



## Area Planning Committee (North)

**Date** Thursday 19 December 2024  
**Time** 9.30 am  
**Venue** Council Chamber, County Hall, Durham

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### Business

#### Part A

1. Apologies for Absence
2. Substitute Members
3. Minutes of the Meeting held on 28 November 2024 (Pages 3 - 6)
4. Declarations of Interest (if any)
5. Applications to be determined;
  - a) DM/24/01386/FPA - land to the North of 2 Greenside, Horsleyhope, Consett, DH8 9DA (Pages 7 - 34)
  - b) DM/23/03562/FPA - Land to rear of Consett Park Terrace, Moorside, DH8 8ET (Pages 35 - 80)
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  
11 December 2024

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

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

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

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**Contact: Michelle Lagar**

**Tel: 03000 269 701**

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**DURHAM COUNTY COUNCIL**

**AREA PLANNING COMMITTEE (NORTH)**

At a Meeting of the **Area Planning Committee (North)** held in the Council Chamber, County Hall, Durham on **Thursday 28 November 2024 at 9.30 am**

**Present:**

**Councillor E Peeke (Chair)**

**Members of the Committee:**

Councillors W Stelling (Vice-Chair), J Blakey, L Brown, K Earley, J Purvis, A Sterling and A Watson

**1 Apologies for Absence**

Apologies were received from Councillor J Griffiths and Councillor K Shaw.

**2 Substitute Members**

There were no Substitute Members.

**3 Minutes of the Meeting**

The minutes of the meeting held on Thursday 26 September 2024 were agreed as a correct record and signed by the Chair.

**4 Declarations of Interest (if any)**

There were no declarations of interest.

**5 Applications to be determined;**

**a DM/24/00939/FPA - Ponds Court, Genesis Way, Consett, DH8 5XP**

The Committee considered a report of the Senior Planning Officer regarding an application for the erection of a retail food store (Class E) with associated parking, alterations to access, landscaping and associated works at Pounds Court, Genesis Way, Consett, DH8 5XP.

Scott Henderson, Senior Planning Officer gave a detailed presentation that outlined the application which had been submitted on behalf of Project Genesis Ltd and Farmfoods Ltd for the development of a single storey mono pitched roof retail building with EV charging points and cycle parking, integrated EV roof panels, alterations to access and enhanced raised landscaping. The presentation included a site location map, ariel photograph, site photographs and ariel outline of the planned biodiversity enhancement area with a 17% net gain to fully secure 106 legal agreement.

Development of the retail unit would be on previously undeveloped land historically used for industrial activity with a mix of grass and shrub which was deemed as having a low ecological value. The site was located within walking distance of the town centre, adjacent to a bus stop and existing commercial sites which included a 24-hour McDonalds restaurant and supermarkets. Recommendations included additional conditions to protect the residential properties adjacent to the site with The Grove and a short-term care residential facility being the closest. Site access would be modified for delivery access to accommodate upto two deliveries per day. Upon public consultation, letters had been sent to local residential properties, site and press publications received no responses. Environmental Health and Consumer Protection (air quality and contamination) and the Police gave no objections. The Spatial Policy classed the development as an out-of-town location. To be compliant with CDT policy 9 the applicant was asked to complete an assessment of a defined suitable site within a defined town centre. No site was found and the impact of pulling footfall from the town centre was seen as having minimal.

In summary, it was considered that the site was acceptable in accordance with the relevant policies as set out in the report with the recommendations as detailed.

The Chair noted that the applicant was present but had not registered an intention to speak however would be available to respond to members questions regarding the application.

The Senior Planning Officer responded to a question from Councillor L Brown regarding the agreed delivery times and control measures limiting associated vehicle movements. He responded that there would be control measures under policy 13 to limit delivery within unsocial hours however times were yet to be determined. The modified delivery access was tested and tracked to ensure vehicles could turn without reversing.

Councillor J Blakey noted that the development fitted with the proximity of other retail development located in the area and as such **moved** that they agreed the Officer's recommendation and approved the application subject to the conditions listed in the report.

Councillor A Sterling commented that she was familiar with the site and the proposed biodiversity enhancement area which were currently undeveloped scrubland to the rear of Tesco. She asked if the planned biodiversity changes would change any visual impact of the site. The Senior Planning Officer outlined a plan for upgraded planting of trees and the addition of hedges which would be agreed when section 106 was finalised.

Councillor A Sterling **seconded** the Officer's recommendation to approve the application subject to the additional conditions presented and an amendment to the conditions listed in the report.

Councillor A Watson commented he would support the application which complied with policies and would enhance the area. He added that it would boost footfall to the undeveloped site that had previously been subject to a planning application for a hotel in 2019 which had been granted but had now lapsed.

Councillor L Brown noted that an amendment to condition 4 relating to construction and delivery activity times to site should be limited to Monday to Saturday 0800-1800 due to the locations proximity to residential properties.

Councillor A Watson noted that delivers to other retail businesses in the area which operated unsocial hours, including one that was open 24-hours may not operate under restricted delivery times.

Upon a vote being taken it was unanimously:

**Resolved:**

That the application be **Approved**, subject to the conditions as set out within the report, with an amendment to Condition 4 in respect of respect of an 0800 start-time for construction work and deliveries.

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## Planning Services

# COMMITTEE REPORT

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### APPLICATION DETAILS

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Application No:	DM/24/01386/FPA
Full Application Description:	Construction of a steel portal framed agricultural building.
Name of Applicant:	Mr Tom Bravington
Address:	Land to the north west of 2 Greenside Horsleyhope Consett DH8 9DA
Electoral Division:	Lanchester
Case Officer:	Olivia Lamb (Planning Officer) Tel: 03000 261053 Email: <a href="mailto:olivia.lamb@durham.gov.uk">olivia.lamb@durham.gov.uk</a>

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### DESCRIPTION OF THE SITE AND PROPOSAL

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#### The Site

1. The application site is located to the east of the Healeyfield Lane (C16), within Waskerley, Consett within the North Pennines National Landscape (NPNL) (Formally known as the North Pennines Area of Outstanding Natural Beauty (AONB)). The NPNL is characterised by farming landscapes, particularly on the dale sides, consisting of traditional arrangements of farm buildings clustered around farmhouses, respecting the contours of the land.
2. The site is surrounded by open fields to the north east, south west and north west, however to the south east of the application site is a commercial wooden pallet business with a large pallet storage yard, and a building used for the storage of agricultural machinery. The nearest neighbouring dwelling adjacent to the application site (1 Greenside) is located approximately 80 metres from the application site separated by part of the existing pallet business.

3. An application was submitted at the same site last year DM/23/03146/FPA for the construction of an agricultural building which was subsequently refused. The current submission is very similar to the previous submission notwithstanding a slight decrease in size and some alterations to the elevations.
4. The site is served by an existing access taken from Healeyfield Lane (C16). There are also a number of public footpaths within proximity to the site, including Footpaths 1 and 4 (Muggleswick) to the north west and 18 and 20 to the north east.
5. A number of Sites of Special Scientific Interest (SSSI's) are located in close proximity to the site, including Derwent Gorge and Horsleyhope 362m to the north west and Muggleswick, Stanhope and Edmundbyers Commons and Blanchland Moor 1000m to the south west.

#### The Proposal

6. The application relates to the construction of an agricultural building, measuring approximately 18.15m x 12.30m with a maximum height of 7.3m, constructed from a mixture of materials including metal cladding and natural stone. The building is proposed to store agricultural equipment and hay, and also be used for livestock in extreme weather conditions.
7. The application is being reported to the North Planning Committee at the request of Muggleswick Parish Council on material planning ground of encouraging and supporting local business and enterprises for the rural economy within North Pennines.

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### **RELEVANT PLANNING HISTORY**

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8. The following planning applications are relevant to the current application:  
*Application Site*
9. 1/92/150/DM- Retrospective Application: Pallet Workshop and hardstanding. Approved on 14/02/1992 subject to conditions.
10. 1/1996/0457/1855- Retention of Existing Building and Change of Use from Agriculture to Cattery. Approved on 13/06/1996 subject to conditions.
11. 1/1997/0791/7581- Detached Garage/Workshop- Approved on 29/08/1997 subject to conditions.
12. Application DM/23/03146/FPA by Mr Tom Bravington for the construction of an agricultural building was refused on 18/04/24.

#### *Number 1 Greenside*



13. Erection of timber log cabin to be used as a holiday home under application reference 1/2010/0449/75776 was approved on 01/10/10. subject to conditions.

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## **PLANNING POLICY**

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### **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 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.
18. *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.
19. *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.
20. *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.

21. *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.
22. *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.
23. *NPPF Part 15 Conserving and Enhancing the Natural Environment* - Conserving and enhancing the natural environment. The Planning System should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes, geological conservation interests, recognising the wider benefits of ecosystems, minimising the impacts on biodiversity, preventing both new and existing development from contributing to or being put at unacceptable risk from Page 73 pollution and land stability and remediating contaminated or other degraded land where appropriate.

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

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

24. 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; light pollution; natural environment; noise; public rights of way and local green space; use of planning conditions; and; water supply, wastewater and water quality.

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

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

The County Durham Plan (CDP)

25. *Policy 10 (Development in the Countryside)* states that development will not be permitted unless allowed for by specific policies in the Plan or Neighbourhood Plan or unless it relates to exceptions for development necessary to support economic development, infrastructure development or development of existing

buildings. The policy further sets out 9 General Design Principles for all development in the Countryside.

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

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

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

26. *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.
27. *Policy 29 (Sustainable Design)* requires all development proposals to achieve well designed buildings and places having regard to SPD advice and sets out 18 elements for development to be considered acceptable, including: making positive contribution to areas character, identity etc.; adaptable buildings; minimising greenhouse gas emissions and use of non-renewable resources; providing high standards of amenity and privacy; contributing to healthy neighbourhoods; and suitable landscape proposals. Provision for all new residential development to comply with Nationally Described Space Standards.
28. *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.
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 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.
31. *Policy 38 (North Pennines Area of Outstanding Natural Beauty)* seeks to conserve and enhance the AONB. In making decisions great weight will be given to conserving landscape and scenic beauty. Development in or affecting the AONB will only be permitted where it is not, individually or cumulatively, harmful to special qualities or statutory purposes. Any development should be designed and managed to highest environmental standards and have regard to conservation priorities, AONB Management Plan and guidance in AONB Planning Guidelines, Building Design Guide and Moorland Tracks and Access Roads Planning Guidance Note as material considerations.
32. *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.
33. *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.
34. *Policy 41 (Biodiversity and Geodiversity)* states that proposal for new development will not be permitted if significant harm to biodiversity or geodiversity resulting from the development cannot be avoided, or appropriately mitigated, or as a last resort, compensated for.
35. *Policy 43 (Protected Species and Nationally and Locally Protected Sites)* development proposals that would adversely impact upon nationally protected sites will only be permitted where the benefits clearly outweigh the impacts whilst adverse impacts upon locally designated sites will only be permitted where the benefits outweigh the adverse impacts. Appropriate mitigation or, as a last resort, compensation must be provided where adverse impacts are

expected. In relation to protected species and their habitats, all development likely to have an adverse impact on the species' abilities to survive and maintain their distribution will not be permitted unless appropriate mitigation is provided or the proposal meets licensing criteria in relation to European protected species.

#### Supplementary Planning Documents

36. Trees, Woodlands and Hedges SPD (2024) – Provides guidance on good practice when considering the impacts of development on trees, woodlands, and hedgerows, as well as new planting proposals.
37. Residential Amenity Standards SPD (2023) – Provides guidance on the space/amenity standards that would normally be expected where new dwellings are proposed.
38. Parking and Accessibility SPD (2023) - Provides guidance on parking requirements and standards.

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

#### Neighbourhood Plan:

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

*The above represents a summary of those policies considered relevant. The full text, criteria, and justifications can be accessed at: <http://www.durham.gov.uk/article/3266/Development-Plan-for-County-Durham>*

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## CONSULTATION AND PUBLICITY RESPONSES

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#### Statutory Consultee Responses:

40. *Muggleswick Parish Council* – Supports the application as they have a duty of care to encourage and support local business and enterprises for the rural economy within North Pennines and as such wish for the application to be called to Planning Committee if the application under delegated powers the planning officer is unable to recommend approval.
41. *Highways Authority* – The proposed storage barn will be served via the existing site access. No objections would be raised on this basis. The building should be for used for agricultural purposes only.

#### Internal Consultee Responses:

42. *Landscape Section* – Concerns over justification for the scale of the building within this location given the size of the land holding and given that land is let out on a grazing licence. Google Imagery shows limited agricultural equipment

being stored. They also note that the building appears to be more associated with the pallet business.

The Landscape Officer also notes that the proposed development is located within the North Pennines National Landscape and has concerns that the development would lead to a prominent feature from Healeyfield Lane (C16) due to its elevated position and also raise concerns regarding the material and colour choice advising it gives rise to an industrial appearance and is inappropriate within the NPNL.

In terms of the proposed hedgerow / landscape planting, the landscape officer notes that this would reduce the adverse effects of the proposed development on the landscape and on visual amenity to a degree, but this would take time to become effective (this is likely to be upwards of 7-10 years in which the development would be conspicuous and harmful in public views) and goes onto note that part of the proposed mitigation planting would be in the middle of the field- standing out as an arbitrary feature, which would neither integrate with the existing woodlands or hedgerows.

The Landscape Officer also states that the proposed landscape plan lacks details; planting numbers, sizes and types of stock, planting densities, protection or establishment maintenance regimes which will need to be submitted to quantify and qualify the extent and nature of the planting scheme proposed. Note, only native species should be used.

Should there be sufficient justification for a general storage building on this parcel of land, a less prominent location should be considered.

*Re-Consultation-* Submitted elevation drawing now shows a mixture of materials of contrasting texture to help to reduce the monotonous and uniform use of materials is welcomed.

Colour of roof cladding hasn't been stated; this should be a dark visually recessive colour such as Anthracite. The submitted information suggests that the southwest door is to be 'sheeted' on sliders, but this also has not been shown on the elevation drawing, therefore these elements will need to be updated.

Reiterates concerns in relation to prominence of building from the road / public vantage points to the north, west and southwest from a plethora of PROWs and Healeyfield Lane (C16), notes that the proposed landscaping would take time to establish and would not fully screen the development. Further reiterates comments regarding the inappropriateness and the lack of details in relation to the proposed landscaping scheme.

Notes the southeastern elevation would be viewed to a small degree in public views from the Waskerley Way C2C, however these views are at distance and heavily filtered by vegetation along the route and the trees/buildings associated with Greenside and whilst there would be increased visibility from the right of way that passes directly past Greenside to the southeast, the building would be

seen in the context of the existing pallet yard, therefore any visual effects would be negligible in these views.

*Re-Consultation-* In relation to previously submitted comments, the Landscape Officer wishes to make the following clarifications:

The building would be most prominent from public vantage points to the north, west and southwest from a plethora of PROWs and Healeyfield Lane (C16) and not the east as previously stated in comments dated 22nd August 2024 .

It is also noted that in comments dated 14th October 2024 it was stated that *'the building would be prominent from Healeyfield Lane (C16) and a plethora of public vantage points on PROWs to the north, west and southwest, where the building would in some views (particularly from north and east\*) appear visually separated from existing built form by trees/shelterbelt that screens the palette business'*. \*This should read (particularly from the south and west).

43. *Ecology* – A PEA (preliminary ecological appraisal) of the proposed site and proposals is required. Notes BNG will apply to the application.

*Re-Consultation-* The PEA is sufficient to support the application and no further survey work is considered necessary. In terms of BNG, further information was required.

*Re-Consultation-* Clarification has been provided as to the proposed enhancement and creation of habitats within the metric and supplied HMMP. A HMMP has been provided in the Statutory Template by RH Ecological Services. This is considered sufficient at this stage to give confidence that the proposed habitats can be delivered.

Further justification and clarity is required in relation to BNG.

*Re-Consultation-* The ecologist has also provided a statement via email and within an updated metric spreadsheet outlining their justification and reasoning for a 'fairly good' condition target other neutral grassland which is considered reasonable. However, it has been raised that a septic tank is present within the proposed offsite grassland enhancement area. As such, we will require further information relating to the depth of the soil in this area to ensure that the target grassland and proposed condition is achievable. We will require this information prior to determination to give confidence that 10% net gain can be achieved as required by the BNG legislation.

It is also noted that the HMMP includes management for the other neutral grassland as key cuts from year 2 with some partial grazing as part of ongoing management. However, as highlighted within the HMMP, any proposed grazing including species/density and timing must be agreed with the ecologist and included within the full HMMP to ensure appropriate ongoing management of this habitat as required by the BNG pre-commencement condition.

44. *Spatial Policy*- The main issue with this development proposal is its location in the North Pennines National Landscape, which is a concern pertaining to all notable Policies (10, 29, 38 and 39). The Landscape Team have submitted concerns regarding the location and materials proposed for this development. While this is an acceptable use within the agricultural context, the effects it will have visually on the landscape and for the neighbouring property of 1 Greenside will be significantly adverse and represent conflict with those policies above.
45. *Tree Section*- Require an Arboricultural Method Statement (MS), Impact Assessment (AIA) Tree Protection Plan (TPP), showing the root protection area (RPA) of all trees located within and adjacent to the proposed site. Arboricultural information must comply with BS 5837 2012 Trees in relation to design, demolition and construction- Recommendations. Construction / change of surface within the site or within the root protection area of trees must be root friendly.

*Re-Consultation*- Arboricultural report provided shows no trees will need to be removed to facilitate the development. Providing the protective fencing is in place as shown within the AIA, AMA & TPP prior to construction there should be no adverse effects to existing trees.

Development should seek to maximise tree planting, wherever feasible and appropriate to the design of the development, to optimise the site's tree canopy cover. Tree and hedgerow planting should take place as part of wider landscape proposals, as shown within the design and access statement. Policy 29 (Sustainable Design) requires that landscape proposals should:

- respond creatively to topography and to existing features of landscape or heritage interest and wildlife habitats.
- respect and where appropriate take opportunities to create attractive views of and from the site.
- reflect in the detailed design any features characteristic of the locality such as boundaries, paving materials and plant species.
- create opportunities for wildlife including through the use of locally native species.
- make appropriate provision for maintenance and long-term management; and in the case of edge of settlement development, provide for an appropriate level of structural landscaping to screen or assimilate the development into its surroundings and provide an attractive new settlement boundary.

Sufficient detail must be provided at the application stage in a Landscape Masterplan or Landscape Strategy to demonstrate that the overall character of landscaping is appropriate and that the level of tree planting proposed meets the requirement of Policy 40.

To comply with DCC Supplementary Planning Document (SPD) the following must be considered – Details of soft landscaping including planting species, sizes, layout, densities, numbers.



## External Consultees

46. *National Landscapes* – No comments received.

## Public Responses:

47. The application has been advertised by site notice and individual notification letters sent to neighbouring properties.

48. Letters of objection from adjacent neighbour and three letters of support from local residents.

49. These are summarised under the relevant headings below:

### Objections

#### *Principle*

- Property not a working farm with no livestock having been on the land in the four generations of objector's family living at the adjacent property.
- Property already has a very large agricultural building which has been used as a garage and to store wagons relating to the pallet business.
- Major concern- proposed building to be used as an extension of the pallet business.
- Proposed building not essential for agricultural use
- Recently bought several agricultural vehicles (including tractor, loader, flail mower, harrows, roller, and tipping trailer) these are currently safely stored in the existing building- no risk as it stands.
- Housing livestock or storing feed, also appear unnecessary (only one horse and one pony, which are not classified as agricultural livestock and the single paddock/field that is cut for hay or silage can be wrapped and stored outdoors until needed)

#### *Design and Landscape*

- Pallet business already impacts on North Pennines National Landscapes concerns that proposed will impact further.
- Welcome hedgerows and trees to be planted- but concerned that they will not completely screen building due to the lay of the land and the size of proposed building.

#### *Amenity*

- Noise and traffic from the Pallet business
- Concerns proposed building will cause more traffic/noise even closer to us.
- Concerns proposed development will impact views from the neighbouring dwelling and the log cabin (holiday let) which is currently in the process of being constructed.

- Other neighbours advised the building will not impact their views- different situation for neighbour as they are within closer proximity.
- If deemed necessary could be relocated further away neighbour.

### *Ecology*

- Impact on wildlife
- Welcome wildflower meadow- but concerned about feasibility given the area holds number a septic tank at present.

### *Other Matters*

- In the past they were told to plant trees to screen the pallet business and although some trees were planted this has not screened the business especially from the outside of our property.
- Concerns about a potential conflict of interest involving the neighbours at Horsleyhope Mill. They are related to the agent handling this planning application for 2 Greenside (their parents) and, to the best of our knowledge, are also members of the Muggleswick Parish Council.

### Support

- Keep farm machinery in good clean working order by protecting them from the weather and secure them.
- Area is very well looked after, nice and tidy.
- Assist with the storage of their hay (neighbour currently stores it)
- Benefit the area rather than machinery stored in the location in full view.
- 2 Greenside has to look across to our agricultural buildings just the same, and the proposed building is smaller.
- Pallet operation very neat and tidy and trees etcetera screen outside views
- Pallet operation camouflaged by proposed building.
- Property and entrance have always been cared for and kept very tidy.
- The green colour of the current building's blend well in the North Pennines National Landscape and cannot be seen from Healeyfield Lane.
- Proposed building would not look out of place, as it is designed to match the current building's and given more trees are to be planted and wild flowers.
- Everywhere including this rural area needs to be secured under lock and key and out of sight.

### **Elected Members**

50. No response received.

*The above is not intended to repeat 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/search.do?action=simple&searchType=Application>*

### **Applicants Statement:**

## Proposed use and justification

51. This building is desperately needed by the existing agricultural business which the applicant operates. It will predominantly be used for the storage of agricultural machinery, imperative to the running of this farming business. This includes tractor and fore end loader, associated attachments, trailer, topper, JCB and post knocker along with further machinery which are required to improve the labour and nutrient efficiency of the business including hedge cutter, mini excavator and slurry tanker. This will improve the financial performance of the business along with facilitating conservation projects on the land and business growth.
52. As there is significant capital tied up within this machinery (depreciating assets) it is critical that there is sufficient secure storage, it is appreciated that security is not a planning consideration in its own right, but weight must be given to a business which is established and wishing to improve performance opportunity to secure their business assets and not be restricted by planning policy due to the location and operating area of the business. Our client already maintains their machinery to highest possible standard; however, they are significantly handicapped by the lack of suitable indoor storage. Construction of this building will prevent the machinery being exposed to the elements accelerating rust and corrosion, UV damage, freezing, and rodent damage. This not only depreciates the value of the machinery, but also reduces efficiency with electrics corroding, hydraulics seizing and lubricants/fluids degrading. All of this increases maintenance expenditure and labour requirement, diverting attention away from the livestock and agricultural operations undertaken on the registered agricultural holding.
53. The building will also be used for fodder (hay and straw), which must be stored inside to preserve its quality therefore improving the efficiency of the business (both financially and environmentally) by maximising performance of livestock minimising wastage. Alternative fodder can be wrapped and storage outside without question, but this does not contain the same Dry Matter and nutrient content as dry hay for the feeding of livestock, in this instance sheep and horses.

## Landscaping

54. As requested by the Landscape Officer, our client has opted to use Juniper Green cladding down to ground level on three elevations which will allow the building to blend seamlessly into the green landscape. A landscaping plan will also be implemented, including surrounding the building with trees on three sides which links existing tree planting. This will screen the building with the natural silhouette off the trees distorting and hiding the outline of the building, this will make the juniper green sheets very difficult to make out in the background. And the wider vista, which incidentally many other agricultural buildings are evident and not necessarily coloured juniper green which have been approved by DCC and the Landscape officer.

55. These new trees will be in keeping with the existing, sporadic plantations of trees characteristic of the area with examples including the Scots plantation. This will provide a woodland shelterbelt which will also have significant benefit on wildlife and biodiversity in the areas along with the environmental carbon benefits of planting trees. This will perfectly compliment the wildflower meadow which is also going to be planted part of the project for BNG requirements, again providing huge benefit and diversity within the local ecosystem.
56. This landscaping will significantly improve what is already on the site as the strategically positioned, a carefully landscaped building will significantly improve what is currently on the site as it will conceal the existing hardstanding, pallet yard and commercial buildings.
57. The eastern gable will be clad with random course stone which gives a natural appearance and will be visible from the farmyard and neighbouring pallet yard along with the BOAT road, and the wider vista of the C2C Waskerley Way.
58. We have also offered to make the roller shutter access door Juniper Green which will again enhance the natural appearance that the applicant is striving to achieve.

#### Conclusion

59. This building is essential to the agricultural business as there is currently a lack of secure and weather resistant storage on the holding which is a great financial burden on the business. This building will improve the efficiency of the business by reducing maintenance requirements and improving performance of the machinery. It will also give the applicant confidence to purchase new machinery which is required to allow this business to take the next step and push forward to achieve its long-term goals of continue to be a viable farming business.
60. By increasing the lifespan of machinery and quality of winter fodder, the business will become more efficient, both financially and environmentally with a reduction in waste, for example reducing the need to rely on third party contractors and also purchasing winter fodder in due to lack of storage.
61. You will also note that the applicant plans to do everything possible to address the Landscape Officer's concerns, ensuring that this development has little to no impact on the landscape. We truly believe that construction of the building along with the proposed landscaping measures will actually improve the site along with providing many new habitats by linking existing woodlands with a nature corridor.

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## **PLANNING CONSIDERATION AND ASSESSMENT**

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62. 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.

63. 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, along with advice set out in the Planning Practice Guidance notes. Other material considerations include representations received.
64. In this context, it is considered that the main planning issues in this instance relate to the Principle of Development, Residential Amenity, Highway Safety, Landscape and Visual Impact, Drainage and Flood Risk, Ecology and Biodiversity Net Gain, and other Matters,.

#### Principle of Development

65. Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The NPPF is a material planning consideration. The County Durham Plan (CDP) is the statutory development plan and the starting point for determining applications as set out in the Planning Act and reinforced at NPPF Paragraph 12. The CDP was adopted in October 2020 and provides the policy framework for the County up until 2035 and is therefore considered up to date.
66. NPPF Paragraph 11c requires applications for development proposals that accord with an up to date development plan to be approved without delay. NPPF Paragraph 12 states that where a planning application conflicts with an up-to-date development plan (including any neighbourhood plans that form part of the development plan), permission should not usually be granted. Local planning authorities may take decisions that depart from an up-to-date development plan, but only if material considerations in a particular case indicate that the plan should not be followed.
67. The NPPF recognises the importance of supporting economic growth in rural areas, including the sustainable growth and expansion of business in rural areas, both through conversion of existing buildings and development and diversification of agricultural and other land-based rural business.
68. The application site is located within the countryside and therefore falls to be determined under Policy 10 of the CDP. CDP Policy 10 (Development in the Countryside) states that development will not be permitted unless allowed for by specific policies in the Plan or Neighbourhood Plan or unless it relates to exceptions for development necessary to support economic development, infrastructure development or development of existing buildings. The policy further sets out 9 General Design Principles for all development in the Countryside.
69. In this instance the proposal falls under criterion (a) an existing agricultural or other existing rural land-based enterprise or associated farm diversification scheme, including the provision of new or the extension of existing building(s), structures or hard standings required for the functioning of the enterprise. The

Policy requires that any building assessed under CDP Policy 10 must be of a design, construction and size suitable for and commensurate to the intended use and that it must be well related to the existing farmstead unless a clear need to ensure the effective functioning of the business for an alternative location can be demonstrated by the applicant.

70. The agent advises that the proposed building will provide storage space for equipment including four wheel drive Massey Ferguson Tractor, loader, flail mower, JCB backhoe, harrows, roller and tipping trailer which should be kept inside, the building is also proposed to store additional winter fodder. The agent goes on to state that currently the applicant is unable to store this equipment inside due to a lack of building space, a dry and secure storage area is required to protect machinery from theft and weather, advising that the building may also be used to house livestock in extreme weather conditions.
71. Following request for further information in relation to animal registration and the agricultural use of the land, the agent has advised that they do not hold a CPH (County Parish Holding Number), as currently all sheep are brought in on license and there is a TPA (Temporary Land Association) provided via the field numbers (this is a requirement of the livestock owner, not the landowner to undertake), this is a detailed requirement for livestock movements by the Animal and Plant Health Agency (APHA). The agent advised that land is used in hand and used for grazing of sheep and mowing, under license with neighbouring farmers.
72. Concerns have been raised by the Landscape Officer as to whether there is genuine agricultural justification for this building and whether the scale of the building is commensurate to the intended use given the size of the landholding and that the land is let out on a grazing licence and notes aerial photos from 2011-present show very little, if any agricultural equipment being stored outside.
73. This concern over the use of the land as agricultural land has also been raised by an objector that claims the property is not a working farm as in the four generations their family has lived at the property there has been no livestock present and note that the applicants already have a large agricultural building close to the site. Furthermore, claim the property at 2 Greenside has only one horse and one pony, which are not classified as agricultural livestock, moreover, the single paddock/field that is cut for hay or silage can be wrapped and stored outdoors until needed- as such the housing of livestock and the storage of feed is considered to be unnecessary.
74. In response to these concerns in relation to the agricultural use, the applicant has stated that the property is a working farm (farming for two generations), the farming currently includes two horses and sheep grazing rented by local farmers along with hay/silage production but claims that they have had cows and sheep in the past. The applicant advises that they have recently obtained more land and are hoping to acquire some more as they are intending to increase the agricultural side of their operations going forward, which in turn has increased the amount of machinery used. The agent goes on to state that

the business is being prevented from growth and development until a favourable determination is made.

75. In relation to the existing agricultural building the applicant advises that this has been used for storing vehicles in relation to their pallet business on a temporary basis for periods of repair and maintenance but are not stored permanently due to the size of the vehicles exceeding the dimension of the building.
76. Notwithstanding, the above, it is considered that whilst the applicant has stated that part of the land is leased for grazing of livestock by other farmers, the applicant has failed to satisfactorily evidence that they are operating a genuine agricultural business operating on the site, the applicants does not hold the relevant CPH as would usually be expected and have failed to evidence a function of agricultural purposes contrary to Policy 10(a) of the of the County Durham Plan.

#### Residential Amenity

77. CDP Policy 31 states that development will be permitted where it can be demonstrated that there will be no unacceptable impact, either individually or cumulatively, on health, living or working conditions or the natural environment and should be integrated effectively with any existing business and community facilities. Proposals which will have an unacceptable impact such as through overlooking, visual intrusion, visual dominance or loss of light, noise or privacy will not be permitted unless satisfactory mitigation measures can be demonstrated.
78. CDP Policy 31 sets out that “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.”
79. In addition, CDP Policy 29, states all development is required to provide high standards of amenity and minimise the impact of development upon the occupants of existing adjacent and nearby properties, whilst CDP Policy 10(r) states proposals should not impact adversely upon residential or general amenity.
80. 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. Paragraph 135 f) seeks to create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users.
81. The closest residential property 1 Greenside, this is located directly to the south east of the application site (approximately 80m away). The other residential dwellings in proximity of the site include Horsleyhope Mill (approximately 354

metres to the north east), Middle Horsleyhope (approximately 769 metres to the north west) High Horsleyhope (approximately 988 metres to the north west) and Middles Farm (740m to the south west).

82. A number of objections have been received to the application from 1 Greenside. The objections have raised issues regarding the impact of the proposals upon residential amenity. These include impacts in relation to loss of outlook and noise resulting from increased traffic and activity, and that the building will be used for the applicants pallet business on the site .
83. In relation to noise, it is not considered that there will be any additional noise over and above what is existing, given the proposed use of the building is for storage of agricultural machinery and additional winter fodder.
84. However, the applicant has advised that it may occasionally be used to house livestock during adverse weather conditions, as such consideration is need as to whether the use for livestock is appropriate. In this regard, it is considered that whilst the building would be within a proximity to a neighbouring protected dwelling whereby its permanent use for livestock would usually be considered unacceptable due to the impact on the residential amenity through noise and smells; it is considered in this instance that the design of the building is such that it could not be reasonably used to house livestock on a permanent basis, and therefore the temporary accommodation of livestock in extreme circumstances is acceptable. However, if the application were to be considered acceptable a condition would be imposed to control the use of the building.
85. In relation to loss of outlook, whilst it is noted that the proposed building will be visible from the views of 1 Greenside, given the existing use of the site and the presence of existing trees to the north west of the neighbouring dwelling at 1 Greenside, it is not considered that the proposed building will have any significant impacts in terms of loss of outlook in relation to the residents at 1 Greenside. The objector also notes that they are in the process of erecting a log cabin to be used as a holiday let, this is located to approximately 95m to the south east of the application site, again, whilst it is acknowledged that this would be visible from the view of the log cabin, upon reviewing the plans that have been approved it would appear that the northern elevation (facing the proposed building) would comprise of a window (serving a w/c and shower) and the access door, therefore the principle outlook from the holiday let would not be impacted.
86. Overall, the scheme is not considered to adversely impact the amenity of surrounding residential properties and neighbouring users to such a degree that would sustain a refusal of the application on amenity grounds. In this respect, the scheme is considered to accord with the provisions of CDP Policies 10r), 29 and 31 and NPPF Parts 12 and 15.

#### Highway Safety Issues

87. Criterion q) of CDP Policy 10 states that proposals should not be prejudicial to highway, water or railway safety.



88. CDP Policy 21 requires that all development ensures that any vehicular traffic generated by new development can be safely accommodated and have regard to Parking and Accessibility Supplementary Planning Document.
89. Paragraph 114 of the NPPF advises that in assessing specific applications for development, it should be ensured that, amongst other matters, b) a safe and suitable access to the site can be achieved for all users; and d) any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree.
90. Paragraph 115 advises that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.
91. An objection has been received in relation to increased traffic, with concerns that the proposed building will be used as an extension to the existing pallet yard.
92. The Highways Engineer has been consulted and has advised that the proposed storage barn will be served via the existing site access and confirms that no objections would be raised on this basis. The Highways Engineer has requested the building should be used for agricultural purposes only, a condition can be added to this effect.
93. Overall, whilst the objection from the neighbouring resident is acknowledged, the proposals are not considered to adversely affect highway or pedestrian safety to such an extent to warrant the refusal of the application on the grounds of highway safety in the context of the Paragraph 115 of the NPPF. The proposals are considered to accord with Policies 10 and 21 of the County Durham Plan and Part 9 of the National Planning Policy Framework.

#### Landscape and Visual Impact

94. CDP Policy 10 states that General Design Principles for all Development in the Countryside New development in the countryside must accord with all other relevant development plan policies and by virtue of their siting, scale, design and operation must not:
  - l. give rise to unacceptable harm to the heritage, biodiversity, geodiversity, intrinsic character, beauty or tranquillity of the countryside either individually or cumulatively, which cannot be adequately mitigated or compensated for;
  - o. impact adversely upon the setting, townscape qualities, including important vistas, or form of a settlement which cannot be adequately mitigated or compensated for.
95. CDP Policy 29 relating to sustainable design states that all proposals will be required to achieve well designed buildings and places having regard to

supplementary planning documents and contribute positively to an area's character, identity, heritage significance, townscape and landscape features, helping to create and reinforce locally distinctive and sustainable communities; and create buildings and spaces that are adaptable to changing social, technological, economic and environmental conditions and include appropriate and proportionate measures to reduce vulnerability, increase resilience and ensure public safety and security.

96. In addition, CDP Policy 38 seeks to conserve and enhance the North Pennines National Landscape (formerly AONB), whilst 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.
97. Parts 12 and 15 of the NPPF promotes good design and sets out that the planning system should contribute to and enhance the natural and local environment by (amongst other things) recognising the intrinsic character and beauty of the countryside and optimise the potential use of the site.
98. The Levelling-up and Regeneration Act (2023) amended section 85 of the Countryside and Rights of Way Act 2000 (CRoW), to create a new duty on 'relevant authorities' to seek to further the purpose of conserving and enhancing the natural beauty of the Area of Outstanding Natural Beauty (now known as National Landscapes).
99. An objection has been received regarding further development advising that the existing pallet yard is out of character with the surrounding area, landscape, countryside and adversely impacts upon the AONB (now National Landscape).
100. A number of letters in support of the application have been received advising that the existing operational site is well screened, and the proposed building will blend in with the North Pennines National Landscapes, and in due course will be screened by landscape planting.
101. As outlined, the site is within the North Pennines National Landscape. The proposal lies adjacent to a number of PROWs and will be seen in near and wider views from a plethora of these PROWs (to the north, west and southwest) and would be a prominent feature in views including Healeyfield Lane (C16) due to its elevated position on the dale side.
102. The Council's Landscape Officer originally provided comments to the proposal and raised concerns regarding the proposed material choice advising that uniform materials would increase the perceived mass of the building and that the structure appears inappropriately industrial being entirely clad in profile sheet (no lower plinth wall) and roller shutter doors which is inappropriate in landscapes such as the AONB.
103. Following these comments the applicants amended the proposed drawings, now showing a mixture of materials of contrasting texture, introduction of a

lower plinth to be clad in random natural stone which is considered acceptable subject to the consideration of the roofing material as detailed below.

104. Whilst the colour of roof cladding has not been stated; the Landscape Officer advises that this should be a dark visually recessive colour such as Anthracite would be appropriate and can be conditioned should the proposal be deemed acceptable. Furthermore, submitted information suggests that the southwest door is to be 'sheeted' on sliders, but this also has not been shown on the elevation drawing, therefore door details would need to be secured via an appropriate condition should the Planning Committee be minded to recommend the application for approval.
105. However, notwithstanding the above, the Landscape Officer advises that the farming landscape, particularly on the dales side, is characterised by traditional arrangements of farm buildings clustered around farmhouses, respecting the contours of the land. To this regard, the proposal would be outside the curtilage of the cluster of buildings associated with the pallet business to the southeast and visually separated from existing buildings by the existing trees/shelterbelt that screens the pallet business. Due to topography, there is a significant crossfall across the site with up to ~ 1.4m difference in the height of the building along its length/width which will also increase the perceived height of the building in views from public vantage points from the north and west including Healeyfield Lane (C16) and public rights of way.
106. In addition, the Landscape Officer advises that whilst the proposed hedgerow/landscape planting would eventually reduce the adverse effects of the proposed development on the landscape and on visual amenity to a degree, this would take a significant time to become effective (likely upwards of 7-10 years) given the current open character and topography, which in the intervening period, the development would be conspicuous and harmful in public views.
107. Furthermore, it is noted that part of the proposed mitigation planting would be in the middle of the field, which would cause it to stand out as an alien arbitrary feature, which would neither integrate with the existing woodlands or hedgerows.
108. The Landscape Officer has confirmed that the landscape plan submitted lacks the required detail including planting numbers, sizes and types of stock, planting densities, protection, or establishment maintenance regimes. If the Planning Committee are minded to approve the application, an amended landscaping plan can be appropriately secured via a planning condition.
109. Having reviewed the comments of the Council's Landscape Officer, the submitted information and undertaken a site visit to view the site, the proposed building is considered to represent a prominent, conspicuous and relatively isolated feature of a significant scale, that would not conserve or enhance the special qualities of the NPNL (formally AONB). In addition, the proposed landscape mitigation in this instance is not deemed sufficient enough to

outweigh the harm resulting in harm to the special qualities of the NPNL (formally AONB).

110. As such, it is considered that the siting of the proposal would result in a built incursion into the open landscape which would result in adverse harm to the special landscape qualities of the NPNL in this location. As such, the proposal is considered to conflict with Policies 10, 29, 38 and 39 of the County Durham Plan and Parts 12 and 15 of the NPPF.

#### Impact on Trees

111. With regard to the impact of the building upon trees within and adjacent to the proposed site, the Council's Arboricultural Officer requested an Arboricultural Method Statement (MS), Impact Assessment (AIA) and Tree Protection Plan (TPP) showing the root protection area (RPA) of all trees located within and adjacent to the proposed site. Additional information was received on behalf of the agent, and the Arboricultural Officer was consulted and advised that the Arboricultural Report provided shows no trees will need to be removed to facilitate the development. Providing the protective fencing is in place as shown within the AIA, AMS & TPP prior to construction there should be no adverse effects to existing trees.
112. Nevertheless, the Arboricultural Officer advises that sufficient detail must be provided at the application stage in a Landscape Masterplan or Landscape Strategy to demonstrate that the overall character of landscaping is appropriate and that the level of tree planting proposed meets the requirement of CDP Policy 40, they have advised that the landscaping plan that has been submitted shows new tree and hedge planting to be undertaken following construction however, to comply with DCC Trees, Woodlands and Hedges Supplementary Planning Document (SPD) details of soft landscaping including planting species, sizes, layout, densities, numbers must be considered. Should the Planning Committee be minded to approve the application this detail would need to be conditioned.
113. Subject to the implementation of an appropriate condition to require the submission of a detailed landscaping plan, the application is considered to comply Policy 40 of the CDP and the Trees, Hedges and Woodland SPD (2024).

#### Drainage and Flood Risk

114. 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 173 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 175 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.

115. CDP Policies 35 and 36 relate to flood water management and infrastructure.
116. CDP Policy 35 (Water Management) requires all development proposals to consider the effect of the proposed development on flood risk, both on-site and off-site, commensurate with the scale and impact of the development and taking into account the predicted impacts of climate change for the lifetime of the proposal. All new development must ensure there is no net increase in surface water runoff for the lifetime of the development. CDP Policy 36 seeks to ensure that suitable arrangements are made for the disposal of foul water.
117. The proposal is located within Flood Zone 1 and is therefore at low risk of flooding. The proposal is also not located within any high risk surface flooding areas; the submitted information shows that any surface water will be disposed of via a soakaway. In relation to foul water, the application form advises that the discharge of foul sewage is unknown, as such a condition can be added to establish this.
118. Overall, taking into account the above, subject to the inclusion of a condition, the application is considered in accordance with CDP Policies 35 and 36 and Part 14 of the National Planning Policy Framework.

## Ecology and Biodiversity Net Gain

### *Impact on Protected Species and their Habitats*

119. Part 15 of the NPPF seeks to ensure that when determining planning applications, Local Planning Authorities seek to conserve and enhance biodiversity. CDP Policy 41 seeks to resist proposals for new development which would otherwise result in significant harm to biodiversity or geodiversity, which cannot be avoided, or appropriately mitigated, or, as a last resort, compensated for. Proposals for new development will be expected to minimise impacts on biodiversity by retaining and enhancing existing biodiversity assets and features and providing net gains for biodiversity including by establishing coherent ecological networks.
120. There are no ecological designations within the site, with the closest being Derwent Gorge and Horsleyhope (362m to the north west) and Muggleswick, Stanhope and Edmundbyers Commons and Blanchland Moor (1000m to the south west).
121. In addition, criterion c) of CDP Policy 6 is not permissible towards the development of unallocated sites where it would result in the loss of open land that has ecological value which cannot be adequately mitigate or compensated for.

122. An objection has been received which raises issues relating to threat to ecology, disruption of natural habitats and birds and wildlife, noting that there are bats that roost in the trees and noting the presence of bodies of water on both properties and the common land with frogs, newts and toads living in these.
123. The application is supported by a Preliminary Ecological Impact Assessment (EclA) commissioned in 2024 and a Biodiversity Net Gain Statement.
124. This has been reviewed by the Council's Ecologist who has indicated their satisfaction with the submitted details, advising that the PEA is sufficient to support the application and no further survey work is considered necessary. Nevertheless, a condition is recommended to secure adherence to the method statement within the PEA.
125. As such, should member be minded to approve the application and subject to relevant conditions, the proposed development would not adversely affect any protected species or their habitats, according with CDP Policy 43 and Part 15 of the NPPF

#### *Biodiversity Net Gain*

126. From the 2<sup>nd</sup> of April 2024, the requirements of Schedule 14 of the Environment Act 2021, as inserted into Schedule 7A of the Town and Country Planning Act 1990, apply to all planning applications unless falling under one of the listed exemptions.
127. Notwithstanding the above, CDP Policy 41 seeks to secure net gains for biodiversity and coherent ecological networks, and NPPF Paragraph 180 d) advises that planning decisions should contribute to and enhance the natural and local environment by minimising impacts on and providing net gains for biodiversity. NPPF Paragraph 186 d) also 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.
128. The application is supported by a Biodiversity Net Gain Statement Assessment, a completed version of DEFRA's Biodiversity Metric and a Draft Habitat Management and Monitoring Plan.
129. On interrogation of the submitted information, it became apparent that the proposed mitigation scheme had not taken into account features that would directly impact the ability to achieve the required 10% net gain, and despite requested for updated documentation this has not been received. The applicant did seek to resolve this matter through stating that the applicant would obtain statutory credits or biodiversity units, however, shortly before publication of the committee report, the applicants confirmed they would not now be obtaining the credits or units.
130. The developer has a legal obligation to provide a minimum 10% biodiversity net gain and are required to evidence that this is achievable. However, given that

the applicant has failed to evidence that a suitable mitigation scheme can achieve the 10%, and has reneged on their commitment to obtain credits or units; the LPA cannot be satisfied that the development can achieve its legal requirements..

131. Therefore, the applicant had failed to demonstrate how the biodiversity gain hierarchy has been considered and failed to demonstrate that the offsite mitigation habitat can achieve the mandatory 10% biodiversity net gain, contrary to schedule 7A of the Town and Country Planning Act 1990 and Schedule 14 of the Environment Act 2021 and Part 15 of the NPPF.

#### Other Issues Raised

132. Comments have been raised in relation to crime, the applicant advises that as rural crime is increasing, they wish for their agricultural machinery to be secure and stores out of site in a locked building. A comment of support has also been made in relation to crime advising that everywhere including rural areas need to be secured under lock and key and out of site.
133. Crime, and fear of crime are material planning considerations with Paragraph 92(b) of the NPPF stating that planning decision should aim to ensure that developments provide healthy, inclusive, and safe places that are safe and accessible, so that crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion. Whilst these concerns are noted, the courts have held that fear of crime is only a material consideration where the use, by its nature, would provide a reasonable basis for concern. Overall, it is not considered that there would be any material increase in crime if the proposed development was not acceptable as there is an existing building on site in which the agricultural machinery could be stored in, and with it the fear of crime, and as such these matters should be afforded limited weight in the determination of the application. It is therefore considered that the proposal meets the test of Paragraph 92 of the NPPF and CDP Policy 29(m).
134. A number of comments have been received in relation to the current business at 2 Greenside, advising that it is always tidy, and would prefer for the machinery to be stored away rather than the machinery to be stored on site in full view. The above has been noted, however it does not form a material planning consideration.
135. An objection was raised in relation to a potential conflict of interest involving the neighbours and Horsleyhope Mill, advising they are the parents of the agent dealing with the application who to the best of their knowledge are also members of the Muggleswick Parish Council. The agent responded and confirmed that he is the son of the owners of Horsleyhope Mill and goes onto state that in relation to Members of Muggleswick Parish Council, parishioners will also be members of the Parish Council as it is a requirement of the Parish Council charter.

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## **CONCLUSION**

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136. 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. The NPPF is a material consideration in planning decisions.
137. Having fully considered the material planning considerations in relation to this development and for the reasons set out above, it is considered that , subject to the suggested conditions, the development is not considered to result in a detrimental impact on amenity, highway safety or ecological issues in accordance with the provisions of Policies 21, 31, and 43 of the County Durham Plan and Parts 9, 12 and 15 of the National Planning Policy Framework.
138. Nevertheless, the application is not considered to comply with Policy 10 as it is considered that there is insufficient evidence that a genuine agricultural business is operating from the site nor is there sufficient justification to support a new, large agricultural building within this sensitive countryside location; given the limited size of the landholding.
139. Furthermore, with reference to landscape harm, despite the proposed mitigation, on balance, it is considered that proposed mitigation measures are not considered sufficient to enhance the area nor mitigate against the harm to the special landscape qualities of the North Pennines National Landscape (NPNL). As a result, it is considered that the siting of the proposal would result in a built incursion into the open landscape which would have an unacceptably adverse impact on the visual amenities and landscape character of the NPNL and would fail to conserve or enhance this valued landscape.
140. Finally, the applicant had failed to demonstrate how the biodiversity gain hierarchy has been considered and failed to demonstrate that the offsite mitigation habitat can achieve the mandatory 10% biodiversity net gain, contrary to Schedule 7A of the Town and Country Planning Act 1990 and Schedule 14 of the Environment Act 2021 and Part 15 of the NPPF.
141. The proposal is therefore considered to conflict with Policies 10, 29, 38 and 39 of the County Durham Plan, Parts 12 and 15 of the National Planning Policy Framework and Schedule 7A of the Town and Country Planning Act 1990 and Schedule 14 of the Environment Act 2021. Accordingly, the application is recommended for refusal.

#### Public Sector Equality Duty

142. 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.



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

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## **RECOMMENDATION**

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

1. In the opinion of the Local Planning Authority, there is insufficient justification to support a new, large agricultural building within this sensitive countryside location. Given the limited size of the landholding and lack of evidence of a genuine agricultural business operating at the site, the Local Planning Authority considers that the application has not adequately demonstrated that there is a clear need for a building of this size within this location and that it is required for the effective functioning of the enterprise. The proposal is therefore contrary to Policies 10 and 29 of the County Durham Plan and Parts 6 and 15 of the NPPF.
2. The development by reason of its massing and siting would appear visually prominent, particularly due to its separation from existing built form, resulting in adverse harm to the special landscape qualities of the North Pennines National Landscape (NPNL) in this location. The proposed development is therefore contrary to Policies 10, 29 38 and 39 of the County Durham Plan and Parts 12 and 15 of the NPPF.
3. The applicant has failed to demonstrate how the Biodiversity Gain Hierarchy has been considered in the design of the development and the offsite post development habitat are considered to be insufficient. Therefore, the local planning authority cannot be satisfied that the biodiversity gain objective has been met or that the statutory biodiversity gain condition is capable of being discharged in accordance with the requirements of Schedule 7A of the Town and Country Planning Act 1990 and Schedule 14 of the Environment Act 2021

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## **BACKGROUND PAPERS**

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Submitted Application Forms, Plans and supporting documents

National Planning Policy Framework

National Planning Practice Guidance Notes

County Durham Plan (2020)

- o Trees, Woodlands and Hedges SPD (2024)

- o Residential Amenity Standards SPD (2023)

- o Parking and Accessibility SPD (2023)

- o Habitat Regulations Assessment: Developer Guidance and Requirements in County Durham (2019)

Statutory consultation responses

Internal consultation responses

External consultation responses



<p><b>Planning Services</b></p>	<p>Construction of a steel portal framed agricultural building. Land to the west of 2 Greenside Horsleyhope Consett DH8 9DA</p>	
<p>This map is based upon Ordnance Survey material with the permission of Ordnance Survey on behalf of Her majesty's Stationary Office © Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceeding. Durham County Council Licence No. 100022202 2024</p>	<p><b>Comments</b></p>	
	<p><b>Date: 3rd of December 2024</b></p>	

## Planning Services

# COMMITTEE REPORT

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### APPLICATION DETAILS

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<b>APPLICATION NO:</b>	DM/23/03562/FPA
<b>FULL APPLICATION DESCRIPTION:</b>	Construction of 55 affordable dwellings with associated car parking, landscaping and other Infrastructure including diversion to a byway and footpath
<b>NAME OF APPLICANT:</b>	Adderstone Living Ltd
<b>ADDRESS:</b>	Land to rear of Consett Park Terrace Moorside DH8 8ET
<b>ELECTORAL DIVISION:</b>	Consett South
<b>CASE OFFICER:</b>	Steve France Senior Planning Officer Telephone: 03000 264871 <a href="mailto:steve.france@durham.gov.uk">steve.france@durham.gov.uk</a>

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### DESCRIPTION OF THE SITE AND PROPOSALS

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#### The Site

1. The application site is formed of 3.78ha of countryside and the cleared site of the former Moorside Hotel to the side and rear of Consett Park Terrace in Moorside, one of a series of settlements between Consett and Castleside. The site is located east of the A692, a busy and undulating route that connects Consett to the A68 at Castleside.
2. Consett Park Terrace, which sits between the larger part of the site and the A692 is a mix of inter-war brick semis and stone built Victorian Terracing, all with long rear gardens, the latter served by a rear lane and particularly long private garden areas – up to 65m in length. South of this terrace and bounding the site is Castleside Industrial Estate, a protected employment site of 5.5ha protected under Policy 2 of the Development Plan. The area of the site formed of the site of the former Moorside Hotel is cleared brownfield land without designation.
3. The previously undeveloped part of site and the countryside to the east is designated within an Area of High Landscape Value, both for its intrinsic value and in forming the setting of the Grade II listed Hownsgill Viaduct, 0.4miles to the east as a landscape feature. Undesignated countryside sits north of the site. A byway crosses the south part site from the A692 accessing Todd Hill Farm and a lower part of the Industrial Estate. A footpath runs east of the site, connecting to the byway at the farm and cutting across the northern part of the site to the A692 further north.

4. The site falls down from west to east and the higher ground of the gardens and boundaries of Consett Park Terrace into a small valley. A single stone wall bisects the site behind the longer gardens. This is an older feature of the landscape, pre-dating the settlement. The previously undeveloped part of the site is largely formed of sloping unimproved grassland, with scrub and small trees in the valley. Where the site sits adjacent the A692, it is formed of the cleared site of the Former Moorside Hotel, which was a detached two storey public house, with only its associated surrounding hardstanding and some low walls still visible. There is a stepped difference in levels between the former pub site and the adjacent countryside. There are small bushes/trees in the lower valley part of the site and a hedge along part of the north boundary.

## The Proposal

5. This application is a resubmission following refusal of application DM/23/03562/FPA by this Committee for the 'Proposed Construction of 84no. Affordable Dwellings with Associated Car Parking, Landscaping and other Infrastructure including diversion to a Byway and Footpath'. The proposals have been reduced in size, revised plans submitted and additional justification provided.
6. The new application comprises of 55 no. 2 and 3-bedroom properties, consisting of bungalows and 2 storey semi-detached and terraced houses. Key points of the provision as described by the applicant include: 100% affordable housing provision on the site; a revised plan identifies 11 Rent-to-Buy and 6 Shared Ownership units meaning that 17 units are of an intermediate tenure, with the remaining 38 being rentals. 12no. bungalows (21%) will be level-access; 91% of the properties will be accessible M4(2); 100% of the properties will meet the NDSS space requirements.
7. A single point of vehicular access is proposed, from the A692, south of Consett Park Terrace at the site of the former Hotel. This access point will maintain access to Todd Hills Farm and the adjacent unit in the Industrial Estate. The PROW linking to the existing footpath on Consett Road will be upgraded to DCC standard specification.
8. Development proposes a lower estate road that effectively separates the built development from the lower part of the site, which would be used to provide for Public Open Space (POS), Ecology and Sustainable Drainage. Two storey development will front the A692 to reflect the scale of Consett Park Terrace, behind which the bungalows proposed will be sited, closest to the nearest facilities and on the flattest part of the site. Two further cul-de-sacs will serve dwellings on the higher part of the site, where adjacent the rear gardens of the existing settlement.
9. This application is being considered by Committee as a major development proposal.

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## **PLANNING HISTORY**

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10. This application is the resubmission of a previously refused scheme for 84no. dwellings on the same site.
  - DM/21/03514/FPA: Proposed construction of 84no. affordable dwellings with associated car parking, landscaping and other infrastructure including diversion to a byway and footpath.

11. The planning history before of the site before that relates to the area of the former hotel site alone:
- ADM/19/03404/RM: Reserved matters application pursuant to application DM/19/00815/OUT.
  - DM/19/00815/OUT: Outline consent for 7 Self build plots with all matters reserved except access.
  - DM/16/03863/FPA: Erection of 12no. houses with associated parking and landscaping (Revised and resubmitted).
  - 1/2011/0033: Renewal of extant planning permission 1/2007/0938 for the erection of three terraced houses, seven flats and four detached houses.
  - 1/2007/0938: Demolition of existing public house and erection of three terraced houses, seven flats and four detached houses.
  - 1/2000/0429: Erection 15M flagpole as telecoms mast and cabin.

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## **PLANNING POLICY**

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### **NATIONAL POLICY**

12. The following elements of the National Planning Policy Framework (NPPF) are considered relevant to this proposal:
13. *NPPF Part 2 - Achieving sustainable development.* The purpose of the planning system is to contribute to the achievement of sustainable development and therefore at the heart of the NPPF is a presumption in favour of sustainable development. It defines the role of planning in achieving sustainable development under three overarching objectives – economic, social and environmental, which are interdependent and need to be pursued in mutually supportive ways. The application of the presumption in favour of sustainable development for plan-making and decision-taking is outlined.
14. *NPPF Part 4 - Decision-making.* Local planning authorities should approach decisions on proposed development in a positive and creative way. They should use the full range of planning tools available, including brownfield registers and permission in principle, and work proactively with applicants to secure developments that will improve the economic, social and environmental conditions of the area. Decision-makers at every level should seek to approve applications for sustainable development where possible.
15. *NPPF Part 5 – Delivering a wide choice of high quality homes.* The Government advises Local Planning Authority's to deliver a wide choice of high quality homes, widen opportunities for home ownership and create sustainable, inclusive and mixed communities.
16. *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.
17. *NPPF Part 8 – Promoting healthy and safe communities.* The planning system can play an important role in facilitating social interaction and creating healthy, inclusive communities. Developments should be safe and accessible; Local Planning Authorities should plan positively for the provision and use of shared space and

community facilities. An integrated approach to considering the location of housing, economic uses and services should be adopted.

18. *NPPF Part 9 – Promoting sustainable transport.* Encouragement should be given to solutions which support reductions in greenhouse gas emissions and reduce congestion. Developments that generate significant movement should be located where the need to travel will be minimised and the use of sustainable transport modes maximised.
19. *NPPF Part 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.
20. *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.
21. *NPPF Part 14 – Meeting the challenge of climate change, flooding and coastal change.* The planning system should support the transition to a low carbon future in a changing climate, taking full account of flood risk and coastal change. It should help to: shape places in ways that contribute to radical reductions in greenhouse gas emissions, minimise vulnerability and improve resilience; encourage the reuse of existing resources, including the conversion of existing buildings; and support renewable and low carbon energy and associated infrastructure.
22. *NPPF Part 15 - Conserving and enhancing the natural environment.* Planning policies and decisions should contribute to and enhance the natural and local environment.
23. *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:**

24. 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>

## DEVELOPMENT PLAN POLICY:

### The County Durham Plan

25. *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.
26. *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.
27. *Policy 11 Rural Housing and Employment Exception Sites.* New housing and employment related development that is contrary to Policy 6 and Policy 10 will be permitted where (for housing), the development is well related to the settlement, there is an identified need for affordable or specialist housing to justify its scale and nature, market housing is kept to a minimum and only included where justified for the viability of affordable provision and the affordable housing is made available to the local community identified as being in need.
28. *Policy 15 Addressing Housing Need* notes the need to increase the range and quality of housing provision within the County and with regard to meeting the needs of older people and people with disabilities.
29. *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.
30. *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.
31. *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.

32. *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.
33. *Policy 27 Utilities, Telecommunications and Other Broadcast Infrastructure* states that New residential and commercial development should be served by a high speed broadband connection. This will need to be directly accessed from the nearest exchange and threaded through resistant tubing to enable easy access to the cable for future repair, replacement and upgrading. Where it can be demonstrated that this is not appropriate, practical or economically viable, developers will be encouraged to provide appropriate infrastructure to enable future installation.
34. *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).
35. *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.
36. *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.
37. *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.
38. *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.

39. *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.
40. *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.
41. *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.
42. *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.
43. *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.

#### Supplementary Planning Documents

44. *Development Viability, Affordable Housing and Financial Contributions SPD (2024)* – Provides guidance on how CDP Policy 25 and other relevant policies requiring planning obligations for affordable housing or other infrastructure will be interpreted and applied.
45. *Residential Amenity Standards SPD (2023)* – Provides guidance on the space/amenity standards that would normally be expected where new dwellings are proposed.
46. *Parking and Accessibility SPD (2023)* – Provides guidance on parking requirements and standards.
47. *County Durham Building for Life SPD (2019)* – Provides guidance on the application of the Building for Life standards and the Design Review process referenced in CDP Policy 29 to ensure well-designed major residential development proposals.

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## CONSULTATION AND PUBLICITY RESPONSES

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### STATUTORY RESPONSES:

48. *Highways Authority* – raise no objection. Highways note the development has reduced by 29 units to 55 units from the original planning application DM/21/03514/FPA which had 84 units. In regards to the previous application as part of the offsite highway work improvements for accessible - permeable safe pedestrian links the Local Highway Authority requested that better and safe accessibility was required to public transport options and the wider local footway network for new housing development, with conditions requested to secure a footway / pedestrian island crossing near the proposed site access.
49. For Site Access and Site visibility Splays, the site junction access proposed onto the main A692 there was a topographical level survey undertaken ref Shadbolt Civil & Structure 2799-SGC-ZZ-00-DR-C-0525 P03 as part of the previous application. Questions for updated information relating to the site visibility splays, plotted both horizontally and vertically from the main site junction access at 2.4 x 68 metres in both directions onto the A692 to current Manual for Streets Highway Design Standards based on the recorded measure traffic speeds, including an additional driveway crossings at plot 1 to 3 facing the A692 for direct access, the access of which is within the vertical crest highway alignment on the A692 have been discussed and resolved.
50. In terms of the proposed Trip Rates and Traffic Generation, the applicant has provided a trip rate summary within the latest Transport Assessment. The development proposals from the TRICs data analysis provided is predicted to generate a maximum of 27 two way movements (arrival + departure) in the busiest peak hour, one every 2 minutes which I would agree is not material in terms of the traffic impact on the wider highway network.
51. Questions relating to the Internal Layout have been discussed in the absence of a Section 38 plan has been provided with internal layout issues relating to turning head features, footways and proposed visitor parking space resolved.
52. *Northumbrian Water* – No comments have been received from this consultee. Members will be updated if any comments are received.

### INTERNAL CONSULTEE RESPONSES:

53. *Spatial Policy* - A small part of the site is regarded as brownfield land, having been occupied by the Moorside Hotel within the last 15 years or so (see ref 1/CO/114 in map below). Planning Permission has been approved as recently as 2019 for residential development, however this may have now lapsed unless there has been material start on site. The rest of the site is greenfield land and utilised for agricultural purposes; this area also being regarded as an Area of Higher Landscape Value under Policy 39 of the Plan.
54. While the principle has been recently accepted for 1/CO/114, largely owing to the brownfield status of the site, the assessment for 1/CO/49 notes concerns in relation to a lack of containment to the east and that development would result in an incursion into a very scenic area which forms an attractive setting for the former railway viaduct to the west which also contributes to the setting of the settlement itself. There would be a significant adverse impact on the AHLV. While access may be achievable in principle there may be land ownership issues to gain access to the adopted highway.

55. As per the previous application, a non-allocated residential proposal on the settlement edge would normally be considered against Policy 6, and/or 10, however given the relationship of the site to the settlement, and associated sensitivities, it may be the case that the proposal would conflict with the aims of both policies. The application proposes a 'rural exception' development, which is a route for considering planning proposals at the settlement edge, or outwith the built up area altogether. Policy 11 of the CDP sets down that exception proposals must accord with the following criteria:
- a. the development is well-related to a settlement;
  - b. there is an identified local need for affordable or specialist housing sufficient to justify the scale and nature of the development;
  - c. any market housing is only included where it can be robustly demonstrated that this is essential to support the viable delivery of affordable housing. Only the minimum necessary should be included; and
  - d. the affordable housing is made available to the local community identified as being in need, with priority given to occupation by households with a local connection.

All proposals must be in scale and keeping with the form and character of any nearby settlements and the local landscape.

56. The policy is clear, therefore, that development must be well-related, in scale and keeping with the form and character of any nearby settlements and the local landscape. The applicant must also demonstrate a local need for affordable or specialist housing sufficient to justify the scale and nature of the development in accordance with Policy 11 requirements. Paragraph 77 NPPF is clear that rural exception sites should provide affordable housing to meet identified local needs.
57. A range of additional policy requirements are invoked for schemes of this type and scale. Policy 15 (Addressing Housing Need) establishes a need for affordable housing, alongside a requirement for at least 66% for dwellings to be accessible M4(2) standard. At least 10% of units should also be level-access bungalows, flats, or, designed to meet the needs of a multi-generational family and it is noted that twelve bungalows are provided in this case. These dwellings must also be built to M4(2) Building Regulations standard. Policy 19 (Type and Mix of Housing) sets down that an appropriate type and mix should be achieved. Whilst the proposal is for 100% affordable housing, which is purported to be sufficient benefit to outweigh any harm (to landscape, setting etc.), it is noted that there was not considered to be an outstanding requirement for such a tenure in this location, however the Housing Development Team should be able to advise on this matter including whether any benefit can be derived from the above-policy provision of bungalows on the site.
58. The requirements of other policies are set out, including Policies 21, 27, 29, 44 and 56, with particular note to Policy 26 (Green Infrastructure) which sets down requirements for functional open space and green infrastructure, as well as to maintain or improve permeability and PRoWs. For Green Infrastructure, the development is of a type where the ONSA states amenity/natural green space and non-equipped play space (children) should be provided on site, and a contribution sought towards all other typologies of open space (based on Table 19 of the OSNA).
59. Taking the remaining types of open space into account, financial contributions would normally be required to fund improvements and provision within existing, off-site open space areas. This contribution would amount to around £65,098, and additional sums could also be required for maintenance should the proposer utilise the council's services. It is noted however that the proposal includes a large area of amenity space

to including around the SUDs ponds which may mean that some of the financial contributions can be adjusted to take this into account.

60. Policy 29 sets down a raft of design requirements and requires development proposals to target zero carbon emissions. The case officer should also be mindful as to how the scheme is seeking to address climate change and a Sustainability Assessment is required to demonstrate how the scheme addresses these matters. Policy 29 also requires proposals to, amongst other things, contribute positively to an area's character, identity, heritage significance, townscape and landscape features, helping to create and reinforce locally distinctive and sustainable communities.
61. The site lies within the setting of a designated heritage asset (Hownsgill Viaduct), and while the previous scheme did not invoke an unacceptable level of harm on the setting, this new scheme will still need to ensure that it accords with Policy 44, which advises that great weight will be given to the conservation of all designated assets and their settings in a manner appropriate to their significance. Development which leads to less than substantial harm to a designated heritage asset will be weighed against the public benefits of the proposal. Development which leads to substantial harm to, or total loss of, the significance of a designated heritage asset will only be acceptable where it can be demonstrated that it is necessary to achieve substantial public benefits that outweigh that harm or loss. The Design and Conservation team will be able to advise further as to the likely impacts of development on the setting.
62. Policies 11, 29 and 39 are likely to form the key policy considerations for assessing this development proposal. Policy 39 in particular directs that 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. Policy 29 requires proposals to, amongst other things, contribute positively to an area's character, identity, heritage significance, townscape and landscape features, helping to create and reinforce locally distinctive and sustainable communities. Whilst Policy 11 provides a route for rural exception schemes, they should still ensure they are well related, and in scale and keeping with the form and character of any nearby settlements and the local landscape. Consideration is also required in relation to whether a 100% affordable scheme is required in this location given the findings from the previous proposal, however the Housing Development Team will be able to advise in this regard. I have also identified further policies, including for example 21, 44 and 56, which apply to the proposal.
63. *Affordable Housing* – The application is accompanied by a 'Castleside and Moorside Housing Need Survey 2023'. This has confirmed and evidenced the geography at which local housing needs are intended to be met, which includes the settlements of Castleside and Moorside. In particular, the report demonstrates sufficient commonalities between the settlements to justify considering housing needs at this geography.
64. In identifying the local area need for affordable homes, the study identifies the quantum of affordable housing required. Whilst the study covers both Castleside and Moorside, it is noted that this need is disaggregated to both individual settlements, with both settlements reporting a local need for affordable housing. It is therefore considered that a local area housing need has been demonstrated.
65. It is noted that the Executive Summary of the affordable housing need statement sets out:

*The County Durham Local Plan requires at least 10% of affordable dwellings on sites of 10 units or more to be affordable home ownership. Local evidence from the 2023 household survey indicates a higher need for affordable home ownership and a suggested affordable tenure profile of 67.7% rented and 32.3% affordable home ownership.*

66. This reflects the findings of Table A9 of the Castleside and Moorside Housing Need Survey 2023 report.
67. The revised plan appears to give 11 Rent-to-Buy and 6 Shared Ownership units meaning that 17 units are of an intermediate tenure. With the remaining 38 being rentals this means that the tenure split is 31/69 (rounded) and is inline with the evidence base provided by the applicant. There were therefore no further objections to the affordable distribution or tenure split.
68. *Landscape* - the proposed development site lies within an Area of Higher Landscape Value (AHLV), is outside of the existing settlement boundary, is close to ancient woodlands, sits at the foot of a unique glacial melt water channel and is within the setting of a listed structure the Grade II\* Hownsgill Viaduct, which forms part of the C2C strategic cycle route. Residential development in this location is therefore sensitive from both a designations and policy perspective.
69. The rising topography of the site has the potential to increase the visual presence of a proposed residential development within views from the locality, including sensitive receptors within the adjacent urban area and those within the countryside surrounding the site.
70. The Proposed Development layout reflects discussions of possible ways to appropriately assimilate housing development onto the proposed site and this appears to have partially informed the submitted layout and landscape strategy, including landscape enhancements to an area of land to the east, which is in the ownership of the applicant and is outside of the redline application boundary.
71. The proposed layout includes 55 housing units, which represents a reduction from a previously submitted application for 84 units. This would enable the eastern area of the site, to the south-east of 1 to 11 Consett Park Terrace to remain undeveloped, with retained landscape elements and proposed landscape enhancements. The space provides a green link to the proposed SuDS area, to the landscape buffer to the south-west and to a smaller proposed area of open space to the south-east of 12 to 16 Consett Park Terrace, ensuring that the north-eastern, higher areas of the site remain undeveloped. This area of undeveloped land would provide a landscape buffer between some of the existing housing and gardens to the north, and the proposed housing.
72. The enhanced land to the east would connect and build upon the resources of the council owned open space adjacent to Consett Park Terrace. The eastern extent of the development site is therefore limited and would appear less prominent in views from public rights of way to the south of the site and from the elevated Hownsgill Viaduct.
73. The layout proposes housing units immediately to the south-east of 17 to 30 Consett Park Terrace and while there would be some screening provided by proposed street trees, these dwellings would inevitably be noticeable as they would be located on the higher topography within the site. The remaining development would be filtered and screened by proposed trees within the proposed streets and SUDS corridor.

74. The submitted LVIA is informative and includes photomontages of the development as proposed. Viewpoint 2a accurately represents the potential view of the development from the Hownsgill Viaduct and enables comparisons to be made between the existing baseline view and the development at completion, five years after completion and at fifteen years after completion.
75. The visual representations show the presence of industrial buildings and existing housing in Moorside, in the wintertime when leaves are not present on existing trees and hedgerows. The images show the gradual growth of trees within the site and within the land to the east during the 15 years post completion. The images show that the magnitude of change brought about by the development would gradually reduce over time from firstly an initial change from a green field to urban housing, and secondly to a collection of roof tops and upper facades, screened and filtered by trees. The proposed tree planting within the undeveloped land immediately to the east of the site would play a part in screening and filtering the edge of the proposed built development and limits the extent of development on the site.
76. Figure 20 photomontage is taken from a previously approved scheme and provides an indication of the presence of the proposed development in relation to views looking back from Consett Road towards the listed Hownsgill Viaduct. The proposed housing in the foreground would conceal the existing view.
77. The Landscape Strategy, revision J plan provides a comprehensive approach to the proposed layout and the various habitats that would be included to the south of the proposed site within the SUDS area. As discussed previously, the latest landscape layout provides undeveloped spaces within the higher and eastern areas of the development site and a community play and garden space close to existing dwellings. These spaces limit the extent of development visible in longer views such as those from the Hownsgill Viaduct, C2C strategic cycle route and help to mitigate and buffer the proposed buildings. These spaces also provide amenity and connect to the DCC owned space to the north-east which leads to Consett Park Terrace.
78. The main route into the development includes trees in gardens which, along with the trees in the SUDS area create a tree lined approach and would help to filter views of the proposed dwellings in views from rights of way to the south, west and east of the site.
79. Whilst the development overall would represent an incursion beyond the existing settlement edge into an existing Area of Higher Landscape Value (AHLV) and has the potential to be at odds with the linear layout of existing housing on Consett Park Terrace, the landscape plan provides an improved response to the developer's preferred layout. Given that the site is part of the highly sensitive AHLV landscape, landscape and visual effects would initially be substantial and adverse at site level and moderate to minor and adverse in relation to the surrounding area (diminishing with distance). Effects would eventually reduce in magnitude as the proposed landscape scheme develops to maturity. The potential reduction in effects post completion and over time is shown on the submitted staged photomontages.
80. In conclusion, the proposed site location is to the rear of existing properties, outside of the settlement edge and within an area of countryside. The proposed development represents a revision of previously submitted residential schemes and it is acknowledged that the extent of built development on the site has been reduced, through a reduction in the number of housing units. This has provided improved green connections, more space for landscape mitigation and enabled the avoidance of development on part of the more visually prominent higher ground within the site,

which would be visible from potentially sensitive receptor locations. The site and adjacent land would provide a substantial amount of landscape mitigation, to create a variety of habitat types within and adjacent to the site.

81. Considering Policy 39 (Landscape), there would still be some localised long-term harm to the character and distinctiveness of the AHLV landscape resulting from development of the site. This harm would not conserve or enhance the special qualities of the AHLV but would be mitigated to an extent in the long term by the proposed landscape planting strategy as recognised in Policy 39. The acceptability of the anticipated harm overall would depend on the balance of considerations and whether the benefits of the development would clearly outweigh the harm.
82. *Trees* – Officers note the loss of eleven individual trees, three in category B and eight in category C (categorised in a format set out in BS 5837:2005), with construction encroaching into some root protection areas (RPA). Structures should be located away from RPAs or where unavoidable hand excavation should be used. Prior to site works the protection measures set out in the submitted Arboricultural Report must be implemented.
83. *Design and Conservation* - During the last application it was identified that the site lies within the setting of Hownsgill Viaduct (Grade II\*). The applicant has submitted a heritage statement and LVIA, detailing the significance of the asset, the role the site plays in its setting and assessing the impact of the proposed development. The conclusions contained within the heritage statement are accepted.
84. The new scheme was assessed by the Design Review Panel in January 2024, receiving 2 ‘reds’, 6 ‘ambers’ and 4 ‘greens’. Compared to the previous scheme the improvements related to the enhanced connections and the layout of the public open space. The ‘reds’ in relation to the Car Parking and External storage and amenity space have subsequently been addressed with updated plans submitted.
85. *Ecology* – Have advised that the issues raised in previous comments have now been addressed, and an appropriate update of the ecological survey work has been provided. An off-site mitigation for the proportion of bio-diversity gain that cannot be achieved on or near the site is £165,000 is considered acceptable.
86. *Archaeology* – The applicant has previously submitted an application for this site (DM/21/03514/FPA). As part of that application, archaeological works were carried out, which revealed that no further fieldwork is required.
87. *Drainage and Coastal Protection* – advise approval in principle of the proposed surface water management plan for the proposed development as set out in the Flood Risk and Drainage Strategy Issue 1 – November 2023; however, there is further information we require prior to giving full approval: Permeable paving construction detail, Approval of consent to connect to the watercourse (forms available from the LLFA). The following statement is included in the Strategy document: No on-site construction work will commence until such time the basins / swales, flow control device, and off-site connection are in place; and, hydraulic calculations are submitted in digital format for approval, together with the engineering drainage layout including all cover, invert, and floor levels.

88. *Public Rights of Way* – advise that public footpath no. 48 Consett and public byway no. 28 Healeyfield / 47 Consett (linear cross Parish route) are directly affected by the proposals.
89. The intention to divert byway 28 is noted. Applications for the stopping up or diversion of public byways are generally dealt with by the Secretary of State for Transport National Casework Team under section 247 of the Town and Country Planning Act 1990. The Council is a statutory consultee for such applications. The intended specification and long-term highway status (ie part of a s38 agreement) of the affected section of byway must be disclosed.
90. The affected byway has and still may be used as part of an HGV goods-in one way system by Labone Castleside Limited, whose premises abut the byway.
91. Subject to a contribution towards upgrading of footpath 48 - £11,000 – works to be carried out by DCC, Officers are supportive of the proposed surfacing of the footpath, and we have advised on specification and potential cost. If Durham County Council were appointed to carry out the work, we would ensure minimum disruption and disturbance to the existing habitat during construction and will consult DCC Ecology and Landscape Officers. There is currently no footway where the path joins the A692, and we have installed wood steps and a chicane at this location in the interests of public safety.
92. *Education* - The County Education Department has reconfirmed that in relation to primary school pupils, with the development located within the Consett local school place planning area of which the following schools could serve the development based on a 2 mile safe walking distance: The Grove Primary School, Moorside Primary School and Castleside Primary School, based on the projected rolls of the schools, taking into account the likely implementation timeframe of the development, build rates and other committed development there would be sufficient space to accommodate the pupils generated by the development, whilst maintaining a 5% surplus. No contribution is therefore required for additional nursery and primary teaching accommodation.
93. In relation to secondary school education, the development is located within the North Durham local school place planning area. The nearest school to the proposed the development is: Consett Academy which has a maximum capacity 1500. Based on the projected rolls of the schools, taking into account the likely implementation timeframe of the development, build rates and other committed development there would not be sufficient space to accommodate pupils generated by the development, whilst maintaining a 5% surplus. In order to mitigate the impact of the development a contribution of £170,184 (7 x £24,312).
94. Education Officers have also noted that the recent Developer Contributions SPD, adopted during the course of the application would require £24,312 (1x Post 16) to facilitate the provision of additional teaching accommodation and that 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 £50,388(0.6 x £83,980) would be required.
95. *Environmental Health (Air Quality)* – Due to the nearby industrial units being involved with polymer engineering. It has been established odour from styrene may impact on the new development. The assessment has been carried using Institute of Air Quality



Management - Odour Guidance and has utilised a desk-based study was carried. A site visit was also undertaken, where sniff tests were carried out at various location downwind from the industrial estate and development site. Odour was evident during this assessment, however based on the proposed layout of the development and housing it was concluded no further mitigation is required. It is noted a 'draft' Construction Management Plan has been submitted. We would agree with this document in principle.

96. *Environmental Health (Nuisance Action Team)* - In order to assess the noise around the development site a survey was undertaken in September 2021 and identifies road traffic and industrial noise impacting in the site. In order to quantify the measured noise levels, Pro PG Guidance, BS8233 and BS4142 guidance has been considered. It should be noted Environmental Health have historically received and investigated noise complaints from the nearby industrial estate, mainly in relation to night-time noise from impact noise, forklift truck and associated vehicle movements. No formal action was taken and matters were resolved informally. The results from the noise survey indicate road traffic noise having the greatest influence on the noise climate. No obvious impact from the nearby industrial estate was evident at the time of the assessment. This resulted in a medium/low impact when considered against Pro PG criteria. Therefore, in order to mitigate against relevant noise levels, figures 1 and 2 suggests proposed glazing and ventilation strategies. Section 6 also suggests a range of Noise Amelioration Measures. It should be noted Environmental Health have historically received and investigated noise complaints from the nearby industrial estate, mainly in relation to night-time noise from fork lift truck and associated vehicle movements. We would suggest the above points are conditioned to ensure relevant noise levels are achieved as stated in the noise report
97. *Environmental Health (Contamination)* - have assessed the available information and historical maps with respect to land contamination along with the submitted report: Shadbolt Environmental Ground Investigation Report (2021). They are satisfied with the findings and conclusions drawn in the report. Remediation works are required and therefore a phase 3 remediation strategy report should be provided.

#### **EXTERNAL CONSULTEE RESPONSES:**

98. *NHS Local Healthcare* – This practice falls within the Derwentside Primary Care Network which are at full capacity with regards to space requirements to deliver services to their patient list size. S106 funding would support creating extra capacity for them to provide appropriate services to patients. In order to meet the demands likely to be generated by the scheme, using a standardised formula, a request is made for the development to provide £26,565 to mitigate the demand for services it would create.
99. *Durham Constabulary Architectural Liaison Officer* – offers advice derived from the force's 'Designing Out Crime' and 'Construction Site Security' initiatives, including for natural and engineered surveillance.

#### **PUBLIC RESPONSES:**

100. A public consultation exercise consisting of Site Notices, an advertisement in the local press and 69 direct mail letters to local residents and properties resulted in 13 local responses and a response from Durham CPRE 'The Countryside Charity'. It should

be noted that this includes a reconsultation exercise and some repeated representations or from the same property.

101. The application is not considered to address the fundamental reasons for the refusal for the scheme as first submitted, with little difference from the previous plans.

- Landscape concerns, highlighting that the site is beyond the building line of the area and intrudes into an AHLV with extraordinary landscape of intrinsic character, beauty and tranquillity which is enjoyed by residents and visitors, including those visiting Hownsgill Viaduct. The proposal would give rise to unacceptable harm to the heritage of the area by spoiling both the historic setting of the Hownsgill Viaduct and the view from it in its own right, compromising the experience of visitors using the heritage trail and the C2C (National Cycle Route). The gardens of Consett Park Terrace act as a shield, giving uninterrupted views, bringing wildlife benefits. Protection of green spaces should be encouraged for physical and mental health benefits. It is unreasonable to expect the proposed landscaping to provide any real cover to screen from the grade II listed viaduct.
- Highways is a significant area of concern for objectors who consider the share access arrangement proposed close to the brow of a hill known for speeding and accidents to be unsafe – with HGVs entering and exiting the lower part of the industrial estate and risks to pedestrians, cyclists and other motorists identified. The undulating A692 which includes drives and rear lane access is increasingly busy with traffic accidents in the recent years. The interaction between this heavy traffic and proposed pedestrian crossing is a risk, with the proposed access also too close to the existing junction of Sussex Road. The proposal will exacerbate existing parking problems.
- For Design and Amenity, the proposed dwellings do not relate well to the surroundings, with the proposal too dense. The proposed appearance and finishes of the proposed buildings are not sympathetic to the rural setting of the area, likewise the density. There will be loss of privacy in existing gardens. Quality of life will be diminished by the development, with the height of a proposed houses overshadowing neighbouring properties and an increase in noise, disturbance or in the level of traffic that would be generated.
- Ecology concerns are outlined for hedgerow impact, the presence of newts, the potential for pollution in existing wetland areas, impacts on ancient woodland and existing garden trees, and an extended range of species including grouse, pheasants, foxes, owls, bats.
- Concerns raised about the adequacy of the Housing Needs Survey and Public consultation carried out in support of the application, and the methodologies used in not disaggregating the individual needs of the separate settlements of Castleside and Moorside. The response to the applicant's surveys of the local community for affordable housing need was pitiful. The current application is not supported by evidence of a pressing, identified local need, and there is a lack of documentary evidence of any local support. Whether the proposed development is actually affordable housing is questioned.
- Other issues and points include conflict with housing allocation policies, the potential for other sites use, inadequate drainage, the availability of brownfield sites elsewhere, existing unimplemented consents, vehicle emissions, capacities of schools, surgeries and dentists, the need for affordable housing and demand for housing generally, effects on local businesses, introduction of light pollution and the effects of construction works and the potential for flooding.

The CPRE acknowledge the significant reduction in the number of dwellings but remain concerned with the development intruding into countryside designated as AHLV. The relationship to then grade II viaduct is a critical assessment and it is contended that the proposed built development does not conserve or enhance the landscape when considering the setting of the listed building. The benefits are not considered to outweigh the harm.

#### **APPLICANT'S STATEMENT:**

102. The application proposes the construction of 55no affordable dwellings, including much needed bungalows, and will deliver both affordable rent and shared ownership tenures on site.
103. The front of the site is the Former Moorside Hotel, which has permission for housing. The site is therefore part brownfield and directly adjacent to the settlement of Moorside. The proposal is a logical "rounding-off" of Moorside with 100% affordable housing provision for local people.
104. The site is partly located within an Area of High Landscape Value (AHLV). The design of the scheme has been landscape-led with a significant amount of open space, including SuDS, extensive areas of planting including areas of species rich grassland, wetlands and trees. Any potential impact to the landscape has been mitigated against with the large area of landscaping.
105. The Applicant undertook extensive pre-application discussion with the Local Planning Authority which included advice from the Affordable Housing Team and carried out a Housing Need Survey, which has fully informed the proposed mix and tenure of the development.
106. The proposal significantly contributes to the affordable housing need of the area by providing both affordable rent and shared ownership properties with a large proportion of those dedicated to 2 bed dwellings of which there is a significant need. The delivery of affordable housing in an area which has clearly identified need is considered to outweigh the limited impact on the landscape which has been mitigated against.
107. There are many benefits arising from the proposal, including economic, social and environmental benefits. Every property has photovoltaic cells. The construction of the proposed dwellings has highly sustainable construction methods with timber frames. The construction period will allow for local employment of 75-100 tradesmen. The policy of Adderstone Living is to use local manufacturers, with the aim being 50% of the materials coming from a 10-mile radius of the site. The application includes an energy and sustainability statement which sets out the high energy efficiency of the proposed dwellings with the proposed enhance fabric specification which reduces the average Dwelling Emission Rate 10.21%, exceeding the requirements of Policy 29 of the Local Plan. The properties will be built to an energy efficiency rating of A, meaning energy bills will be significantly reduced for the occupiers.
108. The proposal will deliver significant financial contributions via a Section 106 Agreement for Open Space, NHS and Biodiversity Net Gain.
109. The applicant has continued to work alongside Planning Officers to deliver a proposal which represents sustainable provision of 55no affordable dwellings within Moorside. There is a clear identified housing need for local people and the proposal provides a

significant contribution this by delivering the type and tenure of housing required for local people.

*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=S4N0ZDGDGFD00>*

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## **PLANNING CONSIDERATIONS AND ASSESSMENT**

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110. Section 38(6) of the Planning and Compulsory Purchase Act 2004 sets out that if regard is to be had to the development plan, decisions should be made in accordance with the development plan unless material considerations indicate otherwise. In accordance with advice within the National Planning Policy Framework (NPPF), the policies contained therein are material considerations that should be taken into account in decision making. Other material considerations include representations received. In this context, it is considered that the main planning issues in this instance relate to: the principle of the development in designated countryside on the edge of the settlement with the justification of affordable housing need.

### Background

111. As noted in the 'history' section of this report, an application (DM/21/03514/FPA) by the same developer for Proposed construction of 84no. affordable dwellings with associated car parking, landscaping and other infrastructure including diversion to a byway and footpath was refused by this Committee in November 2022 for the following reason:

*The proposed development is not allocated for housing in the County Durham Plan 2020 or well related to the adjacent settlement of Moorside, being not appropriate in terms of scale, layout, and location to the character, function, form and setting of the settlement, contrary to Policy 6 and reflected in the fail against Policy 29n. It is not supported by sufficient evidence of a pressing identified local need for affordable housing sufficient to benefit from the Rural Housing Exception criteria set out in Policy 11 being consequently contrary to that Policy. It therefore does not show that the benefits of development clearly outweigh the harm that will result to landscape character from the intrusion of built development into an Area of High Landscape Value contrary to Policy 39 of the County Plan.*

112. If the applicant can address the refusal reason, and there is no significant change to the Policy context against which the application is assessed, they should reasonably expect the grant of Planning Permission.
113. There has been no change to the relevant County Plan Policies against which this revised application must be assessed. The NPPF was updated in December 2023, but the nature of most of those changes are not significant in the consideration of this application, relating to plan making, housing land supply, community-led developments, roofs, housing density and low carbon heating improvements. The relevant change is within 'Delivering a sufficient supply of homes' (Part 5) within which paragraph 60 *'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'*, was expanded to include, *'The overall aim should be to meet as*

*much of an area's identified housing need as possible, including with an appropriate mix of housing types for the local community'.*

114. On the 30th of July 2024 the Government published a Written Ministerial Statement outlining the Planning Reform Agenda and also launched a consultation on a revised NPPF with changes proposed to policies relating to housing land supply. The Written Ministerial Statement is a material consideration, however as the updated NPPF is yet to be published, it is given limited weight.

## Principle of the Development

### The Development Plan

115. Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The NPPF is a material planning consideration. The County Durham Plan (CDP) is the statutory development plan and the starting point for determining applications as set out in the Planning Act and reinforced at Paragraph 12 of the NPPF. The CDP was adopted in October 2020 and provides the policy framework for the County up until 2035.
116. Paragraph 11 of the NPPF establishes a presumption in favour of sustainable development. For decision taking this means:
- c) approving development proposals that accord with an up to date development plan without delay; or
117. The determination of the principal of this this application is again considered to be an assessment through CDP Policies 6 (Development on Unallocated Sites), 10 (Development in the Countryside) 11 (Rural Housing and Employment Exception Sites). Policy 39 (Landscape) will also be significant in the overall assessment. The detailed assessment of the topic areas within the individual criteria of Policies 6 and 11 in particular will be set out in the individual topic sections below. Consideration of the framework of these policies for the principal of development is set out here:
118. Policy 6 relates to the development of sites which are not allocated in the Plan or in a Neighbourhood Plan which are either (i) within the built-up area; or (ii) outside the built-up area (except where a settlement boundary has been defined in a neighbourhood plan) but well-related to a settlement, will be permitted provided the proposal accords with all relevant development plan policies and a list of ten detailed criteria. These include at c. does 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; and d. is appropriate in terms of scale, design, layout, and location to the character, function, form and setting of, the settlement.
119. While the reduced scheme is physically smaller and attempts have been made to integrate the development into the landscape, it is considered that in terms of the landform, the proposed development is concluded to not visually, physically or on plan, be in terms of the layout, location, form and setting, is well-related to the settlement. The proposal still has underlying conflicts and a cul-de-sac extension of the Moorside with Policy 6, criteria: c. from the loss of open land that has ecological and heritage value and contributes to the character of the locality and d. in terms of its scale, layout, and location to the character, function, form and setting of the settlement'. The conflicts whilst not considered significant, will be expanded upon in the relevant section in this report.

120. Policy 10 of the CDP states that development in the countryside will not be permitted unless allowed for by specific policies in the Plan or where the proposal relates to one of a number of exceptions relating to development of appropriate infrastructure or existing buildings. Whilst the proposal is contrary to this Policy, Policy 11 provides exceptions for sites meeting a list of criteria for rural housing and employment. Any potential conflicts with this Policy therefore defer to Policy 11 for consideration.
121. Policy 11 states that new housing and employment related development that is contrary to Policy 6 will be permitted where a number of criteria are met, which for housing include; a. the development is well-related to a settlement and b. there is an identified local need for affordable or specialist housing sufficient to justify the scale and nature of the development; and d. the affordable housing is made available to the local community identified as being in need, with priority given to occupation by households with a local connection.
122. For Policy 11 criterion a.; the reduced size of the proposal, and reduced encroachment into the countryside, both in terms of its extent, it's improved landscape screening, and further, in pulling back from the exposed 'shoulder' of land when seen from the viaduct, and lastly in its improved footpath connections gives a much improved relationship to the existing settlement.
123. For Policy 11 criterion b.,; The explanatory text that supports the Policy gives further detail: 'affordable housing which is being proposed should meet local needs, reflect demand for particular sizes, types and tenures of housing and conform with the definition in the National Planning Policy Framework (NPPF). It must be justified on the basis of a pressing local need for affordable housing which is demonstrated by appropriate evidence, including a local needs study relating to the area concerned. Those regarded as being in local need are: people who need to be housed but are unable to compete in either the open market for house purchase or are unable to afford private sector rents; and people who are local to a village or a group of villages by birth, previous or current residence, employment or by virtue of having a close family member living in the area'.
124. Detailed consideration of this matter has concluded that the applicant's Affordable Housing Statement, as advised by DCC Housing Development Officers concludes that there is evidence that a local affordable housing need exists, and that the exception allowed in Policy 11 to the requirements of Policy 10 is met.
125. These overarching Policies relevant to consideration of the principle of development must be considered as each of the individual topic areas is assessed in detail, for eventual weighting and conclusion through the 'planning balance' at the end of this report.

#### Affordable Housing

126. Policy 15 of the CDP (Addressing Housing Need) requires new development to contribute towards meeting the needs of the county's existing and future residents. It requires all qualifying new housing proposals to provide a percentage of Affordable Housing which is accessible, affordable and meets the needs of those residents unable to access the open housing market.
127. The application is accompanied by a 'Castleside and Moorside Housing Need Survey 2023'. This has confirmed and evidenced the geography at which local housing needs are intended to be met, which includes the settlements of Castleside and Moorside.

The lack of disaggregation between the individual settlements was a highly contentious aspect of the refused and the current applications. There has been extended debate over the methodology of survey techniques and the best way to present to data and findings.

128. The 2023 report seeks to demonstrate commonalities between the settlements in order to justify considering housing needs in this way. In identifying the local area need for affordable homes, the study identifies the quantum of affordable housing required. Therefore, whilst the study covers both Castleside and Moorside, it is noted that this need is disaggregated to both individual settlements, with both settlements reporting a local need for affordable housing.
129. The Statement sets out a scheme of 100% affordable housing provision on the site; consisting of 17 units that are of an intermediate tenure (11 Rent-to-Buy and 6 Shared Ownership units). With the remaining 38 units being rentals, this means that the tenure split is 31/69 (rounded) and accords with the Housing Needs Survey evidence base provided by the applicant.
130. Housing Development Officers have concluded that the information submitted is robust and that the applicant has demonstrated an affordable housing need in the area, with the amended housing mix reflecting the evidence base, and therefore offer no objection to the proposed development.
131. In the first instance, this meets the requirements of Policy 15, but more significantly in this instance, triggers the Policy 11, criterion b. in showing that, 'there is an identified local need for affordable or specialist housing sufficient to justify the scale and nature of the development', to allow the site to be considered to be a 'Rural Housing Exception Site'. The revised proposals are considered to align with Parts 5 and 15 of the NPPF

## Landscape and Visual Impacts

132. Policy 39 of the County Durham Plan states proposals for new development will be permitted where they would not cause unacceptable harm to the character, quality or distinctiveness of the landscape, or to important features or views. Proposals would be expected to incorporate appropriate measures to mitigate adverse landscape and visual effects. Policy 26 outlines developments are expected to provide new green infrastructure and ensure provision for its long-term management and maintenance. Similar requirements are outlined in Policy 29. Policy 40 seeks to avoid the loss of existing trees and hedgerows unless suitable replacement planting is provided. Parts 12 and 15 of the NPPF promotes good design and sets out that the planning system should contribute to and enhance the natural and local environment by (amongst other things) recognising the intrinsic character and beauty of the countryside.
133. Significant for the consideration of this application, Policy 39 states that, 'Development affecting Areas of Higher Landscape Value (AHLV) 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 extent of the AHLV and the reasoning behind this is set out above, providing part of the setting of the listed viaduct. The consideration of the Landscape Officer is also set out at length above. This acknowledges that the reduction in numbers, and therefore the extent of the site has been reduced in the are most visible from the structure – a well-used leisure route, which is a local and regional amenity. The assessment takes into account that landscaping will take time to establish, and is not designed to hide the development, rather, to help it integrate.

134. The development still represents an 'incursion' into the AHLV and does not match the linear form of the existing edge of settlement development. That the effects of the development are described likely to, 'initially be substantial and adverse at site level and moderate to minor and adverse in relation to the surrounding area (diminishing with distance)' and 'effects would eventually reduce in magnitude as the proposed landscape scheme develops to maturity' is critical to the planning Policy assessment. Landscape Officers acknowledge that as the size of the development has reduced, taken alongside a considered landscaping scheme, the harm of the development to the character and distinctiveness of the AHLV is localised and would be mitigated to an extent by the proposed landscape planting strategy.
135. It is established that the Conservation Officer does not consider the proposal, 0.4 miles from the listed structure, to affect the special character and appearance nor setting of the heritage asset and that the wider protection of the viaduct as an important feature within the landscape is clearly apparent in the extent of the AHLV. It is also clear that the designation is not restricted to this relationship, but sweeps to the west, following the hillside, which includes ancient woodland, and Local Wildlife Sites as far as the extent of the North Pennines Area of Outstanding Natural Beauty (AONB) around Castleside.
136. Following the structured Development plan Policy assessment Policy 39 requires that in the Area of High Landscape Value, the benefits of development in that location must clearly outweigh the harm. The case for the affordable housing has been fully detailed and is considered by Officers to outweigh the harm raised protection that the site benefits from in its inclusion within the AHLV.
137. No harm has been identified to the ancient woodland, and Local Wildlife Sites or AONB designations.
138. The proposed landscape scheme is multifunctional, seeking to mitigate landscape harm, provide ecological amenity, replace natural features lost from the site and replace an enhance existing and future residents' amenity needs. Noting that this latter element cannot be wholly addressed on site, there is consideration of a payment for Green Infrastructure and Open Space elsewhere in this report. The conclusion reached for this topic is that the proposals meet the requirements for CDP Policies 39, 26, 29 and 40 as proposed, with relevant elements secured by conditions. The proposals are concluded to follow the advice of part 15 of the NPPF.

## Heritage and Archaeology

139. 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.
140. 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.



141. The Planning (Listed Buildings and Conservation Areas) Act 1990 imposes a statutory duty that, when considering whether to grant planning permission for a development which affects a listed building or its setting, the decision maker shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. Any such harm must be given considerable importance and weight by the decision-maker. Under the Act also, special attention to the desirability of preserving or enhancing the character and appearance of a conservation area must be equally considered.
142. Hownsgill Viaduct, a grade II\* listed building, around 750m south-east of the proposed development is the sole designated heritage asset potentially affected by the application. Consett Park Terrace first appears on the 1923 OS, too late generally to be considered a non-designated heritage asset. Suggestions that parts of Todd Hills farm are NDHAs are not accepted. Whilst the extent of the Area of Higher Landscape Value (CDP Policy 39) that the site (excluding the former extent of the public house) sits within was drawn to protect the setting of the Asset, Council Conservation Officers again, consistent with the response to the previous, larger scheme, have raised no concerns for the relationship with or harm to the viaduct and its setting.
143. On site archaeological works have been undertaken. An essential part of these investigations is the archiving of the findings to advance understanding of heritage assets. The archiving has been deposited and no further archaeological work is required.
144. It is noteworthy that this relationship was accepted for the larger, refused, scheme, since which there have been significant efforts to reduce the effect on the landscape designation and the heritage asset, both through the reduction in the proposed extent of development, in making use of existing landscape features – i.e. the existing drystone wall field boundary, which is apparent on OS maps dating back to 1860, predating the settlement of Moorside, and a considered landscaping scheme, which will develop into a feature in its own right.
145. On site archaeological works have been undertaken. An essential part of these investigations is the archiving of the findings to advance understanding of heritage assets. The archiving has been deposited and no further archaeological work is required.
146. It is therefore concluded for matters relating to Heritage and Archaeology, that there is no conflict with Policy 44, the duties set out under the Act, and Part 16 of the Framework.

#### Highways Safety and Access

147. Policy 21 of the CDP outlines that development should not be prejudicial to highway safety or have a severe cumulative impact on network capacity. It also expects developments to deliver well designed pedestrian routes and sufficient cycle and car parking provision. Similarly, Policy 29 advocates that convenient access is made for all users of the development together with connections to existing cycle and pedestrian routes. Specifically, the NPPF sets out at Paragraph 114 that safe and suitable access should be achieved for all people. 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.
148. The site access, replicating by degree an existing access serving Todd Hill Farm and part of one unit on the adjacent Industrial Estate is a significant concern to local

residents, whose own drives and the crest of the A692 are features of the main road approach to the site from the north. Highways Officers do not share these concerns and consider the proposed junction arrangements safe. This conclusion is consistent with those reached on the previous application within which there was no refusal reason on these grounds. With a smaller scheme the highway safety effects of the proposals are proportionately lesser than those of the previous decision. Whilst the Council has adopted the Parking and Accessibility SPD (2023) in the intervening time, there are no elements of the proposals that conflict with these updated requirements.

149. The scheme will need to secure a scheme of highways works for a pedestrian crossing and road widening to ensure that residents of the scheme and existing residents have a safe and satisfactory access to the services and facilities of the settlement
150. The layout and parking provision proposed is confirmed as acceptable. Highways Officers raise no objection to the scheme subject to conditions.
151. Sustainability is a further and essential component of the highways policy assessment. Recent amendments to the scheme propose a contribution to enhance footpath 48 to bring additional connectivity north from the site. Whilst access to the surgery on the main road is equidistant from this and the main site entrance to provision of alternative routes is a benefit. The proposed pedestrian crossing of the A692 also ensures connectivity from the site for accessing local services, facilities, shops and transport nodes. The PROW Officer is supportive of the proposed surfacing of the footpath, and have advised on specification and potential cost. A S106 contribution to Durham County Council to carry out the work is proposed to ensure minimum disruption and disturbance to the existing habitat during construction. There is currently no footway where the path joins the A692, and this proposal will link up to installed wood steps and a chicane at this location in the interests of public safety.
152. Cycle storage is proposed across the site in line with the detailed requirements of Policy 21 and the SPD. The Consett and Sunderland Cycle path that crosses the viaduct is part of the National Cycle Network and available nearby, this directly connecting to the County's excellent network of off-road cycle tracks and beyond – albeit it must be acknowledged that the topography in the immediate area of the site does not encourage the casual cyclist.
153. The proposals are concluded compliant with the requirements of both Policy 21 of the CDP and Part 9 of the Framework for these issues, subject to the securing of the proposed improvement works through conditions and s.106 agreement.

## Layout and Design

154. Policy 29 of the CDP outlines that development proposals should contribute positively to an area's character, identity, heritage significance, townscape and landscape features, helping to create and reinforce locally distinctive and sustainable communities. Parts 12 and 15 of the NPPF also seek to promote good design, while protecting and enhancing local environments. Paragraph 130 of the NPPF also states that planning decisions should aim to ensure developments function well and add to the overall quality of the area and establish a strong sense of place, using streetscapes and buildings to create attractive and comfortable places to live, work and visit.
155. Policies 29 and 31 of the County Plan 2020 supported by the adopted Residential Amenity Supplementary Planning Document (SPD) state that developments should provide high standards of amenity and privacy, minimise the impact of development upon the occupants of existing adjacent and nearby properties and not lead to

unacceptable levels of pollution. The Policies and SPD reflect the advice in parts 12 and 15 of the NPPF, which require that a good standard of amenity for existing and future users be ensured, whilst seeking to prevent both new and existing development from contributing to, or being put at unacceptable risk from, unacceptable levels of pollution.

156. The frontage of the site, where formed of the brownfield land associated with the former Moorside Hotel has had an established urban relationship to the existing settlement in its siting between Consett Park Terrace and the site of a former petrol filling station (PFS). The PFS site, fronting Castleside Industrial Estate benefits from an existant consent for a new retail convenience store along with associated car parking. The remainder of the proposed development site is edge of settlement countryside, currently part of Todd Hill Farm and is used for the grazing of horses. The site lies to the south-east of existing residential properties off Moorside Crescent, Consett Road in Castleside. These existing properties are located on a localized ridgeline from where levels fall to the northwest and south-east – where the site is located. This is apparent from the well-used countryside to the west of the site which includes footpaths 46, 48 and 49 and a network of informal and unmarked footpaths that feed towards the viaduct, an established pond, a local wildlife site, ancient woodland and the established general woodland on the facing valley sides. In this area, surrounded by wooded slopes and open countryside, the settlement is visible beyond the skyline.
157. The proposed scheme, while it has reduced the number of dwellings compared to the previous refused scheme, will be clearly visible. It is recognised that substantial efforts to mitigate through planting have been made to ensure that the proposals will be integrated into the landscape, however these impacts cannot be fully mitigated or compensated for. The development will also be apparent in views from the viaduct itself, though again this is reduced compared to the previous scheme. This view will reduce as the proposed planting establishes. The revised plan seeks to integrate with its surroundings with stronger connections to the existing footpath networks through the proposed extended landscaping area to the north.
158. The layout of the site is constrained by the single access, the landform and the shape of the site which necessitates a lower main road from which two cul-de-sacs climb the slope then follow the contours. Significant improvements in process for the lower road are evident, with this frontage of the site overlooking the open space now less car dominated. In plot landscaping contributes to this to the betterment of the layout, though it is still considered, as acknowledged above, that this does not fully mitigate the intrusion of urban form into the designated countryside. It is worthy of note that the in-curtilage planting will largely remain given the nature of the tenures and the applicants maintenance of the site. The County Tree Officer suggests detailed control of this via condition.
159. The scheme has a mix of dwellings available that brings alignment with Part 8 of the Framework's advice for creating mixed communities, with bungalows and family dwellings providing the mix. This is slightly compromised by the scheme being presented as 100% affordable, acknowledging there is a tenure mix within this. Whilst the principle of affordable housing is accepted as of positive weight in the planning balance, large schemes of wholly affordable housing do have implications for achieving the varied social interaction suggested by part 8 of the Framework.
160. The scale, character and layout of the scheme is accepted within the site boundaries, and in appropriately reflecting the character of the nearest elements of the existing settlement for the requirements of Policy 29. Outside the site boundaries, the harm to the 'the character, function, form and setting of, the settlement' (from Policy 6 criteria

d.) is significantly reduced, and further, how well related it is to the settlement (Policy 11 criteria a.) are both significantly if not wholly improved in comparison to the refused scheme.

161. These issues are flagged for inclusion in consideration of the Planning Balance at the conclusion of this report.
162. In terms of character, there have been amendments to simplify the appearance of the proposed dwellings through elevational design and materials choices to help associate and integrate the proposed development into the local brick built vernacular.
163. The appearance of the development as proposed, as a component of the 'character' requirements of CDP Policies 29 and 6 and Part 12 of the NPPF is concluded acceptable.

#### Residential Amenity

164. Policies 29 and 31 of the CDP outline that developments should provide high standards of amenity and privacy, minimise the impact of development upon the occupants of existing adjacent and nearby properties and not lead to unacceptable levels of pollution. Policy 32 seeks to ensure that historic mining legacy and general ground conditions are suitably addressed by new development. A Residential Amenity Standards Supplementary Planning Document (SPD) has also been adopted by the Council. The aforementioned policies and SPD can be afforded significant weight. Parts 12 and 15 of the NPPF, which require that a good standard of amenity for existing and future users be ensured, whilst seeking to prevent both new and existing development from contributing to, or being put at unacceptable risk from, unacceptable levels of pollution.
165. For residential amenity, guidance within the SPD advocates separation distances of 21m between facing principal elevations and 18m between bungalows, 13m between principal and two storey gable elevations and 10m to a single storey. It is advised that additional separation may be required where there are changes in levels across a site. The site indicative layout shows that generally separation distances between dwellings in the development meet or are in excess of that advocated by the SPD. Gardens likewise, an essential component of both amenity and separation for privacy, meet required standards of the SPD.
166. The internal layout of the scheme has been amended, and likewise the house-types simplified to better reflect these Policy requirements. All separation distances are exceeded and met as required for facing distances for main living rooms. The relationship between plot 1, a 2 storey, 2 bed, 4 person unit with a small first-floor stair window and narrow ground-floor hallway window in its side elevation and the gable of 30 Consett Park Terrace, which has side windows in its garage extension and functional windows on its upper floor, the higher elements of the two buildings separated by 9.2m, is, consistent with the previous assessment for a comparable relationship, albeit with a different house-type, is again considered acceptable.
167. Other residential amenity relationships to be acknowledged include that to the industrial estate south of plots 8/9, which includes a large service/storage yard with illumination, that whilst apparently significantly underused at present, has the potential to be brought into a greater level of intensity. Access to this unit is through the site, having previously utilised the poorly surfaced byway that leads to Todd Hill Farm. This will pass two of the bungalows. Highways and Environmental Health Officers raise no objection to this relationship, with the latter having addressed significant focus on

some of the industrial premises apparent on the employment land. Conditions are suggested to mitigate potential impacts including for acoustic fencing. The employment site includes some trees and shrubs within it that visually separate the existing and proposed uses. This is a potentially uncomfortable relationship, but one which in light of the specialist consultees' advice is considered acceptable with the imposition of conditions and in the wider planning balance. The commercial operator also asks for guarantees of access during construction works which would likewise require securing by condition.

168. Both the layout of the estate and that of the individual dwellings pay due regard to the principle of 'Designing Out Crime' as set out in the response from Durham Constabulary.
169. Taking all the above aspects into consideration, compliance with Policy 31 is concluded, and likewise the advice set out in Part 15 of the Framework.

### Sustainable Design and Location

170. For sustainability and accessibility, 91% of the scheme are accessible, against a Policy 15 requirement on sites of 5 units or more, 66% of dwellings must be built to Building Regulations Requirement M4(2) (accessible and adaptable dwellings) standard.
171. The Design Review Panel have discussed the sustainability of the location. The site entrance is 270m from the arcade of shops in Derby Drive. The nearest bus stop to the site is used by school buses but not services buses which transit through the estate opposite. The application proposes access improvements including a new pedestrian crossing, accommodated with localise road widening. This must be secured by a 'Grampian' or off-site style condition, a device suggested by Highways Officers. The applicants also propose a contribution to upgrade the footpath – currently a grass track – to a more formal surfaced track. This will increase the opportunity for pedestrian permeability, but unfortunately brings the nearby doctor's surgery no nearer as equidistant from the main and footpath entrances. This, and the mechanism to secure it, is discussed in more detail under other topic areas. Schools, bus stops and shops are therefore within 800m walking distance.
172. Locational sustainability is simplistically assessed in terms of having a range of facilities within 10 minutes walking distance (around 800m) of a site. This derives from research from organisations including the Chartered Institution of Highways & Transportation (CIHT), the Transport Planning Society (TPS), the Royal Town Planning Institute (RTPI) and Sustrans, the walking, wheeling and cycling charity. This nominal 800m threshold for assessing distances is guidance and not an absolute requirement, and the propensity to walk will not only be influenced by distance but by the quality of the experience. It is also necessary to consider the needs of all users, including the elderly and those with mobility issues or disabilities, who would be most affected by distances and travel times to services and bus stops. It does however reflect the provisions of the Framework to promote sustainable transport at Paragraphs 114 and 116 to promote sustainable transport modes with layouts that maximise the catchment area for bus or other public transport services.
173. In wider locational sustainability terms, the site has employment land adjacent, is located around 1.4miles from the supermarkets and large retail and food outlets at the edge of Consett, with the town centre a short distance beyond. It is close to leisure routes and is afforded easy access to the countryside by the connected footpaths. The development as presented is concluded to be sustainable in terms of it's location and relationship to its functional surroundings.

174. Policy 29 requires new development to provide a high quality of design. A Building for Life Supplementary Planning Document (2019) (BfL SPD) has been adopted by the Council, and this is a key document used in the assessment of Major scale housing developments. The document is referred to in Policy 29 of the County Durham Plan. In recognition of national planning advice and to achieve high quality housing developments, the Council has adopted an internal Design Review process to assess schemes against the Building for Life 12 (BfL 12) Standards. The BfL SPD formalises the review process and establishes the guidelines and standards for its operation and is linked to the Sustainable Design Policy (Policy 29) in the County Durham Plan. The scoring is based on a traffic light system with the aim of the proposed new development to secure as many “Greens” as possible, minimise the number of “Ambers” and avoid “Reds”. The more “Greens” achieved the better the development will be, “Ambers” are usually concerns that can be raised to “Green” with revisions, whereas a “Red” gives a warning that a particular aspect needs strong reconsideration.
175. Policy 29 states that schemes with one or more Red scores will not be acceptable and will be refused planning permission unless there are significant overriding reasons.
176. The scheme has been presented to the Design Review Panel during its assessment and scored 4 greens, 6 ambers and 2 reds. The reds were in relation to highway comments, which have now been satisfactorily resolved. On balance it is considered that the proposal would not lead to conflict with Policy 29 of the CDP or with Part 12 of the NPPF.

#### Flooding and Drainage

177. Policies 35 and 36 of the CDP relate to flood water management and foul water infrastructure. Policy 35 requires development proposals to consider the effects of the scheme on flood risk and ensure that it incorporates a Sustainable Drainage System (SuDs) to manage surface water drainage. Development should not have an adverse impact on water quality. Policy 36 seeks to ensure that suitable arrangements are made for the disposal of foul water. National advice within the NPPF and PPG with regard to flood risk advises that a sequential approach to the location of development should be taken with the objective of steering new development to flood zone 1 (areas with the lowest probability of river or sea flooding). When determining planning applications, local planning authorities should ensure flood risk is not increased elsewhere and only consider development appropriate in areas at risk of flooding where a sequential test and some instances exception test are passed, informed by a site-specific flood risk assessment.
178. For foul drainage, Northumbrian Water have previously raised no objection to the larger proposals subject to a standard condition. With the lower part of the site unsuitable for development and available for sustainable surface water drainage and with inclusion of permeable drives across the development, a drainage system that meets the requirements of Policies 35 and 36 is capable of approval by condition.
179. A positive approach has been undertaken to achieve a sustainable drainage system that has positive benefits to public realm, designed to accrue biodiversity benefits, informal paths for resident’s recreation, connection to the public footpath and provide for play space. A management company will look after this multi-functional space which forms the end of the SuDS system. Permeable hardstanding areas lead the drainage chain and result in an approach that, secured by condition, can meet the requirements of Policy 35 and the advice of Parts 14 and 15 of the NPPF.

## Planning Obligations

180. Paragraph 57 of the NPPF as Policy tests, and Paragraph 122 of The Community Infrastructure Levy Regulations 2010 (as amended by the 2011 and 2019 Regulations) set out three planning tests which must be met in order for weight to be given to a planning obligation. These being that: 1) matters specified are necessary to make the development acceptable in planning terms, 2) are directly related to the development, and 3) are fairly and reasonably related in scale and kind to the development. For this application, the following mitigations have been identified for inclusion within such a legal agreement;

### *Affordable Housing*

181. The affordable housing offer of the scheme is set out in detail and assessed both in its own right for Policy 15 (Addressing Housing Need), and in terms of the weight it is given for the assessment of Policy 11 (Rural Housing Exception Sites) and Policy 39 (Landscape), above. Taken in isolation, Policy 15 would only allow the proportion of affordable housing required for compliance with this Policy to be secured by legal agreement. In this, low viability area of the County, that would be 10% of the scheme.
182. However, as the scheme being 100% affordable underpins the weight given to this topic when using the Policy 11 test that there is an identified local need for affordable or specialist housing sufficient to justify the scale and nature of the development; and in applying the Policy 39 test that the benefits of development in this location clearly outweigh the identified harms to the special qualities of the landscape in the Area of Higher Landscape Value.
183. It is therefore necessary to secure the whole affordable housing offer to make the development acceptable in planning terms. The requirements of Policies 11 and 39 require this as directly related to the development, and are fairly and reasonably related in scale and kind to the development

### *Healthcare*

184. Moorside is served by the Queens Road Surgery and Moorside Surgery which are located around 5.15km and 250m (path) from the head of the site, in Shotley Bridge and Moorside respectively. The NHS North-East and North Cumbria Integrated Care Board have confirmed that these practices falls within the Derwentside Primary Care Network which are at full capacity and would require additional space to deliver their services to an increased number of patients. Therefore, they recommend that a financial contribution, which has been adjusted using their standard calculator to request a sum of £26,565 would be required to provide additional / extended accommodation to mitigate the impact of the development and provide additional capacity for local GP surgeries. This figure is calculated using the NHS Property Service build cost rate of £3,000 per square metre, with a likely average occupancy of 2.3 people per dwelling resulting in the development increasing patient numbers by 127.
185. Considering the required tests; the contribution to mitigate the specific identified shortfall is necessary to make the development acceptable in planning terms, reflecting the social and economic objectives of the NPPF as set out at paragraph 8 and detailed in part 8, paragraph 96 to address identified local health needs. The assessment of the capacity of the local surgery within the context of the surrounding

health care network ensures the requested mitigation is directly related to the development; and use of the standardised calculator means it is fairly and reasonably related in scale and kind to the development.

186. The lack of dental services capacity in the village and generally is a concern of some objectors. The NHS advice is very specific in the detail of the medical practices that are proposed mitigated, as required by the tests required to secure s.106 monies. It does not provide for dental surgeries. 'Primary dental services are one of the four pillars of the primary care system in England, along with general practice, primary ophthalmic services (eye health) and community pharmacy. These services use a 'contractor' model of care, which means that almost all NHS primary care services are delivered by independent providers contracted to the NHS' (\*Kingsfund.org. 11 Oct. 2023). The nature of the organisation of dental provision is such that at present there is no mechanism to secure a form of mitigation that could allow for new demands for additional capacity. Beyond the control of the planning system, this issue is considered neutral in the planning balance.

### *Ecology*

187. Policies 26, 35, 41 and 43 of the CDP seek to secure net gains for biodiversity and coherent ecological networks. Policy 43 relates to protected species and nationally and locally protected sites. Part 15 of the NPPF seeks to ensure that developments protect and mitigate harm to biodiversity interests, and where possible, improve them.
188. The application proposes to deliver the required ecological scheme and gains, both on site and on land adjacent and with a financial contribution for further off-site works.
189. The proposals have evolved after some discussion. Requirements of the County Ecologist for clarity on the BNG delivery on the submitted Southern Green Landscape Strategy Plan coded to the UK Habitat Regs allowing it to be read across to the DEFRA Metric and ecological reporting and subsequent management plan, and detailed issues relating to the number of urban / standard trees, especially around the southern section of the soft landscaping have been discussed and resolved with the applicant's ecological consultant.
190. Issues over trading rules (i.e. habitat typologies lost and replaced) particularly in relation to the extent and condition of grassland habitats as a requirement of the DEFRA metrics are likewise now agreed.
191. Discussions over a draft Habitat Management and Monitoring Plan (HMMP) to provide sufficient information that the LPA can be confident that management and monitoring of the habitats delivering were successful and a final, agreed version of the HMMP (and its delivery) will be secured via an appropriate legal agreement.
192. On reconsultation, County Ecologists advised that the issues have now been addressed, and an appropriate update of the ecological survey work has been provided. An off-site mitigation for the proportion of bio-diversity gain that cannot be achieved on or near the site is £165,000 is considered acceptable. This will be delivered at the closest available scheme, at Tanfield Marsh.
193. This approach is considered to bring compliance with the BNG and ecological aspects of the development for the requirements of Policies 26, 35, 41 and 43 of the CDP. The approach and requirements are also considered to meet the tests for the required Planning obligation; with BNG required to make the development acceptable in planning terms both in terms of the requirements of Policy 40 and part 15 of the NPPF;



with use of the DEFRA matrix ensuring the proposed compensations are directly related to the development; and the same tools ensuring the mitigations are fairly and reasonably related in scale and kind to the development.

### *Education*

194. Part 8, paragraph 99 of the NPPF set out that it is important that a sufficient choice of school places is available to meet the needs of existing and new communities. Local planning authorities should take a proactive, positive and collaborative approach to meeting this requirement, and to development that will widen choice in education. They should give great weight to the need to create, expand or alter schools through the preparation of plans and decisions on applications.
195. County Education Officers have confirmed that there is sufficient capacity in the Primary Education catchment area to accommodate the likely demands of the scheme with a standard buffer.
196. For secondary education a shortfall of 7 spaces is identified to accommodate the likely demands of the scheme whilst maintaining a 5% surplus. Using the Council's established standard calculator (7 x £24,312) a figure of £170,184 is considered to meet the required tests of being required to make the development acceptable in planning terms - other words to meet the requirement of paragraph 99, it being directly related to the development and the demands it will address, and being fairly and reasonably related in scale and kind to the development through the use of the standard calculator. The applicant has asked to discuss the exact figure through the s.106 discussions.
197. It is noted that the very recently adopted Developer Contributions SPD sets out a wider range of potential education mitigations and the Education response has suggested mitigations for local post 16 and County-wide SEND provision. With an application that has been lodged with the Council since 2023 and these requirements only just emerging, a 'transition' period is operated in order to be fair and reasonable to the developer's viability expectations. Officers consider it unreasonable to request the additional payments.

### *Infrastructure and Open Space*

198. Policy 26 of the CDP outlines that new residential developments will be required to make provision for open space to meet the needs of future residents having regard to the standards of open space provision set out in the Open Space Needs Assessment (OSNA). Where it is determined that on-site provision is not appropriate, the Council will require financial contributions to be secured through planning obligations towards the provision of new open space, or the improvement of existing open space elsewhere in the locality. 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 127 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).
199. 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.

200. The scheme includes open space within the sustainable drainage area, however Spatial Policy Officers identify the development is of a type where the ONSA states amenity/natural green space and non-equipped play space (children) should be provided on site, and a contribution sought towards all other typologies of open space. Accounting for the proposed types of open space within the development, financial contributions would normally be required to fund improvements and provision within existing off-site open space areas. This contribution would amount to £65,098, and additional sums could also be required for maintenance should the proposer utilise the council's services.
201. The development will create demand for a number of additional typologies of Public Open Space and therefore the required sum is considered necessary to make the development acceptable in planning terms, in using the OSNA calculators is both directly related to the development and are fairly and reasonably related in scale and kind to the development, again meeting the required tests.

#### *Public Rights of Way*

202. Public Rights of Way Officers are supportive of the proposed resurfacing of footpath 48, that runs north from the top of the site. This would give additional and optional links to The A692 and local services and is critical to making the scheme sustainable and appropriately connected to the settlement. A sum of £11,000 has been identified for these works and on this basis are considered to make the scheme the development acceptable in planning terms, are directly related to the development, and are fairly and reasonably related in scale and kind to the development.

#### Other Considerations

##### *Sustainable Homes*

203. Policy 29 of the emerging CDP 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. The submission advises that at the detailed design stage of the scheme, a 'fabric first' approach will be adopted in order to reduce capital and operational costs, improve energy efficiency and reduce carbon emissions in addition to potentially reduce the need for maintenance during the building's life. The application submits that the proposed dwellings will be designed to have high standards of energy efficiency, by limiting the heat loss across the building envelope and optimising natural ventilation, in order to minimise the overall energy demand. A condition can be imposed to secure this in the event of an approval.
204. An Energy Statement has been submitted to highlight the key additional features to be incorporated at Todd Hill Farm, including sample SAP calculations demonstrating the carbon emission reductions in line with Durham County Council's Policy 29. All plots will be built to the new Building Regulations to ensure high energy efficiency and lower energy bills for the end users. This is especially welcome at the present time and will make the proposed dwellings more desirable.

205. This will be implemented by: PV Panels will be installed on every plot and all dwellings will be built to the requirements of new Part L1 2021. Highly efficient space and hot water heating systems with thermostatic controls, programmers and air source heat pumps will be installed. The houses will be constructed in Timber Frame – this method has the lowest CO2 cost of any commercial building method. High levels of insulation and air tightness will be achieved within the construction of the dwellings. Electric Vehicle Charging Points of bollards where applicable will be provided for each dwelling where possible. All dwellings will achieve an EPC Rating of A, demonstrating that the dwellings will be economical in terms of running costs for space and water heating, ventilation and lighting.
206. Whilst the applicant contends that this is significant in consideration of the principle of development, Officers consider that this brings compliance with CDP Policy 29.

#### *Contamination*

207. Policy 32 of the CDP requires development to demonstrate that contamination and unstable land issues can be satisfactorily addressed by appropriate mitigation measures and 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.
208. Environmental Health (Contamination) Officers concur with the findings and conclusions in the submitted Environmental Ground Investigation Report reports that identify the need for site remediation, suggested a standard Phase 3 condition. A standard approach would include a phase 4 Verification Report condition and informatives to accommodate the potential for unexpected contamination. These therefore are considered relevant and necessary for any approval and are appended at the end of this report. Taking this approach, compliance is concluded with the requirements of Policy 32 and the relevant elements of part 15 of the Framework.

#### *Minerals Safeguarding*

209. The site lies at the edge of a Mineral Safeguarding Area. Policy 56 of the CDP states that planning permission will not be granted for non-mineral development that would lead to the sterilisation of mineral resources within such areas unless specific criteria apply. The site is not affected by the coal mining legacy, with no records of historic mining activity. The site is at the edge of the existing settlement and in a protected landscape, at the edge of the Minerals protection area, and the potential for future mining activity, as protected by Policy 56 of the County Plan is not considered to be an issue.

#### *Broadband*

210. Policy 27 requires new residential and commercial development should be served by a high speed broadband connection. A condition is suggested to bring compliance with this condition and Part 10 of the NPPF.

#### *Best and Most Versatile Agricultural Land*

211. Policy 14 of the CDP states that the development of the best and most versatile agricultural land, will be permitted where it can be demonstrated that the benefits of

the development outweigh the harm and significant weight can be attributed to this policy. NPPF Paragraph 170 states that LPAs should recognise the economic and other benefits of the best and most versatile agricultural land and where significant development of agricultural land is demonstrated to be necessary, local planning authorities should seek to use areas of poorer quality land in preference to that of a higher quality. The proposals do not involve high quality agricultural land.

### *Objections*

212. The proposal has generated some public interest, with 14 representations of objection having been received from local residents and the CPRE. The objections, queries and concerns raised have been taken account and addressed within the report, where appropriate.

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## **PLANNING BALANCE AND CONCLUSION**

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213. 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.
214. This report has sought to set out a structured framework for the Policy assessment required for a development of affordable housing in the countryside.
215. Significant efforts have been made to overcome the refusal reason for the 2021 application for 84 affordable dwellings set out above: the refusal found that proposal contrary to Policy 6 (and Policy 29) as being not appropriate in terms of scale, layout, and location to the character, function, form and setting of the settlement. The reduction in the size of the proposal and a more considered landscaping scheme significantly improves these issues, but there are still conflicts, particularly in terms of the form and setting of the settlement.
216. Policy 10 was not quoted in the refusal reason, as essentially in that and the current cases, a vehicle to Policy 11. The new scheme has been accepted by Housing Officers as being supported by evidence that an identified local need for affordable or specialist housing sufficient to justify the scale and nature of the development does exist. Despite continuing to assess this need on an area extending beyond Moorside, there is sufficient disaggregation to justify the local need within the settlement – and beyond.
217. In the absence of this justification for the 2021 application, that proposal failed the requirements of Policy 39 in that it did not show that the benefits of development would clearly outweigh the harm to landscape character from the intrusion of built development into an Area of High Landscape Value contrary to Policy 39 of the County Plan. The justification has been provided and accepted, and the landscape harm has been reduced to a localised scale.
218. The need for housing land supply is a given. That this will likely increase significantly is acknowledged but is not able to be afforded weight in the decision making process at present.
219. The balancing exercise for this application acknowledges that there are still conflicts with Policies 6 and 39 but concludes that the applicants have demonstrated an affordable housing need in the area that outweighs these harms.

220. The site is considered to be locationally sustainable, and the proposals are considered to be a high quality scheme of sustainable dwellings. Where the requirements for mitigation have been identified they can be addressed through the imposition of conditions and a legal agreement.
221. In terms of the requirements of the NPPF, the development represents sustainable development, will assist in delivering a sufficient supply of homes, whilst promoting healthy and safe communities, including an acceptable approach to sustainable transport through using principals aimed at achieving well-designed places and within the context of the site meeting the challenge of climate change, flooding and coastal change. For the topic of conserving and enhancing the natural environment, the scheme provides an appropriate mechanism to ensure the required bio-diversity net gain. Identified landscape harms, intrinsic in the development of green space are part mitigated by the inclusion of open space, play equipment and an appropriate planting scheme, but are the main harm identified in this assessment of the planning balance.
222. The Durham County Plan, as the 'development plan' sets out through its policies a systemised and detailed approach reflecting the National requirements. No elements of the assessment of Policies nor the comments of Consultees, statutory, internal or public have raised any other issues that alone or cumulatively are considered to outweigh the principal benefit of increased housing supply.

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## **RECOMMENDATION**

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

- Securing the Affordable Housing
- Healthcare capacity mitigation - £26,565
- Offsite BNG contribution at Tanfield Marsh - £165,000
- Section 39 Agreement to secure a HMMP to monitor and maintain the on and off-site works for 30 years.
- Secondary Education spaces – up to £170,184
- Green Infrastructure and Open Space - £65,098
- A contribution towards upgrading of PRow Footpath 48 - £11,000

And subject to the following conditions:

### Time Limit

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.*

### Approved Plans

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

#### Plans

RES817-BHA-ST-XX-DR-A-1240\_S4\_P11 - Proposed Site Layout

1223\_100\_Landscape Strategy\_Rev J  
RES817-BHA-ST-00-DR-A-1210\_S4\_P02- Proposed Boundary Treatment  
RES817-BHA-ST-00-DR-A-1270\_P02 - Parking spaces plan  
RES817-BHA-ST-00-DR-A-5011\_P02 - Proposed Boundary Details  
RES817-BHA-ST-XX-DR-A-1250\_S4\_P05 - Tenure Plan  
2729 - Todd Hill - CSRMP - September 2021  
Construction Management Plan Todd Hill Farm Castleside  
RES817-BHA-V6-ZZ-M3-A-00001\_Montrose\_2B3P\_Semi - 1501 - P03 - Proposed Building Plans  
RES817-BHA-V6-ZZ-M3-A-00001\_Montrose\_2B3P\_Semi - 1601 - P02 - Proposed Building Elevations  
RES817-BHA-V211-ZZ-M3-A-0001 - Wentworth HT Semi Det - 1501 - P01 - Proposed GA Plans  
RES817-BHA-V211-ZZ-M3-A-0001 - Wentworth HT Semi Det - 1601 - P02 - Proposed GA Elevations  
RES817-BHA-V213-ZZ-M3-A-0001 - Ashridge Semi Det - 1501 - P02 - Proposed Building Plans  
RES817-BHA-V213-ZZ-M3-A-0001 - Ashridge Semi Det - 1601 - P02 - Proposed Building Elevations  
RES817-BHA-V312-ZZ-M3-A-0001 - Oakmont HT - 1501 - P02 - Proposed Building Plans  
RES817-BHA-V312-ZZ-M3-A-0001 - Oakmont HT - Sheet - 1601 - P02 - Proposed Building Elevations  
RES817-BHA-V313-ZZ-M3-A-0007\_Sherwood\_Semi-Det - 1501 - P02 - Proposed Building Plans  
RES817-BHA-V313-ZZ-M3-A-0007\_Sherwood\_Semi-Det - 1601 - P02 - Proposed Building Elevations  
RES817-BHA-V323-ZZ-M3-A-00001\_Lytham\_3B5P\_Semi - 1501 - P02 - Proposed Building Plans  
RES817-BHA-V323-ZZ-M3-A-00001\_Lytham\_3B5P\_Semi - 1601 - P02 - Proposed Building Elevations

## Ecology Reports

21007 BNG V5  
21007 EcIA V1 2023

## Technical Reports

984\_2024 Todd Hill TA v3  
1223\_Landscape and Visual Appraisal\_Rev C  
2394- 001 Heritage Statement - Todd Hill  
102748v3 Odour Impact Assessment\_Consett Park Terrace\_10.11.23  
Castleside and Moorside HNS Final Report 20 Dec 2023 (26.02.24 update)

## Engineering

2799 SGC-ZZ-00-DR-C-0507 Outfall to Watercourse Construction Details  
2799 - Todd Hill Farm - FRA&DS - Issue 3 - July 2024  
2799-SGC-ZZ-00-DR-C-0500 - Proposed Levels Plan P03  
2799-SGC-ZZ-00-DR-C-0501 - Proposed Drainage Plan P02  
2799-SGC-ZZ-00-DR-C-0503 - Impermeable Areas Plan P02  
2799-SGC-ZZ-00-DR-C-0506 - Proposed Pedestrian Crossing GA P04-A1

*Reason: To define the consent and ensure that a satisfactory form of development is obtained in accordance with Policies 6,10, 11, 15, 19, 21, 25, 26, 29, 31, 32, 35, 36, 39, 40, 41, and 56 of the County Durham Plan and Parts 2, 4, 5, 6, 8, 11, 12, 14, 15, and 16 of the National Planning Policy Framework.*

## Highways

3. No dwelling shall be occupied until full engineering, drainage, street lighting, access and constructional details of the streets proposed for adoption by the local highway authority have been submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall be constructed in accordance with the approved details, unless otherwise agreed in writing with the Local Planning Authority.

*Reason: In the interests of Highway Safety and to meet the requirements of the Parking and Accessibility SPD (2023), Policy 21 of the County Durham Plan, and Part 9 of the National Planning Policy Framework*

4. The development must not be brought into use until the highway access onto the A692 has been built and constructed in accordance with the submitted access plan.

*Reason: In the interests of Highway Safety and to meet the requirements of Policy 21 of the County Durham Plan, and Part 9 of the national Planning Policy Framework (2023)*

5. The proposed pedestrian crossing shown on plan reference 2799-SGC-ZZ-00-DR-C-0506 Rev P04-A1, must be available for use before the occupation of the first dwelling.

*Reason: In the interests of highway safety and benefit sustainable pedestrian links in accordance with Policies 6 e), 10 q), and 21 a) and c) of the County Durham Plan, and with Part 9 of the National Planning Policy Framework.*

6. Prior to the occupation of the first dwelling, full engineering, drainage, street lighting and constructional details of the streets proposed for adoption by the Local Highway Authority shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall be constructed in accordance with the approved details.

*Reason: In the interest of highway safety, in accordance with Policy 21 of the County Durham Plan and the National Planning Policy Framework*

7. The site splays 2.4 x 68 metres in both directions onto the A692 must be maintained for future use and kept clear for unimpeded visibility to under a height of 0.6 metres.

*Reason: In the interests of Highway Safety and to meet the requirements of Policy 21 of the County Durham Plan, and Part 9 of the national Planning Policy Framework*

8. No dwelling shall be occupied until a detailed specification for the new footpath/pedestrian refuge crossing island on the A692 and a timescale for implementation have been submitted to and approved in writing by the Local Planning Authority. The scheme shall be completed in full accordance with the approved details and timings thereafter.

*Reason: In the interests of Highway Safety and to meet the requirements of Policy 21 of the County Durham Plan, and Part 9 of the national Planning Policy Framework*

9. No dwelling shall be occupied until the refuse storage provision for that dwelling, as indicated on the approved plans, has been implemented. Thereafter, the refuse storage provision shall be retained in accordance with the approved details and shall be made available for the parking of cycles at all times.

*Reason: In the interests of visual amenity and highway safety, in accordance with Policies 21 and 29 of the County Durham Plan and Part 9 of the National Planning Policy Framework.*

10. No dwelling shall be occupied until the cycle parking provision for that dwelling, as indicated on the approved plans, has been made available for use. Thereafter, the cycle parking shall be retained in accordance with the approved details and shall be made available for the parking of cycles at all times.

*Reason: In the interests of visual amenity and highway safety, in accordance with Policies 21 and 29 of the County Durham Plan and Part 9 of the National Planning Policy Framework.*

11. No dwelling shall be occupied until the Electric Vehicle Charging Point provision for that dwelling, as indicated on the approved plans, has been installed and made available for use. Thereafter, the charging points shall then be retained for use at all times.

*Reason: In the interest of sustainable development, in accordance with Policies 21 and 29 of the County Durham Plan and Part 9 of the National Planning Policy Framework*

12. No dwelling shall be occupied until the car parking area indicated on the approved plans for that dwelling, has been hard surfaced in an agreed permeable construction, sealed and if required, marked out as parking bays. Thereafter, the car parking area shall be retained in accordance with the approved plans and shall not be used for any purpose other than the parking of vehicles associated with the dwelling.

*Reason: In the interest of highway safety, in accordance with Policy 21 of the County Durham Plan and Part 9 of the National Planning Policy Framework*

#### Contaminated Land

13. Informed by the submitted Phase 2 report, a Phase 3 remediation strategy must be produced, where necessary including gas protection measures and method of verification, and submitted in writing to for the written approval of the Local Planning Authority.

*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.*

14. 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.*

#### Substation

15. Prior to the construction of the substation hereby approved, full details of its design, appearance and scale shall be submitted to and agreed in writing by the Local Planning Authority. Once agreed, the substation shall be constructed in accordance with the details approved.



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

## Drainage

16. Development shall be implemented in line with the drainage scheme contained within the submitted document: Flood Risk Assessment and Drainage Strategy Ref:2799, Issue 2 dated: May 2024. The drainage scheme shall ensure that foul flows discharge to the foul sewer at manhole 7201 and ensure that surface water discharges to the existing watercourse.

*Reason: To prevent the increased risk of flooding from any sources in accordance with Policy 39 of the County Durham Plan and Parts 14 and 15 of the National Planning Policy Framework.*

17. No development shall commence until a build programme and timetable for the construction of the critical surface water infrastructure has been submitted to and approved in writing by the Local Planning Authority. The programme must include, amongst other matters, details of the outfall structure, control devices, attenuation/storage, temporary control measures during the construction phase and measures to control silt levels entering the watercourse. The order of works to be undertaken must be identified and timescale for delivery. The development thereafter shall be completed in accordance with the details and timetable agreed.

*Reason: To ensure that critical surface water infrastructure is in place to adequately deal with and dispose of surface water prior to the construction of the development, in accordance with Policy 35 of the County Durham Plan and Parts 14 and 15 of the National Planning Policy Framework. Required to be a pre-commencement condition to ensure that water infrastructure is in place at an early stage of the development to adequately manage surface water*

18. Prior to the construction of the Foul Pumping Station hereby approved, full details of its design, appearance and scale shall be submitted to and agreed in writing by the Local Planning Authority. Once agreed, the substation shall be constructed in accordance with the details approved.

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

## Ecology

19. Prior to the first dwelling being constructed beyond damp proof course level, details of the location of integrated bat and bird boxes, along with details of the type of box, shall be submitted to and approved in writing by the Local Planning Authority. The boxes shall be integrated into the external walls of at least 10% of the proposed dwellings, in accordance with the mitigation measures recommended in the hereby approved Ecological Impact Assessment Ref. 21007 (dated November 2023) by OS Ecology.

*Reason: In the interest of conserving protected species, in accordance with Policies 10, 41 and 43 of the County Durham Plan, and with Part 15 of the National Planning Policy Framework.*

## Landscaping

20. All planting, seeding or turfing and habitat creation in the approved details of the landscaping strategy 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, in accordance with Policy 29 of the County Durham Plan and with Part 15 of the National Planning Policy Framework.*

21. No construction work shall take place until all trees and hedges, indicated within the approved constraints survey (Todd Hill Farm, Castleside, Consett Arboricultural Method Statement inc. Impact Assessment Ref: ARB/CP/2616 Date: November 2023) to be retained, are protected by the erection of fencing, placed as indicated on the plan and comprising a vertical and horizontal framework of scaffolding, well braced to resist impacts, and supporting temporary welded mesh fencing panels or similar approved in accordance with BS.5837:2010. Once installed: -

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.

Approved tree protection must remain in places wherever development activities are being undertaken on the site.

*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.*

## Broadband

22. Prior to the construction of the first dwelling, details of the means of broadband connection to the site shall be submitted to and agreed in writing by the Local Planning Authority. Thereafter, the development shall be carried out in accordance with the agreed details.

*Reason: To ensure a high quality of development is achieved and to comply with the requirements of Policy 27 of the County Durham Plan and Part 10 of the National Planning Policy Framework.*

## Soil Management

23. No development shall commence until a soil resource management strategy has been submitted to and approved in writing by the Local Planning Authority. The strategy shall clearly describe the proposed use of all soils on site and demonstrate that soil resources will be managed and conserved in a viable condition and used sustainably in line with accepted best practice. The strategy should detail soil handling, storage and replacement methods to be used appropriate to the grade of soil and intended after-use. The strategy shall also include details of the proposed soil depths upon replacement and plant and machinery to be used as well as, where appropriate, steps to prevent the spread of any soil-borne plant or animal diseases. If soils are to be removed from site, then details of quantities and a programme for removal shall be submitted. Thereafter, development shall take place in accordance with the approved details.

*Reason: In the interests of the protection of soil resources and to comply with Policy 14 of the County Durham Plan and Part 15 of the National Planning Policy Framework. Required to be a pre-commencement condition to ensure soils present on the site are protected throughout the works.*

## Housing Technical Standards

24. Prior to the construction above damp proof course level of any of the dwellings hereby approved in a phase, a report setting out how at least 66% of the total number of units approved for each phase or part thereof will conform to Buildings Regulations M4(2) standard shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be implemented in accordance with the approved details.

*Reason: In order to address housing need requirements in accordance with Policy 15 of the County Durham Plan.*

25. Prior to the occupation of any dwelling constructed to Buildings Regulations M4(2) standard as approved under Condition 21, a verification report compiled by a suitably competent person demonstrating that the dwelling has been constructed to achieve Buildings Regulations M4(2) standard shall be submitted to and approved in writing by the Local Planning Authority.

*Reason: In order to address housing need requirements in accordance with Policy 15 of the County Durham Plan.*

## Noise and Nuisance

26. Prior to first occupation of the property for the use hereby approved, the sound amelioration measures described within Section 6 of the submitted noise assessment prepared by LA Environmental Consultants reference LAE 1116.2 dated 16 November 2023 must be installed to achieve the Enhanced Insulation Options detailed within Table 5 of the noise assessment and shall be permanently retained thereafter. *Reason: To protect residential amenity in accordance with Policy 31 of the County Durham Plan and Part 12 of the National Planning Policy Framework.*

27. No development, including demolition, shall commence until an updated Construction Management Plan, based on, but not restricted to the submitted Draft Construction Management Plan, November 2023 has been submitted to and approved in writing by the Local Planning Authority. The Construction Management Plan shall include as a minimum, but not restricted to, the following:
1. A Dust Action Plan including measures to control the emission of dust and dirt during construction.
  2. Details of methods and means of noise reduction and suppression.
  3. Where construction involves penetrative piling, details of methods for piling of foundations including measures to suppress any associated noise and vibration.
  4. Details of measures to prevent mud and other such material migrating onto the highway from all vehicles entering and leaving the site.
  5. Designation, layout and design of construction access and egress points.
  6. Details for the provision of directional signage (on and off site).
  7. Plan based details of the position, and heights relative to ground level, of security fencing, contractors' compounds, and temporary infrastructure, including cranes, plant, and other equipment, and storage arrangements for materials.
  8. Details of provision for all site operatives for the loading and unloading of plant, machinery and materials, to including the timings of deliveries and the types of delivery vehicle(s) to be used.
  9. Details of provision for all site operatives, including visitors and construction vehicles, for parking and turning within the site during the construction period.
  10. Routing agreements for construction traffic.
  11. Details of road cleaning and on site wheel washing.
  12. Details of the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate.
  13. Waste audit and scheme for waste minimisation and recycling/disposing of waste resulting from demolition and construction works.
  14. Management measures for the control of pest species as a result of demolition or construction works.
  15. Details of measures for liaison with the local community and procedures to deal with any complaints received.

The management strategy shall have regard to BS 5228 "Noise and Vibration Control on Construction and Open Sites" (or an equivalent British Standard if replaced) during the planning and implementation of site activities and operations. The approved Construction Management Plan shall be adhered to throughout the construction period of the development and the approved measures shall be retained for the duration of the construction works.

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

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

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

No construction works or works of demolition whatsoever, including deliveries, external running of plant and equipment, internal works whether audible or not outside the site boundary, shall take place on Sundays, Public or Bank Holidays without express permission from the Local Authority.

Banksmen will be employed to escort deliveries and manage traffic when reversing onto the public highway or other activity which may impact on road safety. All off-loading of plant, equipment and materials will be carried out on site and vehicles would turn around before leaving.

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

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## **STATEMENT OF PROACTIVE ENGAGEMENT**

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

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## **PUBLIC SECTOR EQUALITY DUTY**

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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.

In this instance, Officers have assessed all relevant factors and consider the anticipated expectations of potential residents and visitors with special needs are included within the layout and proposed buildings.

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## **BACKGROUND PAPERS**

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- Submitted Application Forms, Plans and supporting documents
- National Planning Policy Framework
- National Planning Practice Guidance Notes
- County Durham Plan (2020)
- Trees, Woodlands and Hedges SPD (2024)
- Development Viability, Affordable Housing and Financial Contributions SPD (2024)
- Residential Amenity Standards SPD (2023)

- Parking and Accessibility SPD (2023)
- County Durham Plan Strategic Housing Land Availability Assessment (2019)
- Habitat Regulations Assessment: Developer Guidance and Requirements in County Durham (2019)
- County Durham Building for Life SPD (2019)
- County Durham Settlement Study (2018)
- Durham County Council Open Space Needs Assessment (2018)
- CIHT Better Planning, Better Transport, Better Places (2019)  
<https://www.ciht.org.uk/knowledge-resource-centre/resources/better-planning-better-transport-better-places/>
- CIHT Planning for Walking (2015)  
[https://www.ciht.org.uk/media/4465/planning\\_for\\_walking\\_-\\_long\\_-\\_april\\_2015.pdf](https://www.ciht.org.uk/media/4465/planning_for_walking_-_long_-_april_2015.pdf)
- CIRIA The SuDS Manual (2015)
- Sustrans: Walkable neighbourhoods - Building in the right places to reduce car dependency (2022) <https://www.sustrans.org.uk/media/10520/walkable-neighbourhoods-report.pdf>
- Statutory consultation responses
- Internal consultation responses
- External consultation responses
  
- \*The King's Fund is an independent think tank and charity, which is involved with work relating to the health system in England  
<https://www.kingsfund.org.uk/insight-and-analysis/long-reads/dentistry-england-explained>



<p><b>Planning Services</b></p>	<p>DM/23/03562/FPA          Construction of 55 affordable dwellings with associated car parking, landscaping and other Infrastructure including diversion to a byway and footpath</p>	
<p>This map is based upon Ordnance Survey material with the permission of Ordnance Survey on behalf of Her Majesty's Stationary Office © Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceeding.          Durham County Council Licence No. 100022202          2005</p>		
	<p><b>Date</b> December 2024</p>	<p><b>Scale</b> NTS</p>

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