily shopping needs.
95. In considering the services within Coundon, the settlement has access to public bus stops, there is a public house, two primary schools and a range of local takeaways and small shops within the settlement to serve the local community. However, concerns have been raised by members of the public in relation to the provision of services and facilities within Coundon as well as access to public transport.
96. The shortest actual walking routes to the nearest facilities and amenities from the centre of the residential part of the site are:
- Victoria Lane Academy which is approx. 871 metres away along a lit footpath.
 - St Joseph's Primary School which is approx. 754 metres away along a lit footpath.
 - The Miners Arm (Public House) which is approx. 615 metres away along a lit footpath.
 - Coundon Play Area which is approx. 400 metres away along a lit footpath.
 - Coundon and District Workingmen's Club which is approx. 625 metres away along a lit footpath.
 - St James C of E Church which is approx. 385 metres away along a lit footpath.
 - Coundon Health Centre and Library is located approx. 979 metres away along a lit footpath.
 - Sainsbury's Local is located approx. 985 metres away along a lit footpath.
97. As above, some services and amenities are located within the maximum 800m of the residential part of the site, however a proportion are located beyond that distance. It is however recognised that these distances are not significantly beyond the upper limit and are on lit footpaths. In addition to this there are established bus services running through Coundon on an hourly basis with routes passing the site and the above locations before linking to extending down to Bishop Auckland and beyond. On balance it is considered that future residents would have alternative options to the private motor car to access services and facilities and in the round considering the size of the development

the scheme would accord with Policies 6, 21 and 29 of the County Durham Plan, and the National Planning Policy Framework.

Scale/Design/Landscaping and Visual Impact

98. CDP Policy 6 criterion (d) requires that development on unallocated sites is appropriate in terms of scale, design, layout and location to the character, function, form and setting of the settlement.
99. CDP Policy 29 outlines that development proposals should contribute positively to an area's character, identity, heritage significance, townscape and landscape features, helping to create and reinforce locally distinctive and sustainable communities. In total, CDP Policy 29 sets out 18 elements for development to be considered acceptable, including: buildings being adaptable; minimising greenhouse gas emissions and use of non-renewable resources; providing high standards of amenity and privacy; contributing to healthy neighbourhoods; and suitable landscape proposals.
100. CDP Policy 39 states proposals for new development will be permitted where they would not cause unacceptable harm to the character, quality or distinctiveness of the landscape, or to important features or views. Proposals would be expected to incorporate appropriate measures to mitigate adverse landscape and visual effects.
101. CDP Policy 40 seeks to avoid the loss of existing trees and hedgerows unless suitable replacement planting is provided.
102. Parts 12 and 15 of the NPPF also seek to promote good design, while protecting and enhancing local environments. Paragraph 127 of the NPPF also states that planning decisions should aim to ensure developments function well and add to the overall quality of the area and establish a strong sense of place, using streetscapes and buildings to create attractive and comfortable places to live, work and visit.
103. The site comprises open agricultural fields that are bound by an existing stone boundary wall to the northern boundary. The site has land level changes from the public highway to the north through the entirety of the site to the south. The public highway sits at 154 metres and the highest levels of the site extends to approximately 167 metres to the south of the site which sees a level distance of approximately 13 metres from the public highway to the southern area. The site is not located within a conservation area and contains no designated heritage assets. However, it is within the setting of Coundon War Memorial (Grade II Listed) and St James' Church (Grade II Listed). There are no other landscape designations on the land and none of the trees are protected by a Tree Preservation Order.
104. Concerns have been raised by the public in regard to the overall design of the development in particular its scale and density as well as its impact upon the setting of the designated heritage assets.
105. The application has been considered by the Council's Internal Design Review Team in accordance with CDP Policy 29 and the Building for Life SPD 2019. The proposal scored 8 'Red' classifications; 1 'Amber' and 3 'Green'

classifications. In regard to the red classifications relating to design, these were in regard to 'Connections'; 'Character'; 'Working with the site and its context'; 'Creating well defined streets and spaces'.

106. CDP Policy 29 sets out: '*Schemes with one or more red will not be acceptable and will be refused planning permission unless there are significant overriding reasons.*'
107. To expand on the Design Review feedback, under 'Character', amended house types were submitted during the application to try and address the standard solution presented at submission. However, the introduction of water tabling and chimneys appears to be overly formal and heavy and at odds with the simple contemporary approach of the house types. This results in house types that are lacking in locally inspired or other distinctive character. They do not have any architectural features which are characteristic of their immediate surroundings in Coundon. For instance, features such as bay windows and fenestration with a vertical emphasis are dominant in the proximity of the site and utilising such details would result in locally inspired development and would add visual interest to the front elevations. The addition of only chimneys and water tabling to the house types do not deliver locally inspired houses to the site.
108. Furthermore, as discussed under 'Working with the site and its context', the proposed layout will sit on prominently higher ground than the existing village. The public highway sits at 154 metres and the highest levels of the site extends to approximately 167 metres to the south of the site which sees a level distance of approximately 13 metres from the public highway to the southern area. Due to the extensive level of engineering operations required to facilitate the development and its drainage, it would be a highly engineered response to the site which would appear at odds with the existing topography and form of the village with numerous retaining walls across the application site to change to change the levels of the site considerably. Whilst the proposed site plan indicates the inclusion of a hedgerow to the south and eastern boundary, due to the significant land level changes, could not be mitigate the harm created to the local landscape due to the incursion of the development into the open countryside.
109. In respect of the Grade II Listed Buildings, Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 outlines that the Local Planning Authority will 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.
110. In this regard, the Heritage Statement which identifies architectural interest of St James' Church due to its use of early English style gothic architecture with its immediate setting contributing to this. The setting of the Church is considered to be the wooded area immediately surrounding it, along with two areas of burial ground which have a visual connection with the church. Although long views from the church would change, the proposed development is not considered to detrimentally impact the architectural interest of the church. The proposals are not considered to be within the setting of the Coundon War Memorial. Therefore, the impact upon the designated heritage assets, in this case, is considered to be acceptable in compliance with Section 66 of the Planning (LBCA) Act 1990,

Policy 44 of the County Durham Plan and Part 16 of the National Planning Policy Framework.

111. Overall, as the proposal has received 8 'red' classifications under the Design Review Panel and CDP Policy 29 is clear that any proposals with one or more 'red' classifications should be refused planning permission. The development is considered to represent poor design with standard house types that do not reflect the locally distinctive character of Coundon, alongside being a heavily engineered solution to facilitate the development which would not respect the existing topography or landform read as an incursion into the open countryside which causes unacceptable landscape harm. Therefore, the proposal is considered contrary to the Building for Life SPD, Policies 6, 29 and 39 of the County Durham Plan and Parts 12 and 15 of the National Planning Policy Framework.

Highway Safety/Access

112. CDP Policy 21 outlines that development should not be prejudicial to highway safety or have a severe cumulative impact on network capacity, expecting developments to deliver well designed pedestrian routes and sufficient cycle and car parking provision. Similarly, CDP Policy 29 advocates that convenient access is made for all users of the development together with connections to existing cycle and pedestrian routes. CDP Policy 6 criterion (e) require development to not be prejudicial to highway safety or have a severe residual cumulative impact on network capacity.
113. The County Durham Parking and Accessibility SPD 2023 set out that a 2 bedroom or 3-bedroom dwelling will require a minimum of 2 in-curtilage parking spaces and 1 active charge point per dwelling alongside 1 visitor/non-allocated parking space per 4 dwellings would be required.
114. Specifically, the NPPF sets out at Paragraph 114 that safe and suitable access should be achieved for all users. In addition, Paragraph 115 of the NPPF states that development should only be refused on transport grounds where the residual cumulative impacts on development are severe.
115. Concerns have been raised by the public in regard to highway safety. Access to the site is proposed to be taken via Church Street which will involve engineering works to the existing stone boundary wall to facilitate access.
116. A speed survey for the site access has been supplied and accordingly, the Highways Authority have been consulted on the proposal and they identify that the site plan does not demonstrate the required visibility splay at the site access. The submitted plans demonstrate a visibility splay of 2.4m x 48m in one direction and 2.4m x 57m in the other which would be the requirements of the Manual for Street Standards. However, the Highways Authority advise that the required visibility for the site is 2.4m x 73m and 2.4m x 88m which needs to be shown on the submitted plans as outlined under the Design Manual for Roads and Bridges (DMRB). This has not been done and therefore, the visibility splay for the site entrance is substandard by 25 metres in one direction and 31 metres in the other. Therefore, the required visibility splay has not been demonstrated and this raises a fundamental highway safety concern for vehicles entering and exiting from the proposed development onto the B6267.

117. The Highways Authority have used the Design Manual for Roads and Bridges (DMRB) for the assessment of the application and in response to this, the applicant's Transport Consultant advises they disagree with the use of this standard and that the site visibility should be assessed under the Manual for Streets Standards. In response to this, the Highways Authority advise that the Manual for Streets Standards is guidance only and it would not be the appropriate standards in this case for a number of reasons relating to: the relationship between the access for the site and the adjacent properties; vehicle type and mix movements; the use of the B6287 by multiple types of vehicles requires longer stopping distances, especially for HGV's when travelling from the east which has a downwards grade; and the case that the Local Highways Authority do not have an up to date speed survey at the proposed location.
118. In addition, there would be a SUDs basin for the surface water drainage immediately adjacent to the proposed site access and given that the required visibility splays have not been demonstrated, it is not understood if the SUDs basin, and any required level changes, would interfere with the visibility splays required.
119. Ultimately, the Highways Authority and the applicant's Transport Consultants do not agree on which are the appropriate standards to assess the application against in this case. In taking the Highways Authority's advice, and applying DMRB to assess the site access, the proposal does not demonstrate adequate visibility splays for the site. Therefore, there are highway safety concerns in relation to the access of the proposed development as the required visibility splays have not been satisfactorily demonstrated.
120. Regarding parking, the Highways Authority advise that the development meets the requirements of the County Durham Parking and Accessibility SPD 2023 in regard to parking provision and distribution throughout the site.
121. Overall, the proposal does not demonstrate acceptable highway safety or access to the development as the required visibility splay has not been demonstrated. The proposal would be contrary to the County Durham Parking and Accessibility SPD 2023, Policies 6, 21 and 29 of the County Durham Plan and Part 9 of the National Planning Policy Framework.

Residential Amenity

122. CDP Policy 31 states that all new development that has the potential to lead to, or be affected by, unacceptable levels of air quality, inappropriate odours and vibration or other sources of pollution, either individually or cumulatively, will not be permitted including where any identified mitigation cannot reduce the impact on the environment, amenity of people or human health to an acceptable level.
123. 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.

124. A Residential Amenity Standards Supplementary Planning Document (SPD) has been adopted by the Council, which recommends that dwellings should benefit from private, usable garden space of at least 9 metres long.
125. In considering the development against this policy context, each of the dwellings would have a private amenity space to their rear which would be at least 9 metres in long. This would comply with the Residential Amenity Standards SPD in regard to private amenity space.
126. The Residential Amenity Standards SPD also sets out separation distances for new development to comply with. It states that a minimum distance of 21.0 metres between habitable room windows, where either dwelling exceeds single storey, and a minimum of 18.0 metres between habitable room windows and both dwellings are single storey should be achieved. Where a main facing elevation containing a habitable room window is adjacent to a gable wall which does not contain a habitable room window, a minimum distance of 13.0 metres shall be provided where either dwelling exceeds single storey or 10.0 metres where both dwellings are single storey.
127. Regarding the impact of the development upon existing amenity, the closest neighbouring properties are Fairview Cottage, Canney View and the terraced row at Broomside to the west of the site.
128. In relation to the terraced properties of Broomside, there are no dwellings in proximity of these existing properties and therefore, there would be no harm to their existing residential amenity.
129. Regarding Canney View, Plots 14-16 would be to the east of this and there would be a separation distance of approximately 22 metres between the closest point of Canney View and these plots which complies with the required standards.
130. In relation to Fairview Cottage, Plot 1 would be the closest to this property and it is recognised that Fairview Cottage does have a garage immediately adjacent to the site entrance. However, there would be a separation distance of approximately 19 metres between the gable wall of Plot 1 and the corner of Fairview Cottage which would comply with the requirements of the Residential Amenity Standards SPD and there would be no issues about the garage as it would be immediately adjacent the site entrance.
131. In reviewing the to the site layout against these requirements, each of the dwellings would be single storey bungalows and therefore, there needs to be 18 metres between habitable room windows within the site. The proposed site layout demonstrates that the dwellings would meet this level of separation to comply with this requirement of the Residential Amenity Standards SPD.
132. The Council's Nuisance Action Team have been consulted on the application. They advise that a Construction Management Plan has been submitted. However, the information provided in relation to noise, dust controls and monitoring is not sufficient. However, the Nuisance Action Team advise that this could be addressed using planning conditions requiring the submission of a revised Construction Management Plan and an acoustic report which can

identify any noise mitigation measures if required prior to the commencement of the development.

133. Overall, subject to conditions, the proposals are considered to provide an acceptable standard of amenity for existing and future residents, according with Policies 29 and 31 of the County Durham Plan and Parts 12 and 15 of the National Planning Policy Framework.

Infrastructure and open space provision

134. CDP Policy 25 supports securing developer contributions where mitigation is necessary to make the development acceptable in planning terms including for social infrastructure such as education and health facilities.
135. CDP Policy 26 seeks to resist development proposals which would result in the loss of open space or harm to green infrastructure, unless the benefits of the development clearly outweigh that loss or harm, and an assessment has been undertaken which has clearly shown the open space or land to be surplus to requirement. The Policy also outlines that new residential developments will be required to make provision for open space to meet the needs of future residents having regard to the standards of open space provision set out in the Open Space Needs Assessment (OSNA) [2018]. Where it is determined that on-site provision is not appropriate, the Council will require financial contributions to be secured through planning obligations towards the provision of new open space, or the improvement of existing open space elsewhere in the locality.
136. Paragraphs 55-58 of the NPPF explain the circumstances when it is appropriate for planning obligations to be used to mitigate the impacts of the development. Paragraph 98 of the NPPF highlights that access to a network of high-quality open spaces and opportunities for sport and physical activity is important for the health and well-being of communities. Paragraph 130 requires amongst its advice that developments function well and optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space).
137. It is important to ensure that development proposals contribute to improvements in infrastructure capacity to mitigate for the additional demands that new development creates. By securing financial contributions through planning obligations, developers would help fund the physical, social and environmental infrastructure that is needed to make development acceptable and ensure that the development mitigates its impact upon existing infrastructure.
138. In relation to open space provision, the Council's Open Space Needs Assessment (OSNA) 2018 is considered the most up to date assessment of need. It identifies the five typologies (allotments; amenity/natural greenspace; parks, sports and recreation grounds; play space (children) and play space (youth), sets out requirements for public open space on a population pro rata basis and whether provision should be either within the site, or through a financial contribution towards offsite provision, in lieu taking into consideration factors such as the scale of the development, existing provision within suitable walking distances and the level of contribution sought.

139. In this respect, the proposal would need to make a financial contribution of £50,371.20 in relation to off-site open space which would be secured via Section 106 Agreement.
140. Paragraph 99 of the NPPF sets out the importance of their being sufficient choice of school places being available to meet the needs to existing and new communities.
141. Regarding education provision, the Council's Education Team have been consulted on the application and they advise that in terms of primary and secondary school places, there is sufficient space to accommodate pupils generated by the development in the existing primary and secondary schools and no mitigation in this regard is required. It is noted that members of the public have expressed concerns with the provision of education in the local area and its capacity, however, the Education Team have reviewed the proposal and have not requested a financial contribution towards this facility. Therefore, it would be unreasonable to request a financial contribution towards education provision in this case.
142. However, the Education Team have requested a financial contribution of £13,437 to mitigate the developments impact in regard to SEND provision. In considering this, the national government direction from August 2023 on contributions for SEND pupil provision is sought from new development contains transitional arrangements for development in process to not require this mitigation, within which this development falls. On this basis, to pursue this request at this time is unreasonable, failing the tests set out to secure planning obligations set out under CDP Policy 25 and the NPPF.
143. Paragraph 93 of the NPPF recognises the need for planning decisions to ensure an integrated approach when considering the location of new housing and to plan positively for the provision and use of community facilities and local services. Paragraphs 55-57 of the NPPF explain the circumstances when it is appropriate for planning obligations to be used to mitigate the impacts of the development. This provides policy justification, alongside CDP Policy 25 to seek mitigation in respect to essential services including GP provision where a deficit would result or be exacerbated by the proposal.
144. The NHS have been consulted as part of the application and confirm they have no comments on the application. Therefore, no financial contribution regarding GP provision will be sought.
145. Overall, the proposal would need to secure £50,371.20 for off-site open space provision under a Section 106 Agreement and there will be no financial contribution for the NHS or Education sought as part of the development. Therefore, the proposal is considered compliant with Policy 25 of the County Durham Plan and Paragraph 34 of the National Planning Policy Framework.

Affordable, Accessible and Adaptable Homes

146. CDP Policy 15 requires applications for 10no. or more units to provide a percentage of Affordable Housing provision which is accessible, adaptable and meets the needs of those residents unable to access the open housing market. CDP Policy 19 seeks to ensure that an appropriate mix and tenure of housing is

secured in developments. The application site is located within a low value area where 10% of the approved units must be provided for affordable home ownership. Since the CDP was adopted, the Government's First Homes policy has come into force and requires a minimum of 25% of all affordable housing units secured through developer contributions to be First Homes. The 25% expected First Homes contribution for any affordable product can make up or contribute to the 10% of the overall number of homes expected to be an affordable home ownership product on major developments as set out in the NPPF.

147. The Council's Spatial Policy Team have been consulted on the application and advise that to address housing need, 10% of the dwellings provided would need to be affordable. On a scheme of 16no. units, equates to 2 affordable units. It has been confirmed that two affordable units will be provided, equating to 1 First Home and 1 Discount Market Sale (DMS) which would comply with the above requirements.
148. CDP Policy 15 also states that in order to meet the needs of older people and people with disabilities, on sites of 5 units or more, 66% of dwellings must be built to Building Regulations Requirement M4 (2) (accessible and adaptable dwellings) standard. Furthermore, on sites of 10 or more, a minimum of 10% of the total number of dwellings on the site should be of a design and type that would increase housing options of older people. These properties should be built to M4(2) standard and would contribute to meeting the 66% requirement set out above. They should be situated in the most appropriate location within the site for older people. Appropriate house types considered to meet this requirement include:
 - Level access flats;
 - Level access bungalows; or
 - Housing products that can be shown to meet the specific needs of multi-generational family.
149. In this regard, the applicant has advised that all of the units would be built to M4(2) Standard of Building Regulations. The proposal would provide 15no. bungalows which would be in excess of the policy requirement for two units to be suitable for older people. These are benefits of the scheme to be weighed in the planning balance.
150. Overall, the proposal would comply with Policy 15 of the County Durham Plan as two affordable units would be provided alongside all of the units being built to M4(2) standards and having dwellings suitable for older people.

Ecology

151. Paragraph 180 d) of the NPPF 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. CDP Policy 43 relates to protected species and nationally and locally protected sites. Part 15 of the NPPF seeks to ensure that developments protect and mitigate harm to biodiversity interests, and where possible, improve them.

152. To acknowledge, on 12th February 2024, a mandatory 10% biodiversity net gain was introduced for developments of this scale under Schedule 7A of the Town and Country Planning Act 1990 (as inserted by Schedule 14 of the Environment Act 2021). However, this application was validated before this date. On this PPG states: '*Biodiversity net gain has only been commenced for planning permissions granted in respect to an application made on or after 12th February 2024. Permissions granted for applications made before this date are not subject to biodiversity net gain*' (Paragraph: 003. Reference ID: 74-003-202040214). Therefore, the mandatory 10% net gain does not apply to this application and is not being sought.
153. Members of the public have submitted their concerns in relation to the impact of the development upon biodiversity and the local wildlife.
154. A Preliminary Ecological Appraisal (PEA) and DEFRA Biodiversity Net Gain (BNG) Metric has been submitted to accompany the application. The Council's Ecology Officer has been consulted as part of the application and advise that the proposal would result in an overall loss in biodiversity which would equate to 2.76 habitat units and 0.14 hedgerow units. In considering this, the proposal cannot deliver a net gain on-site and there is no land within their ownership where BNG could be delivered. Therefore, the applicant has indicated they would be seeking to deliver biodiversity net gain off-site through a third party provider. In this case, this could be secured under a planning condition or legal agreement to ensure the delivery of biodiversity net gain.
155. Therefore, through the use of off-site provision, whilst there would be a loss in biodiversity on-site, this will be mitigated off-site to meet Policy 41 of the County Durham Plan and Part 15 of the National Planning Policy Framework.

Flooding/Drainage

156. 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 of the NPPF advises that when determining planning applications, local planning authorities should ensure that flood risk is not increased elsewhere and that where appropriate applications should be supported by a site-specific flood-risk assessment. Paragraph 169 of the NPPF goes on to advise that major developments should incorporate sustainable drainage systems unless there is clear evidence that this would be inappropriate.
157. CDP Policies 35 and 36 relate to flood water management and infrastructure. CDP Policy 35 requires development proposals to consider the effects of the scheme on flood risk and ensure that it incorporates a Sustainable Drainage System (SUDs) to manage surface water drainage. Development should not have an adverse impact on water quality. CDP Policy 36 seeks to ensure that suitable arrangements are made for the disposal of foul water. CDP Policy 6 criterion h states development should '*minimise vulnerability and provides resilience to impacts arising from climate change, including but not limited to, flooding*'.

158. Members of the public have expressed their concerns in regard to the drainage strategy for the site and the possibility increased flood risk from the development.
159. The Lead Local Flood Authority have reviewed the submitted drainage strategy for the development and advise of the approval of the surface water drainage in principle, but they do request additional information regarding the specific construction details of the basin and hydraulic calculations. In this regard, it is considered that as the principles of the drainage strategy have been agreed, pre-commencement planning conditions could be utilised to secure the details of the basin and hydraulic calculations.
160. In terms of foul drainage, the site will discharge into a combined public sewer and the connection will need to be agreed with Northumbrian Water separate to the planning application. Northumbrian Water have been consulted as part of the application, but no response has been received.
161. Therefore, the surface water and foul drainage for the site is acceptable and complies with Policies 35 and 36 of the County Durham Plan and Part 14 of the National Planning Policy Framework.

Ground Conditions

162. CDP Policy 32 requires sites to be suitable for use taking into account contamination and unstable land issues. Paragraph 183 of the NPPF requires sites to be suitable for their proposed use taking account of ground conditions and any risks arising from land instability and contamination.
163. The application has been supported by a Phase 1 Risk Assessment and Phase 2 Site Investigation. The Council's Contaminated Land Team have been consulted on the reports supplied and they confirm that a revised Phase 2-4 Report may be required for the development as there is a need for further site investigation. This can be secured via planning condition.
164. A section of the application site is located within the Coalfield High Risk Area and accordingly a Coal Mining Risk Assessment has been undertaken. The Coal Authority have been consulted and they identify two mine shafts within the northern part of the site. The submitted site plan locates each of these mine shafts, however, due to potential plotting inaccuracies, the actual positions of these coal mining features could depart/deviate from their plotted positions by several metres, and they could be present within the development site itself.
165. Based on this, the Coal Authority object to the proposal as insufficient information has been submitted to adequately address the impacts of coal mining legacy of the scheme. Whilst in some circumstances planning conditions could secure the submission of additional information in this regard, as the concerns relate to mine shafts which may or may not be present within the site, the findings of any further reports could be pivotal in designing the overall layout of the development which cannot be controlled by planning condition.
166. The applicant draws attention to the previous planning application for 30no. dwellings on the site (DM/14/02268/FPA) and that an informative was added to

the decision notice alerting the applicant that to undertake site investigation to consider the impact of this. The applicants wish for this approach to be taken on this current application. However, the previous application as decided over 10 years ago and related to an application for 9 dwellings, rather the current 16 proposed. In addition, the Coal Authority object to this application and it is considered without knowing the exact locations of the mine shafts and their zones of influence, this could directly impact the site layout and could require a re-design of the layout to avoid these areas. Therefore, without this information prior to determination, the LPA cannot be satisfied that there would be no unstable land issues due to past coal mining.

167. Therefore, the proposal fails to meet the requirements of CDP Policy 32 and Paragraph 183 of the National Planning Policy Framework regarding coal mining legacy.
168. CDP Policy 56 seeks to safeguard mineral resources. Significant areas of the County fall into such mineral safeguarding areas, including the application site and wider area. Although a non-mineral development is proposed, it is not considered that the current proposals would sterilise mineral resource taking into account the scale of the site and residential setting. No objections are raised in this regard and the proposal does not conflict with Policy 56 of the County Durham Plan.

Sustainability

169. CDP Policy 29 criterion (c) 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.
170. In addition, CDP Policy 29 criterion (o) requires all major residential development to achieve reductions in CO₂ emissions of 10% below the Dwelling Emission Rate (DER) against the Target Emission Rate (TER) based on current Building Regulations.
171. CDP Policy 29 criterion (d) 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.
172. No energy assessment has been provided to demonstrate compliance with CDP Policy 29. However, the Building Regulations have changed since the submission of this application and now require all new homes to produce 31% less CO₂ emissions than what was previously acceptable in the Part L regulations and there have been changes to Part F in respect of ventilation with new regulations in respect of overheating and electric vehicle charging. In light of the changes to Building Regulations, the development would now need to meet this new requirement and as this is covered under separate legislation there is no need for a condition to reflect this.

173. By virtue of the recent changes to Building Regulation requirement, the proposal is considered to exceed the requirements of Policy 29 of the County Durham Plan and accords with Part 2 of the National Planning Policy Framework.

Other Matters

Broadband

174. CDP Policy 27 relates to utilities, telecommunications and other broadband infrastructure and requires any residential and commercial development to be served by a high-speed broadband connection and where this is not appropriate, practical or economically viable, developers should provide appropriate infrastructure to enable future installation.
175. In considering this policy requirement, due the location of the development, there would be existing high-speed broadband availability in the area to comply with CDP Policy 27. A condition is recommended requiring the precise broadband details to be submitted to comply with CDP Policy 27.

Air Quality

176. In relation to Air Quality, CDP Policy 31 sets out: "Development which has the potential to lead to, or be affected by, unacceptable levels of air quality, inappropriate odours, noise and vibrations or other sources of pollution, either individually or cumulatively, will not be permitted including where any identified mitigation cannot reduce the impact on the environment, amenity of people or human health to an acceptable level."
177. In assessing this, the application site is not located within a designated Air Quality Management Plan and the Council's Air Quality Team have been consulted on the application who have no objection to the development subject to a condition requiring the submission of a Construction Management Plan. Therefore, the development is compliant with Policy 31 of the County Durham Plan in terms of air quality.

Archaeology

178. The Council's Archaeology Team have been consulted on the application and they advise that the geophysical survey undertaken in 2017 suggests the existence of potential archaeological features on part of the site. In considering this, due to the scale of the development, in this case it would be reasonable to include a pre-commencement condition requiring the submission of a Written Scheme of Investigation for trial-trenching.

Agricultural Land and Soil Resource

179. CDP Policy 14 states that development of the best and most versatile agricultural land will be permitted where it is demonstrated that the benefits of the development outweigh the harm, taking into account economic and other benefits.
180. The application site is greenfield and is classified as Grade 4 Agricultural land which is considered as 'poor' under the Agricultural Land Classification.

Therefore, there would be no loss in the best or most versatile agricultural land as a result of this development to meet CDP Policy 14.

CONCLUSION

181. Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The Council has an up-to-date development plan which is the County Durham Plan. Paragraph 11 of the NPPF establishes a presumption in favour of sustainable development. For decision making, this means approving development proposals that accord with an up-to-date development plan without delay.
182. Regarding the principle of the development, for the purposes of Policy 6 the site is considered well-related to the settlement of Coundon. However, the proposal would fail to meet CDP Policy 6 criteria d (design/relationship to settlement) and e (highway safety) and therefore, the principle of the development is unacceptable. All of the relevant criteria of CDP Policy 6 need to be met to be acceptable in principle. By virtue of this, the site is within the open countryside and does not comply with any of the exceptions of CDP Policy 10 of the County Durham Plan for development on such a location and is not permitted by any other specific policy in the County Durham Plan.
183. In the round the application site is within a sustainable location as it is considered that the site has access to a range of services and facilities proportionate to the size of the settlement of Coundon and that these can reasonably be accessed by foot/cycle or accessed by public transport. It is recognised that the development would boost the supply of accessible bungalows in the area which are in demand which would assist in the delivering the Council's five-year housing land supply which weighs in favour of the development.
184. However, in terms of design, the proposal has received 8 'red' classifications under the Design Review Panel and CDP Policy 29 is clear that any proposals with one or more 'red' classifications should be refused planning permission. The development is considered to represent poor design with standard house types that do not reflect the locally distinctive character of Coundon, alongside being a heavily engineered solution to facilitate the development which would not respect the existing topography or landform to be an incursion into the open countryside which causes unacceptable landscape harm. Therefore, the proposal is considered contrary to the Building for Life SPD, Policies 6, 29 and 39 of the County Durham Plan and Parts 12 and 15 of the National Planning Policy Framework.
185. In terms of highway safety, the proposal does not demonstrate acceptable highway safety or access to the development as the required visibility splay has not been demonstrated. The proposal would be contrary to the County Durham Parking and Accessibility SPD 2023, Policies 6, 21 and 29 of the County Durham Plan, and Part 9 of the National Planning Policy Framework.
186. In terms of the residential amenity, the proposal, subject to conditions, is considered to provide an acceptable standard of amenity for existing and future

residents, according with Policies 29 and 31 of the County Durham Plan and Parts 12 and 15 of the NPPF.

187. In regard to affordable housing and developer contributions, the proposal would be required to contribute £50,371.20 for off-site open space provision which could be secured under a Section 106 Agreement and there is no requirement for any financial contributions to be sought for the NHS or Education. The scheme would secure two affordable units comprised of 1 First Home and 1 Discounted Market Sale, alongside all of the units being M4(2) compliant and delivering an excess of homes for older people. The development would comply with CDP Policy 25 and 29 as well as the National Planning Policy Framework in this regard.
188. In relation to ecology, through the use of off-site provision, whilst there would be a loss in biodiversity on-site, this will be mitigated off-site to meet Policy 41 of the County Durham Plan and Part 15 of the National Planning Policy Framework.
189. The development would adequately manage surface water on the site and demonstrates that the proposed development would not exacerbating flood risk elsewhere. The proposal therefore complies with Policies 6, 35 and 36 of the County Durham Plan and Part 14 of the National Planning Policy Framework.
190. The proposal has not demonstrated that it has adequately addressed the impacts of the coal mining legacy upon the scheme as additional intrusive site investigation works are required to locate the mine shafts and their zones of influence. The findings of any additional reports could be pivotal in designing the overall layout of the development which cannot be controlled by planning condition. Therefore, the proposal fails to meet the requirements of CDP Policy 32 and Paragraph 183 of the National Planning Policy Framework regarding coal mining legacy.
191. Overall, the benefits associated with the development are not considered sufficient to outweigh the significant policy conflict, there are no material considerations which indicate otherwise and therefore the application is recommended for refusal.

Public Sector Equality Duty

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

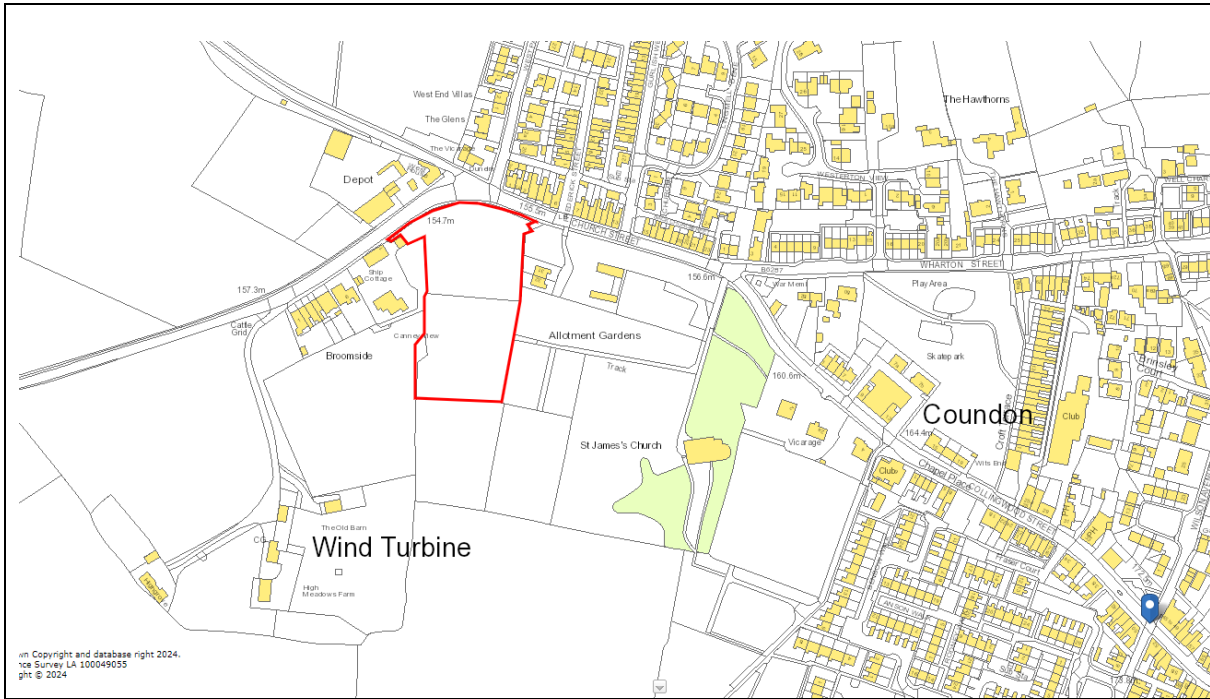
RECOMMENDATION

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

1. The development is located outside of the built up area of Coundon within the defined countryside, by virtue of its poor design and failure to demonstrate that it is not prejudicial to highway safety, the development conflicts with the criteria set out in Policy 6 of the County Durham Plan. The development does not comply with any of the exceptions of Policy 10 of the County Durham Plan and is not permitted by any other policy set out in the Plan, it is therefore inappropriate in this location.
2. The development is considered to represent poor design that adversely impacts on the character and appearance of the surrounding area when assessed against the County Durham Plan Building for Life Supplementary Planning Document and contrary to Policies 6, 10, 29 and 39 of the County Durham Plan and Part 12 of the National Planning Policy Framework.
3. The development does not demonstrate that a safe access and egress is in terms of required visibility splays, contrary to the County Durham Parking and Accessibility SPD 2023, Policies 6, 10, 21 and 29 of the County Durham Plan, Part 9 of the National Planning Policy Framework.
4. Insufficient information has been submitted to demonstrate how potentially unstable land, due to past coal mining activity and specifically mine shafts present on the site can be satisfactorily addressed by appropriate mitigation. The proposals therefore fails to comply with Policy 32 of the County Durham Plan and Part 15 of the National Planning Policy Framework.

BACKGROUND PAPERS

Submitted Application Forms, Plans and Supporting Documents
National Planning Policy Framework
The County Durham Plan (CDP)
County Durham Strategic Housing Market Assessment 2019
County Durham Plan Building for Life Supplementary Planning Document 2019
Parking and Accessibility SPD 2023
Residential Amenity Standards Supplementary Planning Document 2023
Statutory consultation responses
Internal consultation responses
External consultation responses



| | | |
|--|---|----------------------------------|
| <p>Planning Services</p> | <p>Erection of 16no. dwellings, together with the formation of the site access, and associated landscaping and external works</p> | |
| <p>This map is based upon Ordnance Survey material with the permission of Ordnance Survey on behalf of His 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 2023</p> | <p>Comments</p> | |
| | <p>Date:</p> | <p>18th July 2024</p> |

Planning Services

COMMITTEE REPORT

APPLICATION DETAILS

| | |
|--------------------------------------|---|
| APPLICATION NO: | DM/23/02925/FPA |
| FULL APPLICATION DESCRIPTION: | Creation of a new spa complex and wellness facility |
| NAME OF APPLICANT: | Mr John Adamson, Ramside Estates Ltd |
| ADDRESS: | Hardwick Hall Hotel Sedgefield Stockton On Tees TS21 2EH |
| ELECTORAL DIVISION: | Sedgefield |
| CASE OFFICER: | Steve France Planning Officer Telephone: 03000 264871 steve.france@durham.gov.uk |

DESCRIPTION OF THE SITE AND PROPOSALS

The Site

1. Hardwick Hall, its estates, and the adjacent Country Park lie immediately west of the A177, with the settlement of Sedgefield beyond. Durham City lies nearly 10 miles to the north-west.
2. The application is formed around a group of ancillary buildings, car parking and informal storage areas to the rear of the Grade II listed Hardwick Hall, The Hall sits within the Hardwick Park Conservation Area, in grade II* designated parkland, and within an Area of High Landscape Value. Since the 1960s, following use as a maternity home the Hall has been as a hotel with events and conferencing facilities, enabled by an extensive range of modern additions to the historic building. These have been focussed on the side and rear elevations.
3. The buildings subject to this application are physically separated from the Hall by an estate road that includes a public footpath designation. The Hall physically and visually separates the building group from the public Country Park to the south. A mature tree belt separates the group from a private golf course to the east and north.
4. The building group sits within a car park serving the Hall, within which to the east there is an extant consent for an additional hotel accommodation building. There is a walled garden on higher ground visible in winter months some +150m to the east.

The Proposal

5. The application proposes a new leisure development, complementary to the offer of the hotel and the proposed additional hotel accommodation mentioned above. The proposals will see a revised version of the extant spa consent which exists for this site. The proposal does not include any accommodation.
6. Elements of the existing coaching house, north of the Hall, will be retained, including the two principal elevations. The remainder of the development would be new build, respecting the existing features immediately adjacent to the proposed building. Design revisions have been undertaken throughout the process to retain fabric which can add to the development and minimise the impact of new development within the site context. The facility would be standalone, albeit complementary to the existing hotel use, maintaining the existing separation between the two buildings within which a public footpath passes.
7. The application is presented to Committee as a 'major' development proposal.

PLANNING POLICY

NATIONAL POLICY

8. The following elements of the National Planning Policy Framework (NPPF) are considered relevant proposal:
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 6 – Building a strong, competitive economy:* The Government is committed to ensuring the planning system does everything it can to support sustainable economic growth. Planning should operate to encourage and not act as an impediment to sustainable growth. Therefore, significant weight should be placed on the need to support economic growth through the planning system.
12. *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.

13. *NPPF Part 9 – Promoting sustainable transport.* Encouragement should be given to solutions which support reductions in greenhouse gas emissions and reduce congestion. Developments that generate significant movement should be located where the need to travel will be minimised and the use of sustainable transport modes maximised.
14. *NPPF Part 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.
15. *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.
16. *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.
17. *NPPF Part 15 - Conserving and enhancing the natural environment.* Planning policies and decisions should contribute to and enhance the natural and local environment.
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; 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

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 7 (Visitor Attractions)* supports the provision of new, or the expansion of existing attractions, provided they are: in sustainable and accessible locations or can be made so; are appropriate to the site's location in terms of scale, design, layout and materials; can demonstrate viability of new attraction or helps support viability of existing attraction; enhances existing attractions and supports the visitor economy. Where a countryside location is required, development should: meet identified visitor needs; support local employment and community services; ensure adequate infrastructure; and respect the character of the countryside.
22. *Policy 10 (Development in the Countryside)*. Development in the countryside will not be permitted unless allowed for by specific policies in the Plan, relevant policies within an adopted neighbourhood plan relating to the application site or where the proposal relates to one or more of the following exceptions; economic development, infrastructure development or the development of existing buildings. New development in the countryside must accord with all other relevant development plan policies and general design principles.
23. *Policy 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.
24. *Policy 25 Developer Contributions*. Advises that any mitigation necessary to make the development acceptable in planning terms will be secured through appropriate planning conditions or planning obligations. Planning conditions will be imposed where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects. Planning obligations must be directly related to the development and fairly and reasonably related in scale and kind to the development.
25. *Policy 26 Green Infrastructure*. States that development will be expected to maintain and protect, and where appropriate improve, the County's green infrastructure network. Advice is provided on the circumstances in which existing green infrastructure may be lost to development, the requirements of new provision within development proposals and advice in regard to public rights of way.
26. *Policy 29 Sustainable Design* Requires all development proposals to achieve well designed buildings and places having regard to SPD advice and sets out detailed

criteria which sets out that where relevant development is required to meet including; making a positive contribution to an areas character and identity; provide adaptable buildings; minimise greenhouse gas emissions and use of non-renewable resources; providing high standards of amenity and privacy; contributing to healthy neighbourhoods; providing suitable landscape proposals; provide convenient access for all users; adhere to the Nationally Described Space Standards (subject to transition period).

27. *Policy 31 Amenity and Pollution* Sets out that development will be permitted where it can be demonstrated that there will be no unacceptable impact, either individually or cumulatively, on health, living or working conditions or the natural environment and that they can be integrated effectively with any existing business and community facilities. Development will not be permitted where inappropriate odours, noise, vibration and other sources of pollution cannot be suitably mitigated against, as well as where light pollution is not suitably minimised. Permission will not be granted for sensitive land uses near to potentially polluting development. Similarly, potentially polluting development will not be permitted near sensitive uses unless the effects can be mitigated.
28. *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.
29. *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.
30. *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.
31. *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. Development affecting Areas of Higher Landscape Value, will only be permitted where it conserves, and where appropriate enhances, the special qualities of the landscape, unless the benefits of development in that location clearly outweigh the harm.
32. *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.

33. *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.
34. *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.
35. *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.
36. *Policy 56 Safeguarding Mineral Resources*. Sets out that planning permission will not be granted for non-mineral development that would lead to the sterilisation of mineral resources within a Mineral Safeguarding Area unless certain exception criteria apply.

The Sedgefield Neighbourhood Plan 2019

37. *Policy G1b. Development outside the Built-up Area Boundary* requires development to be in scale and keeping with the form and character of the neighbourhood area and the local landscape.
38. *Policy E1 Visual & Spatial Impact* Development should enhance the visual and spatial characteristics of the plan area. In particular development should respect significant views of designated and non-designated heritage assets.
39. *Policy E4 Listed Buildings, Scheduled Monuments and Heritage Assets* Proposals which affect designated and non-designated heritage assets will be considered in relation to the National Planning Policy Framework.
40. *Policy R1 Recreational Facilities*, development of indoor recreation and sports facilities (which this proposal would constitute) is permissible provided the development is of an appropriate scale and in keeping with the form and character of Sedgefield and the local landscape.

CONSULTATION AND PUBLICITY RESPONSES

STATUTORY RESPONSES:

41. *Highways* – Officers confirm that this application raises no concerns over road safety.
42. *Historic England* - advise that development on this site should start with a presumption in favour of the retention of the former stable block and its conversion, as envisaged in earlier permissions. This approach has the potential to avoid or minimise harm, and they would recommend these are explored by the applicant.
43. This consultee refers to their advice on a withdrawn predecessor application in which they advised that the proposal would result in modest harm to this Park, a grade II* Registered Park and Garden and Hardwick Park conservation area. The harm was advised to emanate from the elevated ground on which the Hall site sits, and the increased height of the new roofscape created by this proposal, which would increase to a degree the visual prominence of the service elements to the rear of the Hall which were meant to be discrete and largely hidden from the Park from within and in views through the Park. The Park represents a good example of a provincial interpretation of fashionable mid-18th century garden design, and is well worthy of its protection as a Grade II* Registered Park and Garden and as a Conservation Area.
44. Hardwick Hall and its immediate surroundings have been much altered and extended as part of repurposing the original building. However, it remains a significant structure in its own right, as well as contributing to the significance of the Park as an important focal point within the 18th century landscape.
45. Granting planning permission for the current development requires the LPA to be convinced that there is a clear and convincing justification for the harm it would cause. The harm arising to the designated and non-designated heritage assets on the site is a material consideration and would therefore also require the Authority to be convinced of a public benefit which outweighs this harm.
46. Historic England has concerns regarding the application on heritage grounds. They consider that the issues and safeguards outlined in their advice need to be addressed in order for the application to meet the requirements of the NPPF.
47. *Georgian Society* - The Group registers significant concerns with the extent of the demolition and rebuilding proposed, and with the dominant and assertive character of the proposed new build elements. They echo the advice and comments offered by Historic England. The Group advises that the proposed scheme of works would cause significant and irreversible harm to the stable range as a curtilage listed building and would thereby erode the wide special architectural and historic significance of Hardwick Hall as a grade II listed heritage asset.
48. *The Gardens Trust* – do not wish to comment on the application, noting this does not signify approval or disapproval of the scheme.
49. *Natural England* – raise no objection to the proposals in respect of the likely Nutrient Neutrality effects on the Teesmouth and Cleveland Coast Special Protection Area and Ramsar Site, as ‘based on the plans submitted, Natural England considers that the proposed development will not have significant adverse impacts on designated sites and has no objection’.
50. *Northumbrian Water* – no response

INTERNAL CONSULTEE RESPONSES:

51. *Spatial Policy* - This proposal which seeks to develop a spa complex and wellness facility at Hardwick Hall Hotel which dates from the mid-18th Century and is a Grade II listed building. The structure is Grade II for its historic value and architectural detail. It has been subject to alterations in the early 20th Century. It sits within the Hardwick Park Conservation Area and is also an Historic Parks and Gardens of National Importance (Grade II*). The proposal should be assessed against policies 7, 8, 10, 39 and 44 of the CDP, and policies R1, E1 & E4 of the SNP, with the NPPF a significant material consideration. A key issue with this proposal will be the impact of the proposed new build development on the heritage asset, but it is recognised that the CDP strives to enhance both visitor attractions and accommodation in the County.
52. With proposals of this nature the character and appearance of the built environment should be enhanced and where appropriate protected. In particular listed buildings should be protected from demolition, inappropriate alteration or other adverse change to their character or setting. Conservation areas and their settings should be protected from change which damages their character. New development which enhances their character should be encouraged. Development proposals must not detract from the character or appearance of the conservation area or its settings. Relevant policies of the County Durham Plan covering visitor attractions and accommodation (7 & 8) are applicable to the scheme alongside those to protect the historic and natural environment (within the County Durham Plan and the Sedgefield Neighbourhood Plan).
53. *Design and Conservation* - This application would see the construction of a new spa and wellness facility supporting the current operation of the hotel and events on site. It would see the partial demolition of an existing stable block situated to the rear of the main hotel in what is currently presented as service space and extensive hard surfaced car parking. The character and setting of the application site are degraded in comparison to the quality of other buildings and structures and the wider historic landscape. The heritage context of the application site and impact on significance is set out in detail below.
54. Whilst the loss of the fabric of the stable block is regrettable and will see the loss of a historic visual cue to the operation of the estate as a private residence in times gone by, the site represents the optimum location for the proposed use to minimise impact on the historic environment and provide functional links to the existing and proposed hotel accommodation. Design evolution with support from the applicant has reduced the impact of the proposal and ensured the retention of some fabric for context which by virtue of the design solution will be clear for users to understand. The proposed building will appear in the setting of numerous assets both at close range and in distant views, it is considered that subject to careful control of external materials, colours, finishes and external lighting this impact can be mitigated to a degree where no harm will occur in the round. In relation to the impact on the wider conservation area this will be minimal and when considered in association with hard and soft landscaping improvements will be positive.
55. Through a long process of design review to maximise quality and minimise impact, it is now considered that subject to robust conditioning of detail, a scheme has been secured which meets the tests of policies 29 and 44 of the adopted County Durham Plan, on this basis no objection is raised.

56. *Visit County Durham* confirm that Hardwick Hall Hotel is one of County Durham's more established and successful visitor accommodation, conference and event businesses.
57. County Durham has an under supply of visitor accommodation and this is limiting the economic impacts of tourism for the county. The creation of a new spa complex and wellness facility will add to the overall viability of the business. The proposal also taps into an increasing trend towards a need for wellness and wellbeing fuelled by the impacts of the pandemic. Our visitor research indicates that there is an increasing interest in this area.
58. The hotel is a significant employer in the area and contributes to the viability of local businesses and suppliers.
59. A wide range of research and economic impact data can be found in the 'Resource Hub' of our corporate website www.visitcountydurham.org.
60. *Footpaths* - Public Right of Way Sedgefield Footpath 2 runs to the South of the site. This PRow is mentioned in the supporting documentation supplied with the application and seems unaffected by the proposal. Given access to the site will be via the footpath Footpaths Officers offer general advice to ensuring the path remains usable and safe during the construction phase.
61. *Ecology* – After an extended exchange and updates, all the ecological reports required have been received, with previous concerns regarding the use of plans within the Biodiversity Net Gain (BNG) Assessment resolved.
62. The development delivers BNG and previous comments have noted the need for Great Crested Newts and bat licences prior to commencement of any development that might impact those protected species.
63. *Trees* - The site, within an Area of Higher Landscape Value (AHLV), is occupied by a number of large, mature trees, identified as being of moderate quality. The area is protected by a Tree Preservation Order which comprises ten Limes and one Beech. Several smaller trees of lower quality also occupy the north-west border of the site. The mature trees overall are considered as being in a fair-good condition. Seven of the nine trees to be removed are dominant, mature, moderate quality trees. The project arboriculturalist has identified the loss of these trees as significant, because it involves the removal of mature established trees.
64. Proposals for new development will not be permitted that would result in the loss of, or damage to, trees of high landscape, amenity or biodiversity value unless the benefits of the proposal clearly outweigh the harm. Proposals for new development will be expected to retain existing trees where they can make a positive contribution to the locality or to the development, maintain adequate stand-off 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. Where trees are lost, suitable replacement planting, including appropriate provision for maintenance and management, will be required within the site or the locality.
65. The loss of the trees identified in the AIA would be significant due to their age, size and the visual amenity they provide. The proposal is therefore classed as being in direct conflict with policy 39 and 40. As the tree loss would be significant in the

landscape, Tree Officers object to the proposal in its current form. The applicant has provided additional justification in response to these comments, however the objection is maintained.

66. *Landscape* - Should any development proceed, full hard and soft landscape details should be provided as part of the application.
67. *Drainage* – Officers raise no objection advising the hydraulic calculations should be a full system analysis for all storm events up to and including the 1 in 100 year event with allowance for 45% climate change, the submitted calculations still include 40%. The design should restrict flows to the QBAR Rural rate for the area drained. 'The pollution mitigation levels should be provided for the Interceptor device'. Drainage Officers have advised against conditioning the drainage calculations.
68. *Archaeology* – raise no concerns.
69. *Environmental Health (Contamination)* - have assessed the available information and historical maps with respect to land contamination along with the submitted Phase 1 Environmental Assessment which identified the need for further site investigation. Given this, and due to the fact that this development constitutes a change of use to a more sensitive receptor, standard contaminated land conditions and an informative should be applied to any approval.

PUBLIC RESPONSES:

70. In response to a consultation exercise of a press notice, site notices posted along the public footpath and 5 direct letters, there have been no representations received.

APPLICANT'S STATEMENT:

71. There has been extensive planning history at Hardwick Hall. This reflects the owner's commitment to continually improve the facilities and high quality service provided at the hotels in the Ramside Estates portfolio.
72. At the present time there is an existing planning consent relating to the land to the rear of the hotel. This provides a large health spa within converted and extended stable blocks and coach house, and the erection of a three storey bedroom wing and 90 space car park.
73. The current planning application replaces the converted and extended stables and coach house. The existing consent for the three storey bedroom wing would be built out under the commenced planning permission from 2003.
74. The exciting plans now propose a wide range of new facilities and in the spa. The very significant upgrade from 2003 includes a 25m pool, gym, studio, treatment rooms, swim out pool and restaurant.
75. The design follows on from extensive discussions with your planning and historic building officers. The theme matches that of the original coach house and reflects the setting of the important listed Hardwick Hall.

76. Combined with the new hotel rooms the development represents a further private investment in County Durham from Ramside Estates of £11.2m which will mean creation of 71 direct new jobs and over 128 in total including indirect jobs.
77. As with their flagship site at Ramside and their boutique hotel at Bowburn, Ramside Estates remains committed to County Durham and continues to invest over and over in improving the facilities they offer to visitors to the County. They are now one of the largest employers in Durham and it is hoped they will continue to enjoy the support of the County Council with this exciting new project at Hardwick.

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=S1R933GDMA300>

PLANNING CONSIDERATIONS AND ASSESSMENT

78. 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 this instance the development plan and the relevant policies are set out within the Durham County Plan 2020 and The Sedgefield Neighbourhood Plan 2019.
79. 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. Likewise, advice set out in the Planning Practice Guidance notes, such as for Historic environment are material considerations.
80. 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, heritage considerations, highway safety and access, layout and design, landscape and visual impact, ecology, flooding and drainage, nutrient neutrality, and other matters.

Principle of the Development

The Development Plan

81. Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The NPPF is a material planning consideration. The County Durham Plan (CDP) and Sedgefield Neighbourhood Plan (SNP) form 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. The SNP predates the CDP by a year.
82. Paragraph 11 of the NPPF establishes a presumption in favour of sustainable development. For decision taking this means 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.

83. In basic principle terms the development is on an unallocated site in the Countryside, with CDP Policies 6 and 10 relevant. The proposals are considered for CDP Policy 6 appropriate in terms of scale, design, layout, and location to the character, function, form and setting, also meeting the other relevant criteria, and for CDP Policy 10 represent 'the expansion of an existing business falling beyond the scope of a rural land based enterprise, where it can be clearly demonstrated that it is, or has the prospect of being, financially sound and will remain so'.
84. There is specific Policy for expansion of Visitor Attractions, CDP Policy 7 noting that, 'The visitor sector is an important and resilient part of the county's economy. In order to raise the quality of the visitor experience, the provision of new visitor attractions, or the expansion of existing attractions will be permitted provided they meet a range of criteria including that they are in sustainable locations, appropriate to the site's location in terms of scale, design, layout and materials, helps support the viability of an existing attraction, it enhances and complements existing visitor attractions or priorities in the county and supports the development of a year-round visitor economy and/or extends visitor stays, meet identified visitor needs, support local employment and community services, ensure adequate infrastructure and respect the character of the countryside.
85. The proposal is considered compliant with this Policy. The operation of the Hall is a short distance from the village of Sedgefield – 600m direct, or 800m by surfaced path. Whilst there is no direct bus service available along the A177, there is a range of footpaths in the area, and an expansion of a countryside business sited close to a settlement is concluded to be in a reasonably sustainable location.
86. In the Neighbourhood Plan, Policy R1 Recreational Facilities, development of indoor recreation and sports facilities is considered relevant, being permissible provided the development is of an appropriate scale and in keeping with the form and character of Sedgefield and the local landscape. This requirement is considered met.

Highways Safety and Access

87. 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, CDP 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.
88. There are no concerns raised in relation to this topic. The site is served by an established access from the A177 that features a protected turn consisting of white diagonal painted chevrons designed to protect traffic turning right. Access to the rear of the building is via a metalled track with passing places that accesses the main car parks. The public footpath follows the line of this access. The site features large, formally laid out car parks.
89. Highways Officers raise no objections in terms of highway safety or proposed parking provision. The proposals are considered to be in accordance with the requirements of

90. In achieving Policy compliance, this aspect of the proposals is considered neutral in the planning balance.

Heritage and Archaeology

91. In the development Plan, 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. Policy E4 of the SNP states that proposals which affect designated and non-designated heritage assets will be considered in relation to the National Planning Policy Framework.
92. 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.
93. 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. The Act further requires special attention to the desirability of preserving or enhancing the character and appearance of a conservation area must be equally considered.
94. Officers have approached the development proposals in line with the advice from Historic England, with a presumption in favour of the retention of the former stable block and its conversion, The scheme has evolved significantly from one that proposed a replacement development, to one that reuses the more characterful elements of the existing structures. There has been extended discussion, with all options considered that have led to the scheme as presented. A pure conversion scheme would not deliver the scale and form of development requested by the applicant.
95. With the proposed scheme including partial demolition of the heritage assets there is harm. 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. Where a proposed development will lead to substantial harm to (or total loss of significance of) a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or total loss is necessary to achieve substantial public benefits that outweigh that harm: any harm, regardless of level to have clear and convincing justification.
96. Historic England and The Georgian Society have set out an opinion on harm from the increased roofscape of the proposals which would increase the visual prominence of the service elements of the Hall which were intended to be hidden from across and

within the Park on raised ground. It is acknowledged that the Hall has been much extended, but it remains the focal point of the heritage landscape.

97. Officers do not agree with the level of harm set out by the consultees. The extended Hall is significantly affected in both immediate and distant setting by the extensive and not wholly subservient large modern extensions to its sides and rear. These extensions are a significant visual intervening feature in the designed principal views of the Hall across the restored formal parkland – the lake fronting the Hall and the modern Country Park beyond. When viewed from what could be the second principal public view – that from the public footpath that runs beside the site and the rear of the hotel, the relationship between the two is significantly compromised by the modern extensions which mask most views of the Hall. From this aspect, the buildings are a characterful but underutilised and tired set of structures with some interesting features and proportions. The revised scheme incorporates the best of these.
98. The Conservation Officer comments offer that the loss of historic fabric will see the loss of a historic visual cue from the operation of the estate as a private residence. This visual relationship has already been to a large degree compromised by the extensive modern extensions that dominate the setting of this building and the relationship with the Hall. The potential presence of the unimplemented, but recently amended and updated additional hotel accommodation that is intended to operate in parallel with the proposed Spa is relevant in assessing the context and relationships of the proposal and the Hall. The two new buildings will be in scale with each other and still subservient in massing to the main Hall buildings complex. Design evolution with support from the applicant has reduced the impact of the proposal and ensured the retention of some fabric for context which by virtue of the design solution will therefore be clear for users to understand. The proposed building will appear in the setting of numerous assets both at close range and in distant views, it is considered that subject to careful control of external materials, colours, finishes and external lighting this impact can be mitigated to a degree where no harm will occur in the round. This can be achieved through the use of appropriate conditions.
99. The level of harm as initially proposed has been reduced. The significance of the asset as curtilage listed structures has already been significantly affected by existing extensions and unimplemented consents that are of material weight in the planning assessment. Officers have worked to ensure the most characterful elements of the existing structures can be interpreted in the proposed development to reduce the level of harm. The Hall, by definition, sits in the centre of and justifies a hierarchy of heritage designations, including Conservation Area and designated Parkland. The intrinsic interrelationship between these assets means that the above assessments are applicable to each.
100. Concern has been raised by the Conservation Officer and the Tree Officer for the tree loss implicit in the scheme as presented, and this represents additional harms both in association with the harm to the heritage assets and their settings, and in their own right as conflict with CDP Policy 40 which sets out that proposals for new development will not be permitted that would result in the loss of, or damage to, trees of high landscape, amenity or biodiversity value unless the benefits of the proposal clearly outweigh the harm.
101. There is therefore in principle harm to the built structures from loss of fabric, scale and context by degrees, to the parkland from tree loss and to the Conservation Area by both. The benefits of approving a scheme that outweighs these identified harm must be clear if a positive recommendation is to be made.

102. Trees are lost on the footprint of the building but are retained as existing features with the car parking areas that will form the setting the proposed spa, the relationship to the proposed hotel to be built opposite, the rear service areas of the existing Hall extensions, and be a clear feature in the functional areas to the benefit of the passing footpath. In addition to the 220 smaller trees that are proposed as part of the BNG offer, the applicant has proposed an additional 19 semi-mature trees to be planted to mitigate the loss. Tree surveys have been submitted, but a Tree Protection Plan and Arboricultural Method Statement will have to be provided as part of any consent to protect the trees during construction works to a standard set out in BS 5837:2012.
103. Hardwick Hall is an established and successful venue that sits as an important economic and tourist asset in its own right and in complement with the adjacent Country Park. The applicant has set out an economic case for the development in its own right, and as part of a planned extension that includes and compliments the existant consent (7/2005/0766/DM) for a 45 bed hotel building facing the proposal, quantified in the Applicant's Statement as a 'private investment in County Durham from Ramside Estates of £11.2m which will mean creation of over 128 new jobs'. Further jobs and further positive material weight is accrued from the benefits to employment and the local economy during the construction process.
104. The proposals have the support of Visit County Durham with the creation of a new spa complex and wellness facility will adding to the overall viability of the business addressing an increasing trend towards a need for wellness and wellbeing facilities which visitor research indicates is an area of increasing demand.
105. It is Officers view that the amended scheme in retaining elements of the existing building reflects the advice in paragraph 203 of the Framework in sustaining the significance of heritage assets and putting them to viable uses consistent with their conservation. It preserves elements of the building and its setting and retains its position in the hierarchy of structures around the Hall. Notwithstanding this, in the planning assessment harm has been given considerable importance and weight for the effects on the built heritage assets, the parkland and the desirability of preserving or enhancing the character and appearance of the Conservation Area.
106. Officers are convinced that there is clear and convincing justification for the harm the development would cause to the heritage assets, and that clear efforts have been made to minimise this harm, and that in addition to the benefits to the private business, the benefits to the local economy and the tourist offer of the County represents the public benefit which outweighs this harm.
107. The Neighbourhood Plan contains Conservation Policies and it is further concluded that the proposals meet the requirement to enhance the visual and spatial characteristics of the plan area and respect significant views of designated and non-designated heritage assets, reflecting the requirements of Policies E1 and E4.
108. Policy E4 Listed Buildings, Scheduled Monuments and Heritage Assets Proposals which affect designated and non-designated heritage assets will be considered in relation to the National Planning Policy Framework.
109. There are no archaeological implications from the proposals, as confirmed by Archaeology Officers.

Layout and Design

110. CDP Policy 29 outlines that development proposals should contribute positively to an area's character, identity, heritage significance, 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. The evolved design proposed is considered a high-quality response to the requirements of this Policy subject to, as reflecting the Conservation Officer's advice in the Heritage Assessment section of this report, a condition ensuring the use of materials of appropriate colour and texture.
111. CDP Policy 29 sets out that major new build residential development should achieve CO2 reductions. Part 14 of the NPPF advises that the planning system should support the transition to a low carbon future. To ensure that this essential Policy element is satisfied, the approval is proposed to be made subject to a condition for the submission of a Sustainability Statement to demonstrate compliance.
112. Subject to the above planning conditions, the proposals are considered to comply with Policy 29 of the County Durham Plan in this regard, attracting neutral weight in the planning balance.

Ecology

113. CDP Policies 26, 35, 41 and 43 seek to secure net gains for biodiversity and coherent ecological networks. CDP Policy 43 relates to protected species and nationally and locally protected sites. Part 15 of the NPPF seeks to ensure that developments protect and mitigate harm to biodiversity interests, and where possible, improve them.
114. The applicant has an extensive site within which to implement a scheme that achieves the required net-bio-diversity gain (BNG). There has been extended discussion over the detail of the scheme and the supporting documentation, but latterly agreement that the scheme will provide the necessary net-biodiversity gain. It is noted that this is a long-running application that pre-dates the requirement to achieve 10% BNG.
115. The scheme is concluded Policy compliant in its Ecology offer, and weighted neutral in the planning balance as a result.

Flooding and Drainage

116. Policies 35 and 36 of the CDP relate to flood water management and infrastructure. CDP Policy 35 requires development proposals to consider the effects of the scheme on flood risk and ensure that it incorporates a Sustainable Drainage System (SuDs) to manage surface water drainage. Development should not have an adverse impact on water quality. CDP Policy 36 seeks to ensure that suitable arrangements are made for the disposal of foul water. 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.

117. Drainage Officers raise no objection advising the hydraulic calculations should be a full system analysis for all storm events up to and including the 1 in 100 year event with allowance for 45% climate change, the submitted calculations still include 40%. The design should restrict flows to the QBAR Rural rate for the area drained. 'The pollution mitigation levels should be provided for the Interceptor device. Detail was still required for this aspect as this report is written, however could be secured by way of condition. Drainage calculations have not yet been agreed, and Drainage Officers advise against conditioning these as a matter of course – as in extreme circumstances this element could render an approval unimplementable. Whilst not ideal, given the extensive landholdings of the applicant around the Hall, this is not an issue in this instance that it is considered it could reasonably form a refusal reason, therefore, as outlined above, in this instance it is considered the matter may be addressed by condition. This is considered to bring compliance with CDP Policy 35.
118. Northumbrian Water have not responded to consultation. However, consistent with the conclusions for Nutrient Neutrality, the implications for foul water are considered proportionate to the nature of the use, and with no accommodation provided, and the development being an extension of a large existing operation, no issues are expected in this regard. Compliance with CDP Policy 36 is concluded.

Other Considerations

119. The site is inside the Tees catchment area for Nutrient Neutrality where specified forms of development must ensure that they do not result in increased levels of nutrients in habitats protected under the Habitats Regulations 2017 identified by Natural England. Nutrient neutrality information is required where Planning Application is within a catchment to which the Natural England nutrient neutrality advice applies and the scheme is for (including but not limited to): Agricultural development which will result in an increase in stock numbers; New overnight accommodation (including new dwellings, new camping, glamping or caravan pitches served by on-site toilet or washing facilities, or new hotel bedroom accommodation); or New tourism development which is likely to increase the number of day visitors to a premises; All other developments (excluding householder but including commercial developments) – where onsite overnight accommodation is provided, Anaerobic digesters and any other largescale major development.
120. The scheme as originally submitted included the 48 bed hotel development and therefore fell within the requirements. The two elements of the development were then divided, with the part-implemented approval for the hotel separated into a separate application that approved minor elevational changes.
121. The development of the spa does not involve any overnight accommodation and it is noted that it has previously been agreed that the older consent for the same is extant and capable of implementation, so there is also a fall-back consent that is relevant to this issue. It is concluded that the development sits without the requirement for mitigation as a result.
122. Public Right of Way Sedgfield Footpath 2 runs immediately to the South of the site between the proposed spa and the rear extensions of the listed Hall. This PRoW is mentioned in the supporting documentation supplied with the application and is advised by Footpaths Officers as unaffected by the proposal. Advice to protect the footpath and its users is proposed appended to any approval in an informative.

123. The area is within an Area of High Landscape Value. CDP Policy 39 states that Development affecting Areas of Higher Landscape Value defined on Map H, will only be permitted where it conserves, and where appropriate enhances, the special qualities of the landscape, unless the benefits of development in that location clearly outweigh the harm. The assessments carried out for the effects on the registered parkland and the Conservation Area are considered to be relevant and show that the justifications for the development and the replacement planting proposed meets the required tests. The proposals are concluded compliant with this Policy.
124. CDP Policy 32 (Despoiled, Degraded, Derelict, Contaminated and Unstable Land) requires developers 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. Environmental Health (Contamination) advise that the submitted reports have appropriately identified the need for further site investigation. Given this, and suggest standard contaminated land conditions and an informative, should be applied to any approval.
125. This suggested mitigation can bring compliance with CDP Policy 32 and the relevant elements of Part 15 of the Framework. In achieving Policy compliance, this aspect of the proposals is considered neutral in the planning balance.
126. The proposed development site lies within a Mineral Safeguarding Area (Glacial Sand & Gravel) as designated in CDP Policy 56. All planning applications for non-mineral development within a Mineral Safeguarding Area must be accompanied by a Mineral Assessment of the effect of the proposed development. Criterion e. of CDP Policy 56 identifies that some development in exempt from this requirement and they are set out in appendix C. The list includes alterations and extension to buildings, and given what is proposed here, together with the sensitive location in which the development would take place, there is no requirement for a mineral assessment.
127. The proposal has generated no public interest. Remote from the settlement, direct consultation letters were sent to 5 dwellings, notices were posted on the Public Right of Way, and notices were posted in the press.

CONCLUSION

128. 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.
129. This proposal which seeks to develop a spa complex and wellness facility at Hardwick Hall Hotel to compliment and expand the existing hotel offer, and serve an extant but currently unimplemented new 48 bed hotel unit.
130. Hardwick Hall, behind which the site sits as a curtilage listed structure is Grade II for its historic value and architectural detail. It has been subject to extensive alterations in the late 20th Century. It sits within the Hardwick Park Conservation Area and is also an Historic Parks and Gardens of National Importance (Grade II*). The proposal should be assessed against the Development Plan policies within the development

Plan which consists of the County Durham Plan and the Sedgefield neighbourhood Plan.

131. The significant determinant in the application has been that whilst there is acknowledged harm the range of heritage assets involved, these are mitigated by the clear economic benefits the proposal will bring to the local and County wide visitor economy.
132. Other significant requirements such as for Ecology and ensuring Nutrient Neutrality compliance have been assessed and concluded acceptable, subject to the imposition of appropriate conditions. Whilst there are still some outstanding objections from individual consultees, such as Trees, Heritage England and the Georgian Society, it is considered that the concerns are not such that they would significantly and demonstrably outweigh the benefits, when assessed against the policies in the National Planning Policy Framework and the Development Plan when taken as a whole.

RECOMMENDATION

That the application be **APPROVED** 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 accordance with the approved plans listed:

| Plan | Drawing No. | Date Received |
|--|--------------------|---------------|
| Drainage Strategy | 23477-DR-C-0100 P3 | 18/12/23 |
| Proposed Bat Loft | 646-09 | 18/12/23 |
| Proposed Basement Plan and Ground Floor Plan | 03 | 29/09/23 |
| | 04 | 29/09/23 |
| Proposed First Floor Plan and Roof Plan | 05 | 29/09/23 |
| Proposed Site Plan | 06 | 29/09/23 |
| Proposed SE and SW Elevations | 07 | 29/09/23 |
| Proposed NE and NW Elevations, and Internal Elevations | 08 | 29/09/23 |
| Proposed Indicative Section | TLP-TCP02 | 29/09/23 |
| Proposed Indicative Section | 2404.01A | 27/02/24 |
| Tree Location and Constraints Plan | 240507 | 08/05/24 |
| Hardwick Hall Spa Planting Plan | | |
| Hardwick Hall BMMP | | |

Reason: To define the consent and ensure that a satisfactory form of development is obtained in accordance with Policies 6, 7, 10, 21, 25, 26, 29, 31, 32, 35, 36, 39, 40, 41, 43, 44, 5, the County Durham Plan, Policies G1b E1, E4 and R1 of the Sedgefield Neighbourhood Plan and Parts 2, 4, 6, 8, 9, 11, 12, 14, 15, 16 of the National Planning Policy Framework.

3. The before any building works are commenced, samples of all external materials, details of all external finishes including products and colours, details of all doors and windows including materials sections and finish, details of all means of enclosure, details of all hard and soft landscaping including landscape materials, colours and finishes, details of all external lighting proposals must be submitted to and approved in writing by the Local Planning Authority, with the development thereafter carried out in full accordance with said agreement.

Reason: to ensure that the approved development is of a quality appropriate for the historic environment within which it is sited, in accordance with Policy 44 of the County Plan and part 16 of the National Planning Policy Framework.

4. Before the demolition of any part of the existing buildings, a detailed recording of the buildings equivalent to HE level 2-3 (scope to be agreed by WSI) must undertaken and thereafter submitted to the Local Planning Authority before the approved development comes into operation.

Reason: To ensure that the historic asset is appropriately recorded in accordance with the requirements of Policy 44 of the County Plan and part 16 of the National Planning Policy Framework.

5. The development and planting must be undertaken wholly in accordance with the Delta Simons Biodiversity Management and Monitoring Plan (May 2024 n. 87086.622860), including full compliance with Appendix B.: Recommended Management and Monitoring Programme, and Appendix C.: Recommended 30 year Management Programme.

Reason: to ensure the scheme achieves the required Biodiversity Net Gain as required by Policy 41 of the County Durham Plan and part 15 of the National Planning Policy Framework.

6. All planting, seeding or turfing and habitat creation set out on Leeming Associates Planting Plan 2404.01a Feb. 2024 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.

7. Before any demolition or development works commence on site a Tree Protection Plan and Arbor Method Statement must be submitted to and approved in writing by the Local Planning Authority to protect the trees during construction works to a standard set out in BS 5837:2012. The agreed protective measures must be retained in place at all times when external building works are being undertaken.

- No construction work shall take place, nor any site cabins, materials or machinery be brought on site until all trees and hedges, indicated on the approved tree protection plan as to be retained, are protected by the erection of fencing, placed as indicated on the plan and comprising a vertical and horizontal framework of scaffolding, well braced to resist impacts, and

supporting temporary welded mesh fencing panels or similar approved in accordance with BS.5837:2010.

- No operations whatsoever, no alterations of ground levels, and no storage of any materials are to take place inside the fences, and no work is to be done such as to affect any tree.
- No removal of limbs of trees or other tree work shall be carried out.
- No underground services trenches or service runs shall be laid out in root protection areas, as defined on the Tree Constraints Plan.

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

8. Before the development hereby approved is brought into operation the developer must submit a Sustainability Statement prepared by a competent person to the Local Planning Authority for approval in writing to show the scheme has been meets the standards set out in Policy 29 of the County Durham Plan to meet high levels of sustainability.

Reason: to ensure the development meets sustainability standards, in accordance with Policy 29 of the Durham County Plan.

9. Before any works other than demolition and clearance works are undertaken, the developer must submit and have approved in writing by the Local Planning Authority hydraulic calculations for a full network system of drains from head of system to outfall for all storm events up to and including the 1 in 100 year event with allowance for 45% climate change. The design should restrict flows to the QBAR Rural rate for the area drained. The pollution mitigation levels should be provided for the Interceptor device; they should meet the levels as set out for the land use in Table 26.2 CIRIA Guidance document.

Reason: To ensure surface water management is designed and controlled in accordance with the requirements of Policy 35 of the County Durham Plan and the requirements of parts 14 and 15 of the National Planning Policy Framework

- 10.No development shall commence until a land contamination scheme has been submitted to and approved in writing by the Local Planning Authority. The submitted scheme shall be compliant with the YALPAG guidance and include a Phase 2 site investigation, which shall include a sampling and analysis plan. If the Phase 2 identifies any unacceptable risks, a Phase 3 remediation strategy shall be produced and where necessary include gas protection measures and method of verification.

Reason: To ensure that the presence of contamination is identified, risk assessed and proposed remediation works are agreed in order to ensure the site is suitable for use, in accordance with Policy 32 of the County Durham Plan and Part 15 of the National Planning Policy Framework. Required to be pre-commencement to ensure that the development can be carried out safely.

- 11.Remediation works shall be carried out in accordance with the approved remediation strategy. The development shall not be brought into use until such time a Phase 4 verification report related to that part of the development has been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that the remediation works are fully implemented as agreed and the site is suitable for use, in accordance with Policy 32 of the County Durham Plan and Part 15 of the National Planning Policy Framework.

STATEMENT OF PROACTIVE ENGAGEMENT

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

BACKGROUND PAPERS

Submitted application 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 (2020)

Sedgefield Neighbourhood Plan (2019)

County Durham Landscape Strategy (2008)

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| <p>Planning Services</p> | <p>DM/23/02925/FPA Hardwick Hall Hotel, Sedgefield, Stockton On Tees, TS21 2EH</p> | |
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| | <p>Date July 2024</p> | <p>Scale NTS</p> |

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