



County Planning Committee

Date Wednesday 5 June 2024
Time 10.00 am
Venue Council Chamber, County Hall, Durham

Business

Part A

1. Apologies
2. Substitute Members
3. Declarations of Interest
4. Minutes of the meeting held on 8 May 2024 (Pages 3 - 16)
5. Applications to be determined
 - a) DM/23/00757/FPA - Acrum Lodge, Staindrop Road, West Auckland, DL14 9PB (Pages 17 - 44)

Change the use of the land to allow the siting of 104 holiday chalets, 63 pitches for touring caravans and the creation of a new amenity building with reception, cafe and shop. Re-clad the existing Acrum Stud stables
6. Such other business as, in the opinion of the Chairman of the meeting, is of sufficient urgency to warrant consideration

Helen Bradley
Head of Legal and Democratic Services

County Hall
Durham
28 May 2024

To: **The Members of the County Planning Committee**

Councillor G Richardson (Chair)

Councillor A Bell (Vice-Chair)

Councillors J Atkinson, D Boyes, M Currah, J Elmer, J Higgins,
P Jopling, C Martin, M McKeon, A Savory, K Shaw, A Simpson,
S Wilson and S Zair

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DURHAM COUNTY COUNCIL

At a Meeting of **County Planning Committee** held in Council Chamber, County Hall, Durham on **Wednesday 8 May 2024 at 9.30 am**

Present:

Councillor G Richardson (Chair)

Members of the Committee:

Councillors A Bell (Vice-Chair), D Boyes, M Currah, J Elmer, J Higgins, C Martin, E Peeke (substitute for P Jopling), A Savory, K Shaw, A Simpson, S Wilson and S Zair

Other Members:

Councillors L Maddison and P Molloy

1 Apologies

Apologies for absence were received from Councillors J Atkinson, J Higgins and P Jopling.

2 Substitute Members

Councillor E Peeke was present as substitute for Councillor P Jopling.

3 Declarations of Interest

There were no declarations of interest.

4 Minutes of the meeting held on 3 April 2024

The minutes of the meeting held on 3 April 2024 were agreed as a correct record and signed by the Chair.

a DM/23/02170/FPA - Land North and West of Almond Close, Spennymoor, DL16 7YG

The Committee considered a report of the Principal Planning Officer regarding an application for Construction of 187no. dwellings and associated open space on Land North and West of Almond Close Spennymoor (for copy see file of minutes).

S France, Planning Officer gave a detailed presentation which included a site location plan, aerial photographs, site photographs, proposed site layout, and details of house types. He confirmed that a site visit had taken place on the previous afternoon.

The Planning Officer confirmed that the Section 106 Legal Agreement would include thirty years of monitoring and maintenance. He advised that ecology had been under discussion at the time the report was published, however the development would meet 10% biodiversity net gain, despite the application being validated prior to the uplift requirements.

Councillor Maddison addressed the Committee as Local Member, objecting to the proposal. Spennymoor had been subject to house building for twenty years and the town did not need or want this development. She referred to issues with NHS capacity and advised that there were nearby brownfield sites that were undeveloped and other approved sites which had not commenced construction. This site was a greenfield site, it was not allocated in the County Durham Plan (CDP) for housing and in her opinion, it did not meet the requirements of Policy 6.

Councillor Maddison had raised issues regarding drainage and flooding during the consultation and the report referenced the area being extremely wet. The adjacent development had been subject to flooding and the area of woodland separating the site from Whitworth Road was often flooded and there were wider issues impacting areas downhill from the site, with new developments having increased flooding on existing developments. The proposal did not accord with national or local policy in order to meet the challenge of climate change and she questioned whether it could withstand surface water run off for the lifetime of the proposal.

Councillor Maddison did not consider the access through the existing development to be appropriate or safe and there were existing parking issues blocking both sides of Grayson Road. Due to the existing highway safety issues, there had been a recent extension of double yellow lines on this road. Vehicles exited onto a 40mph road and there had been a request to reduce the speed limit to 30 mph, which had not yet been considered.

There were visibility issues exiting at Bluebell Drive due to high bushes and multiple reported incidents at the four lane ends junction, due to speeding along Grayson Road. Barriers adjacent to Clyde Terrace had been replaced on a number of occasions due to vehicular incidents and with regards to the construction traffic access, she noted that the left exit would take traffic along narrow roads at Page Bank and Brancepeth which had previously reported incidents of vehicles being stuck due to the narrow width of the road.

Councillor Maddison queried whether maintenance of the offsite play would be the responsibility of the developer or Local Authority. In summary, there were highway safety and flooding issues mineworkings on site. The area was already identified as a potential food risk and due to the number of developments approved already, Spennymoor did not require any additional housing.

Councillor Molloy addressed the Committee as Local Member, in objection to the scheme. He described the location of the site and the existing development. The construction entrance to the site off Whitworth Road required vegetation to be cleared and maintained which would involve uprooting some of the hedgerow and the potential removal of a tree. The access would need to be widened which would have a detrimental impact on the natural environment. There were existing parking issues on the existing site, vehicles parked on either side of road and on Grayson road, double yellow lines were being extended. With the additional vehicles from the proposed development, existing issues could be exacerbated.

With regards to school places, Councillor Molloy had been informed by the Head Teacher of the nearest Primary School at Middlestone Moor, that the previous school year had been oversubscribed in reception and there was a waiting list for some year groups. Bringing additional young families into the area would have an impact on primary education. He referred to issues faced by residents who could not register with a local NHS dentist and advised that the local practice had stopped adding patients to the waiting list due to the high number already waiting. The infrastructure in Spennymoor would not cope with the increase in population. There had been a significant amount of development in recent years, including an application for housing on brownfield land off Merrington Lane which had not been allocated for housing, but approved by the Committee in 2022.

Councillor Molloy objected to the application as the site was on greenfield, arable land, had not been identified for housing or any other form of development in the CDP and if permission was granted, it would be contrary to the plan and have a detrimental impact on the landscape.

Local resident, Mr Summerbell addressed the Committee in objection to the application. His main objection related to the access road, which would result in the destruction of mature trees which were an amenity for residents. He considered this to be a valid reason to reject the application as removing some of the buffer would impact on biodiversity and also reduce natural protection against flooding, which the area had been prone to. Northumbrian Water had confirmed that there was insufficient detail with regards to drainage.

With regards to the layout of the site, Mr Summerbell questioned the reasons why the entrance to the development was at Mulberry Drive if construction traffic could use the entrance on Whitworth Road for two years. He did not believe there was sufficient detail about the buffer zone and traffic estimations had been underestimated and could in his opinion, be doubled.

Residents had great concerns which they felt had been disregarded. The access road would increase traffic, noise and pollution and compromise highway safety for residents of the existing development. He considered the type of streetlighting which had been installed would exacerbate these dangers in winter months. Spennymoor had increased by 2000 houses since 2016 and this was not a site which had been allocated for housing in the CDP. It was greenbelt land, in open countryside and he was disappointed that the Council would override a development plan only a few years after adoption.

Mr Summerbell did not believe that the report had captured the extent of the impact on residents but was assured that Members who had attended the site visit would acknowledge their concerns. Finally, he referred to the planning permission granted in 2000 by Sedgefield Borough Council and a condition relating to a footpath which had been ignored to the detriment of existing residents.

Mr Rennie, spoke in support of the application and on behalf of the developer. He gave some background information to the partnership work alongside housing associations, local authorities and landowners, in order to locate sites suitable for new homes. As a strategic partner of Homes England, they had gained relevant experience to unlock many new sites, including a number in County Durham. The developer had a sustained track record with the Council and he advised that construction was taking place in Bishop Auckland to provide a significant number of affordable homes. In addition, they delivered homes for private rent and open market sale and unlike other housebuilders, they were less reliant on general market conditions, allowing them to build at pace and bring various benefits to the area at a quicker rate.

Mr Rennie referred to the positive attributes and demand for settlements in County Durham and he suggested that the development would reduce some of the financial pressure that the Council was facing by providing rate payers, shoppers and citizens for communities and the wider economy.

Mr Ridgeon, addressed the Committee on behalf of the developer to answer some of the concerns raised by residents. He referred to the construction traffic to confirm that vehicles would continue to the A690, details of which had been submitted in a Construction Management Plan. With regards to play and open space on site, there would be a similar agreement to the existing development and it would be covered by a management company. Responding to the issues raised about the construction access, some of the vegetation would be cleared back to the adopted highway.

He supported the recommendation for approval and thanked Planning and Highways Officers for working positively through the determination process. The developer had held additional public consultation to ensure concerns were addressed. He referred to various benefits of the scheme, including Section 106 contributions and bungalows secured as affordable housing, and asked Members to support the application.

The Planning Officer responded to concerns raised about on-site drainage and referred to the detailed drainage scheme which had been submitted and met all requirements to satisfy drainage engineers. Northumbrian Water had made comments in relation to foul drainage, but the Council were lead Flood Authority and held responsibility for surface water drainage. Whilst a late representation had been received by the Coal Authority, no objections had been received and there was a precautionary condition included to ensure the site was suitable. He clarified that the site was not designated greenbelt, but could be described as greenfield and that they were two different designations. Whilst the CDP directed development to allocated sites, Policy 6 had been included to assess unallocated sites against specific criteria.

Councillor Bell asked for further information in relation to fees for the maintenance and upkeep of green areas which was a contentious national issue and affected sites throughout the county. He was advised that a management company would be appointed and costs would be applied to each property for the upkeep of shared spaces. The process would include an assessment on affordability as if this was not carefully managed and set at an affordable limit, there would be no interest in the properties.

Councillor Currah queried the impact on the recommendation, had the existing site not been approved on appeal. The Planning Officer confirmed that neither of the sites were deemed acceptable when assessed in the SHLAA and admitted that without the existing site, the conclusion may have been different.

In response to a further question from Councillor Currah regarding land adjacent to the site, the Planning Officer confirmed that sites allocated in the CDP tended to be within the settlement and any others would be assessed under Policy 6.

Councillor Elmer had initial concerns relating to the quantity of houses as it was essentially a windfall application and not something which had emerged from the SHLAA, a process based on the need for housing in the area. If the application was approved, Councillor Elmer questioned whether this would be considered overprovision and impact on subsequent scheduled development.

The Planning Officer confirmed that Policy 6 allowed windfall sites to be assessed on merit as and when they were submitted. He acknowledged that Spennymoor was subject to development pressure and was required to consider the effect on the settlement, however there was also a national imperative to provide housing, and affordable housing, to maintain a five year housing land supply. Although the Council was in a healthy position, if numbers dropped below target, they may have to accept development that they were uncomfortable with. Overall, housing, and particularly affordable housing, was beneficial if sites met various requirements. The access through the existing development had improved the connection to the settlement, making the site sustainable.

S Reed, Planning & Development Manager responded to an earlier question raised by Councillor Currah to confirm there had been recently granted permission at a former industrial site and a former dog track to the south of the town. The CDP provided two main allocations at the former Tudhoe Grange Lower and Upper schools and there was a combined yield of 200 dwellings. He advised that following adoption of the CDP a decision was made to rebuild a school on one of those sites, which had reduced the amount of allocated housing.

With regards to Policy 6, it had been amended by the Planning Inspector who had raised concerns about the ability to secure the number of houses required. With regards to the concern around potential future housing growth, whilst it could not be predicted, he was confident that there were no additional active proposals for the town and he reminded Members of a recent housing application for the Durham Gate site on employment land to the east of the town which the Committee had rejected. In terms of this proposal, it complied with the criteria in Policy 6 and he

did not consider that if approved, it would enable further development sprawl. He acknowledged that the existing site had changed the landscape and therefore changed the way that the site had been assessed. In response to a further question from Councillor Currah, he confirmed that there was an estimated yield of 90-100 units on the remaining allocated site in Spennymoor.

Councillor Wilson noted the absence of any landscape value and that the development would improve the edge of the settlement. He acknowledged presentations by local members and the issues with the school intake, however the School Places Officer had advised that provision in the area was able to be met. Flood standards had also been met and there were wider issues regarding access to the NHS, but the requested contribution had been agreed. There were other significant Section 106 contributions and the proposal included affordable housing and bungalows. In his opinion it was a good site, it had a strong construction management plan and he moved the recommendation to approve the application.

Councillor Boyes had concerns regarding the assessment of applications against Policy 6 as it had changed the concept of his own local area, Easington Village. This development was extending into farmland and would not have been accepted if the existing site had not been approved. He also had concerns regarding the access onto Whitworth Road and hazards travelling towards the A690 - there had been a number of serious incidents in 2023, including two fatalities. Due to the seriousness of these concerns he did not consider that the development accorded to Policy 6 requirements, in that it should not be prejudicial to highway safety. He also noted that if further development was to come forward and be supported, a significant number of houses could be added, changing the settlement.

P Harrison, Highway Development Manager advised that the original access had been proposed on Whitworth Road but it was not supported by Officers and had therefore been amended. The construction access would be controlled with temporary traffic measures and he was satisfied that it would comply with the access arrangement.

Councillor Elmer responded that whilst the access would be through the existing development there would still be increased traffic on Whitworth Road due to the additional housing. He was concerned that neither this development or the existing one had been plan led and that one had justified the other.

Councillor Elmer noted that the Ecologist had identified a high likelihood of nesting birds on the site however no survey had been carried out and he asked whether a bat survey had been carried out as the wet woodland was undoubtedly valuable for bats commuting. He was concerned about loss of woodland for the creation of the construction entrance. There was a proposal to keep the area wet by use of the SUDs however property modifications could result in grey water spilling into the natural drainage and contaminating the woodland. He also noted that the Landscape Officer had raised an issue with the northern boundary treatment, asking why it was not possible to improve the boundary to the standard that the officer had requested.

Councillor Elmer shared residents' concerns regarding additional traffic and queried whether any mechanisms had been included to calm traffic. Finally, he queried the issue raised with regards to the footpath along the existing woodland boundary.

The Planning Officer advised that sufficient surveys had been received to inform Ecologists, however negotiations had still been underway when report was written and a caveat had therefore been included. The bat survey had confirmed that it was highly likely that mature trees in the wet woodland would contain bats, but they would not be affected by physical works. The extent of the constriction access would be confirmed in more detail in the construction management plan. He referred to a section of narrow woodland and advised that visibility splays required for the construction access were far less than for a full residential estate and the effect on the wet woodland would be minimised.

The Planning Officer confirmed that if the development was constructed in accordance with the submitted plans, grey water from the development would go into the public sewerage and therefore not impact on the SUDs. He referred to the depth of the buffer and advised that to increase it, would impact on the number of dwellings. The developers of the existing site had set out to improve the existing buffer and this had been approved by a Planning Inspector. This proposal reduced harm and created an edge to the development. He suggested the proposal provided a logical stop to the development and although he was not in a position to predict what would happen in future, he considered that any further applications would be defensible.

The Planning Officer accepted that there would be an increase in traffic in the general area, however Highways Officers had considered effects on the wider transport network and this could be demonstrated by amended access. There were existing traffic calming measures and if more had been required, it would have been requested by Highways. The Planning Officer reminded Members that new development was not required to solve existing parking problems and that there were Highways mechanisms, which were already being considered.

He advised that in relation to the footpath, a legal agreement would have been implemented to ensure that it was maintained and monitored, however there was always an opportunity to renegotiate. On this occasion biodiversity would be increased.

The Planning & Development Manager responded to concerns that the approval of the scheme could lead to additional housing to the north of the site and confirmed that whilst any applications would have to be determined on their own merits, Policy 6 was not an open-door policy. It was a fundamental requirement that sites had to be adjacent to an existing site and well related and Officers considered links to public transport and facilities in town. In his judgement, anything further north of the site would be highly unlikely to receive support as this was further away from the settlement and would significantly increase walking distances. On balance, this application sat within the confines of Policy 6 and met the criteria.

Councillor Shaw had listened carefully to concerns from local members regarding flooding and highway safety and both issues had already been addressed. The

issues raised regarding the NHS was a national problem which could not be addressed within a specific housing application. As former Portfolio Holder for Housing, he advised of the issues County Durham faced in order to meet the housing need. There was a national housing crisis and needs were profound and understood, but people did not want the schemes where they lived. This was a well thought out scheme with significant funding and the number of houses had been reduced, providing a good mix of tenure and included bungalows and affordable housing. It assisted the Council to meet the outstanding housing need and he seconded the recommendation to approve the application.

Councillor Currah confirmed that there had been a similar proposal in Crook, objected to by Local Members, but allocated in the CDP. He was not comfortable with the assessment under Policy 6 and suggested that the Council should build on allocated land to meet the housing need. He referred to issues raised by residents in terms of highway safety, loss of amenity and lack of services in the town. There would also be an impact on affordable property prices in terraced housing in town. He proposed that the application be refused and this was seconded by Councillor Peeke.

Councillor Bell noted that all concerns had been responded to by the Planning Officers. With regards to the highways issues raised, the access would not have been suitable onto Whitworth Road and whilst it was not ideal to access through the existing development, it appeared to accord with policy and was difficult to find a reason to refuse.

In response to a number of questions from Councillor Bell, the Planning Officer advised that play provision was not directed to the adjacent play area and that money were available for capital use if people wanted to improve facilities in the area. The responsibility for green spaces tended to be handed over to management companies and there was no reason why green areas could not be expanded, but it was done under a separate process. Leisure consultees were content that existing play provision was within appropriate walking distance, well located and sought to connect through redesign. Money would be secured to upgrade facilities, but not to offset maintenance. He confirmed that a detailed construction management plan had been submitted which contained a specific location for wheel washing facilities and standard operating hours, and advised that the nature of the developers operation resulted in a much shorter build process of approximately 180 weeks. Regarding the requested SEND contributions, the report explained that it would be unreasonable to secure a condition in the absence of an adopted supplementary planning policy.

The Highway Development Manager advised that the developer had requested that roads and footways be adopted, subject to completion.

Councillor Zair agreed with comments made regarding Whitworth Road, which had been subject to numerous accidents and fatalities. Whilst the Committee was not responsible for stopping development and housing, they had to ensure it accorded to policy. The amended access would not stop users on Whitworth Road, therefore due to the road safety issues and volume of traffic, he did not support the application.

The Planning Officer confirmed that highway safety was always a main consideration when determining applications and this was evident as the first access to Whitworth Road was not supported by Officers. He referred to the strategic highways assessment which was accepted and informed Members that this was evidence that would be considered on appeal.

Councillor Shaw referred to the concerns raised regarding the additional demands placed on services and confirmed that Spennymoor had been successful in receiving £20m funding for regeneration.

The Planning & Development Lawyer summed up that there had been motions to approve and refuse which had both been seconded and the motion to approve be considered first.

Councillor Boyes stated that he was satisfied that there was no grounds to refuse the application on highway safety grounds and that his concerns about approving additional development in future had been sufficiently responded to. He therefore withdrew his objection.

Upon a vote being taken, the motion to approve the application was lost.

The Planning & Development Lawyer asked Councillor Currah for clarification of the reasons for refusal. He confirmed that he had heard concerns that the land was not allocated in the CDP, however the Committee had heard that the application had been assessed against criteria in Policy 6 and deemed acceptable. Other reasons had related to traffic and highway safety issues, lack of facilities in the town and a perceived knock-on effect on town centre house prices, which was not a material consideration. He had not heard any evidence to validate the concerns that had been expressed on highway safety impacts and the Committee had received technical advice to confirm why the access arrangement and number of traffic movements were acceptable in highway safety terms. For these reasons, he did not consider the reasons could be substantiated at appeal.

In response to a question from Councillor Currah regarding loss of amenity to residents of the adjacent properties, the Planning Officer detailed the existing low boundary treatments and properties which had countryside views and advised that the proposal was reasonable when measured against the Council's residential amenity guidance as the distances proposed exceeded those required.

Councillor Currah did not have a specific planning reason to object, but he was uncomfortable that there was allocated land that was not being built upon first. He was also convinced that the development would sprawl further. The Planning Lawyer was concerned that Councillor Currah had not offered any specific planning reason to refuse the application.

Councillor Elmer referred to the existing development which had been considered unacceptable by Planning Officers, then overturned on appeal. Whilst Planning Officers had adopted the position that any future development could be rejected, this may also be overturned on appeal.

In response to a question from Councillor Elmer regarding the assessment of the scale and size of the site, the Planning Officer advised that it was acceptable in terms of character and density. The addition of the green areas that went through the middle of the existing site had been replicated and the layout met standards which had not been required for the existing properties. In his opinion the design of the site created a logical and defensible line.

The Planning & Development Manager responded to Councillor Elmer's concern regarding the appeal decision, which had been prior to adoption of the CDP and confirmed that the Council were in stronger position to stop any further development, with an adopted plan.

Councillor Wilson stated that the Committee must determine the application in front of them and any future applications must only be considered if presented. There was no legal reason to refuse the application and therefore he moved a motion to approve the application.

The Chair was disappointed that having already been put to the vote, the Committee were likely to have to vote again on a motion to approve, despite the testimony of local Members.

In response to Councillor Molloy, the Planning & Development Lawyer clarified the procedure rules.

Following an exchange with the Planning & Development Lawyer, Councillor Currah confirmed that he did not have any legal, policy-based reasons to reject the application and did not wish to proceed with his motion.

Resolved

That the application be APPROVED subject to the conditions in the Officer's Report and the completion of a Section 106 Legal Agreement to secure the following:

- Contribution to Green Infrastructure requirements: £277,077.90
- Contribution to Offsite Playspace £294,356.70
- Healthcare provision - £90,321
- 28no. affordable dwellings in partnership with Believe Housing, including: First Homes (seven), Affordable Rent (nine) and Route to Home Ownership (four Shared Ownership, eight Rent to Buy).

The meeting was adjourned for five minutes at 11.30am. Councillors Maddison and Molloy left the meeting at this point. Councillors Boyes and Martin left the meeting and did not return for the next item.

b DM/23/01868/FPA - Croxdale Farms, Hett Moor Farm, Hett, Durham, DH6 5LJ

The Committee considered a report of the Senior Planning Officer regarding an application for the installation and operation of a Solar Farm together with all associated works, equipment and necessary infrastructure (Resubmission) at Croxdale Farms, Hett Moor Farm, Hett, Durham (for copy see file of minutes).

C Sheilds, Senior Planning Officer gave a detailed presentation which included a site location plan, aerial photographs, site photographs and a proposed site plan. He confirmed that a site visit had taken place on the previous afternoon.

Ms Hodgson addressed the Committee in objection to the proposal due to flooding, use of the road and construction. The drainage system flowed into the water course excess water from the existing site had caused damage to the land, which she considered would not be sufficiently mitigated. There was a width restriction on the road to the construction site which caused frequent problems, it was poorly maintained and operated by all agencies involved.

With regards to the flooding, Ms Hodgson had received multi-agency denial for the problems relating to the quantity and quality of the water. She believed that letters in support of the application were biased, some had been prepopulated and signed. Ms Hodgson was disappointed to find that the MP for Durham City had supported the project as she had contacted her to discuss various issues and alternative schemes but received no response.

The scheme would be in use for forty years and Ms Hodgson was not aware of any facilities in the UK to dispose of the panels, doubtful of the community benefit to the Hett and Croxdale area and raised concerns about the consumer survey due to its reach.

In summary, there had been a failure to maintain road or drainage networks and a number of excuses had been provided by multiple agencies with no recognition of responsibility.

Ms Wood addressed the Committee to object to the development, noting that solar energy was weather permitting and the impacts associated with the removal of agricultural land. She lived extremely close to the development yet had not been mentioned or considered. There had been poor community engagement and she questioned the survey and some of the responses, who she alleged were from residents that would not benefit from the development. She questioned the integrity of the process.

Ms McGuinness addressed the Committee on behalf of the Applicant, who had carefully considered feedback and revised proposals to address concerns raised. Amendments had included the removal of panels from the south west of the site to reduce the overall development footprint, increased landscaping and proposed planting to provide additional screening to break up the appearance. The site was well located for solar, close to the substation for connection to the grid, not within

national or local landscape designation and was on low grade agricultural land with low levels of biodiversity, which could only be improved by the planting which had been proposed.

Community engagement had been carried out and surveys carried out in the surrounding areas, demonstrated significant support in the local area, with local residents recognising the benefits the scheme would provide.

She referred to the need and benefits of energy security and government targets and confirmed that the proposal would provide a significant contribution to renewable energy generation and meet the needs of over 14000 homes. There was an ongoing climate crisis and extreme weather events in the UK would only become more extreme and frequent without responding to them. The climate crisis was the main threat to biodiversity and food security and the proposals would assist in decarbonising the energy system and provide significant levels of biodiversity net gain. In terms of community benefit, a fund of £500,000 for local projects would be available in addition to £3m generated by business rates.

Mr Hutchinson addressed the Committee in support of the proposal, as a farmer and landowner. He gave a detailed description and definition of the land, confirming that it had historically been used to support a small dairy herd. It had also been used to grow cereals, however there were various issues with the land and it had a lower yield average per acre compared other more productive farmland. If he did not have other land to rely upon, he would not be in business. It was not economically viable to grow crops and climate changes had made this land more difficult to establish cereal crops.

The approval of the scheme would support four individual farming businesses and enable them to focus food production on other land. In addition, they would be able to graze sheep alongside the equipment and the security fence would reduce the risk from dogs or trespass.

In summary, landowners fully supported the application and they had been encouraged by local and national government to diversify to support long term viability of businesses as well as food production. This application would assist to achieve in the governments agricultural goals, environmental goals, enhance biodiversity, reduce carbon emissions and help secure jobs in the rural economy.

In response to a question from the Chair, Mr Hutchinson confirmed that they had been unable to work the land in the previous Autumn and there had also been a delay to ploughing.

The Senior Planning Officer confirmed that the construction accesses were in the southern area of the site, located away from properties to north and the construction traffic would be focused off the A688 and a construction management plan would control that.

Councillor Elmer noted one the lack of confidence regarding the community benefits and Ms McGuinness confirmed that some of the money would be directed to the

Parish Council and the rest would be managed by County Durham Community Foundation for investment into local projects within close proximity to the site.

The Chair added that the money would be divided over a forty year period and the Planning & Development Lawyer confirmed that this was an agreement which was outside of the planning system and therefore could not be afforded any weight.

Councillor Currah noted a change in the Councils policy towards solar farms and an increase in the number of applications. He wondered if there was any reason solar farms could be opposed and whether the Council had a policy to determine the amount of energy required in County Durham. He was concerned that with government grants, the County could be inundated with applications. The Senior Planning Officer confirmed that the policy had not changed since the application was first determined, however the interpretation and advice from appeal decisions had established that weight ought to be afforded to renewable energy was significant. This site was not subject to any constraints and had no significant impact on amenity or landscape. Developers avoided areas with constraints and were aware of suitable land so would seek to avoid areas where they could have difficulties. The Council were working towards adopting a supplementary planning document for solar which would designate areas but there would not be a limit. There were no grants available for solar but it had to be fully funded.

In response to a question from Councillor Wilson regarding previous decisions which had been appealed, the Senior Planning Officer described the reasons for the decisions and confirmed that significant weight had been afforded to renewable energy. He also confirmed that the Council had incurred costs.

In response to a question from the Chair, Ms McGuinness confirmed that the Applicant had chosen not to appeal the previous refusal and instead taken on board comments and returned with an improved scheme. In addition, the appeal process was lengthy and costly.

Councillor Wilson confirmed that whilst there was harm associated with the application, it had been confirmed that this was still less than the decisions that were overturned on appeal which compelled the Council into applying more weight. There were benefits to the scheme which would put Durham at the centre of the green agenda and create energy for the country. It also provided economical benefits and he therefore moved approval of the application.

Councillor Elmer had been reassured to hear that there was a mechanism to secure benefits and profits to the community affected. The landscape issue was subjective and the development would benefit ecology. The Committee had to give significant weight to renewable energy to assist in reducing carbon emissions. He referred to the impact of unrestrained climate change and changes this would make to the landscape in future and advised that the Council had to do everything they could to tackle this global emergency. He seconded the recommendation.

Councillor Shaw confirmed that he supported the motion and that it had huge benefits. He acknowledged that the Applicant had been responsible in the way

they had dealt with the application - they had taken on board concerns and amended the application.

Councillor Currah expressed the need for a policy in the county to determine the number of solar farms required as he was concerned at the precedent which had been set. The Planning & Development Manager confirmed that a draft policy was expected in the following year.

The Chair was concerned about taking agricultural land out of production, questioning the balance of renewable energy against food production.

Resolved

That application be APPROVED subject to the completion of an agreement under Section 39 of The Wildlife and Countryside Act 1981 to secure biodiversity management for the life of the development and the conditions outlined in the report.

COMMITTEE REPORT

APPLICATION DETAILS

APPLICATION No:	DM/23/00757/FPA
FULL APPLICATION DESCRIPTION:	Change the use of the land to allow the siting of 104 holiday chalets, 63 pitches for touring caravans and the creation of a new amenity building with reception, cafe and shop. Re-clad the existing Acrum Stud stables
NAME OF APPLICANT:	Mr P Seagrave
ADDRESS:	Acrum Lodge, Staindrop Road, West Auckland, DL14 9PB
ELECTORAL DIVISION:	Evenwood
CASE OFFICER:	Graham Blakey, Principal Planning Officer 03000 264 865 graham.blakey@durham.gov.uk

DESCRIPTION OF THE SITE AND PROPOSALS

Site

1. The 8.96 hectare (ha) application site is located outwith the settlement limits of West Auckland to the west and comprises 4 no. agricultural fields and an existing farm stables building. Access to the site is taken from the A688 to the south, which is shared by the permitted agricultural workers dwelling (DM/17/02339/VOC).
2. The site is bounded by agricultural land to the north and west and opposite the A688 to the south, with an existing Import car part shop to the east of the site entrance. The site is also located to the west of the existing junction access to the A68, approximately 1.1km to the east of the site.
3. The site is not covered by any landscape designations; however, an Area of Higher Landscape Value (AHLV) is designated opposite the A688 adjacent to the site defined in the County Durham Plan.
4. There are no designated heritage assets on the site or in its immediate surroundings. The nearest listed structure is the Grade II listed County Council Marker Stone in Front of No. 77 located approximately 350m from the eastern boundary of the site.
5. There are no ecological designations within or immediately adjacent to the proposed site. There are no Local Wildlife Sites within 1km of the site. The closest being Cragg Wood LWS 1.6 km to the west, Brusselton Wood LWS and 'Fylands', River Gaunless LWS approximately 2.1 km to the east. Over 1km to the north east are Bracks Wood and Dells Wood Ancient Woodland some of which include Tree Preservation Orders (TPOs).
6. The site contains small areas of low and medium risk for surface water flooding as identified by the Strategic Flood Risk Assessment. There are no watercourses within or adjacent to the site. The site is in majority Flood Zone 1, with smaller areas of Zones

2 and 3 by the site's entrance. The site lies within a Coalfield Development Low Risk Area as defined in the County Durham Plan.

The Proposal

7. The application has been submitted for the change of use of land associated with Acrum Stud for the siting of 104 holiday chalets, 63 pitches for touring caravans, creation of a new amenity building with reception, cafe and shop and the siting of three wash blocks. The existing Acrum Stud stables are proposed to be retained in situ and re-clad with new materials.
8. Three amenity wash blocks will be provided through the site, with one located next to the main amenity building and the two within the centre of the touring caravan pitches. The development is proposed to come forward in three phases across the site from east to west. The proposed car park within the east of the site will provide 18 additional parking spaces to the amenity building, including 2 EV charging bays. These spaces would supplement the parking associated with each of the individual plots throughout the wider site.
9. The site is accessed by the main access road to the east that connects from the A688 Staindrop to Bishop Auckland road. The proposed development will retain this access point, connecting it to the new car park on the east of the site.
10. This application is being reported to County Planning Committee because it involves major development of more than 4 ha.

PLANNING HISTORY

11. The site has not been subject to any relevant previous planning permission, though the entrance to the site lies adjacent to an existing permission for a single agricultural worker's dwelling (ref: DM/17/02339/VOC, Approved 31 August 2017).

PLANNING POLICY

NATIONAL POLICY

12. A revised National Planning Policy Framework (NPPF) was published in September 2023. The overriding message continues to be that new development that is sustainable should go ahead without delay. It defines the role of planning in achieving sustainable development under three overarching objectives – economic, social and environmental, which are interdependent and need to be pursued in mutually supportive ways.
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 6 – Building a strong, competitive economy* - Planning policies and decisions should help create the conditions in which businesses can invest, expand

and adapt. Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development.

15. *NPPF Part 8 – Promoting Healthy and Safe Communities* – The planning system can play an important role in facilitating social interaction and creating healthy, inclusive and safe communities. 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 community facilities and services should be adopted.
16. *NPPF Part 9 – Promoting Sustainable Transport* – Encouragement should be given to solutions which support reductions in greenhouse gas emissions and reduce congestion.
17. *NPPF Part 14 – Meeting the Challenge of Climate Change, Flooding and Coastal Change* – The planning system should support the transition to a low carbon future in a changing climate, taking full account of flood risk and coastal change. It should help to: shape places in ways that contribute to radical reductions in greenhouse gas emissions, minimise vulnerability and improve resilience; encourage the reuse of existing resources, including the conversion of existing buildings; and support renewable and low carbon energy and associated infrastructure.
18. *NPPF Part 15 – Conserving and Enhancing the Natural Environment* – The Planning System should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes, site of biodiversity or geological conservation interests, recognising the wider benefits of ecosystems, minimising the impacts on biodiversity, preventing both new and existing development from contributing to or being put at unacceptable risk from pollution and land stability and remediating contaminated or other degraded land where appropriate.

<https://www.gov.uk/government/publications/national-planning-policy-framework--2>

19. The Government has consolidated a number of planning practice guidance notes, circulars and other guidance documents into a single Planning Practice Guidance suite. This document provides planning guidance on a wide range of matters. Of particular relevance to this application is the practice guidance with regards to: air quality; climate change; determining a planning application; flood risk and coastal change; healthy and safe communities; historic environment; light pollution; natural environment; noise; renewable and low carbon energy; travel plans, transport assessments and statements; use of planning conditions; water supply, wastewater and water quality.

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

LOCAL PLAN POLICY:

The County Durham Plan (October 2020)

20. *Policy 8 – Visitor Accommodation* – this policy states that proposals for visitor accommodation that are in the countryside will be supported where they are appropriate to the scale and character of the area and are not used for permanent residential accommodation. Proposals will only be supported where they are necessary to meet identified visitor needs; or is an extension to existing visitor accommodation and helps to support future business viability or is a conversion of an

existing building. The proposal must respect the character of the countryside and demonstrate clear opportunities to make the location more sustainable.

21. *Policy 10 – Development in the Countryside* - relates to development in the countryside. It states that development in such locations will not be permitted unless allowed for by specific policies in the Plan, such as Policy 8 Visitor Accommodation, and relevant policies within an adopted neighbourhood plan relating to the application site or where the proposal relates to stated exceptions.
22. *Policy 21 – Delivering Sustainable Transport* – Requires planning applications to address the transport implications of the proposed development. All development shall 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.
23. *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.
24. *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).
25. *Policy 31 – Amenity and Pollution* - Sets out that development will be permitted where it can be demonstrated that there will be no unacceptable impact, either individually or cumulatively, on health, living or working conditions or the natural environment and that the development can be effectively integrated 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 to an acceptable level.
26. *Policy 35 – Water Management* – Requires all development proposals to consider the effect of the proposed development on flood risk, both on-site and off-site, commensurate with the scale and impact of the development and taking into account the predicted impacts of climate change for the lifetime of the proposal. All new development must ensure there is no net increase in surface water runoff for the lifetime of the development.
27. *Policy 36 – Water Infrastructure* – Advocates a hierarchy of drainage options for the disposal of foul water. Applications involving the use of non-mains methods of drainage will not be permitted in areas where public sewerage exists. New sewage and waste water infrastructure will be approved unless the adverse impacts outweigh the benefits of the infrastructure. Proposals seeking to mitigate flooding in appropriate locations will be permitted though flood defence infrastructure will only be permitted where it is demonstrated as being the most sustainable response to the flood threat.

28. *Policy 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 landscape and visual impacts occur. Development affecting Areas of Higher landscape Value will only be permitted where it conserves and enhances the special qualities of the landscape, unless the benefits of the development clearly outweigh its impacts. Development proposals should have regard to the County Durham Landscape Character Assessment and County Durham Landscape Strategy and contribute, where possible, to the conservation or enhancement of the local landscape.
29. *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. Where trees are lost, suitable replacement planting, including appropriate provision for maintenance and management, will be required within the site or the locality.
30. *Policy 41 – Biodiversity and Geodiversity* – Restricts development that would result in significant harm to biodiversity or geodiversity and cannot be mitigated or compensated. The retention and enhancement of existing biodiversity assets and features is required as well as biodiversity net gains. Proposals are expected to protect geological features and have regard to Geodiversity Action Plans and the Durham Geodiversity Audit and where appropriate promote public access, appreciation and interpretation of geodiversity. Development proposals which are likely to result in the loss or deterioration of irreplaceable habitat(s) will not be permitted unless there are wholly exceptional reasons and a suitable compensation strategy exists.
31. *Policy 43 – Protected Species and Nationally and Locally Protected Sites* – States that development proposals that would adversely impact upon nationally protected sites will only be permitted where the benefits clearly outweigh the impacts whilst 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.
32. *Policy 44 – Historic Environment* – Requires development proposals to contribute positively to the built and historic environment. Development should seek opportunities to enhance and where appropriate better reveal the significance and understanding of heritage assets.
33. The adopted Residential Amenity Standards SPD (2023), County Durham Landscape Strategy (2008), and Parking and Accessibility SPD (2023) were also given due weight in the assessment of the application by Planning officers and internal consultees.

NEIGHBOURHOOD PLAN:

34. There is no Neighbourhood Plan for this area.

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> (Adopted County Durham Plan)

CONSULTATION AND PUBLICITY RESPONSES

STATUTORY RESPONSES:

35. *Etherley Parish Council* – Comments were received stating that the Parish Council is supportive of the proposed development, particularly in relation to the economic benefits it will bring to the area primarily in terms of local employment opportunities.
36. *Highway Authority* – No objections have been raised in highways terms, with the proposed site access meeting visibility requirements for the A688 speed limit. Officers note that the daily vehicle generation is estimated at 251, with minimal impact on the local highway network due to the road's current capacity. Despite objections citing accidents, only two occurred in the past three years, one attributed to extenuating circumstances. Car parking, including EV spaces, and cycle parking meet DCC standards and should be operational before site use. Works are needed for access adjustments and a shared footway/cycleway, requiring a S184 agreement with the Local Highway Authority, with all expenses borne by the applicant.
37. *Environment Agency* – raise no objection based on the amended foul drainage proposals connecting to the mains sewers. A condition is also recommended to be imposed on any grant of planning permission to ensure the development is carried out in accordance with the submitted flood risk assessment.
38. *Drainage & Coastal Protection (Lead Local Flood Authority)* – raise no objection subject to the imposition of an appropriate condition requiring a detailed surface water drainage design to be submitted to and approved by the Council.

INTERNAL CONSULTEE RESPONSES:

39. *Spatial Policy* – Officers advise regarding policy considerations for the proposed development, concluding that the economic benefits of the scheme in attracting overnight visitors to the County will need to be balanced with the impact on the character and appearance of the surrounding landscape. It is also advised that if the case officer is minded to recommend approval of the application, a condition preventing the chalets from being used for unauthorised permanent occupation should be applied.
40. *Environmental Health and Consumer Protection (Nuisance)* – raise no objections regarding statutory nuisance subject to the inclusion of conditions requiring the submission and approval of Lighting details to be approved by the local planning authority.
41. *Environmental Health and Consumer Protection (Contaminated Land)* – has raised no objections. Officers have stated that since this development constitutes a change of use to a more sensitive receptor, contaminated land conditions should apply.
42. *Ecology* – raise no objection. Officers consider the landscape plan incorporates semi-natural habitats to achieve biodiversity net gain, noting improvements are suggested for better ecological connectivity. These include enhancing the north-south hedgerow and introducing buffer zones of semi-natural habitat. A low-level lighting scheme is proposed, with key features to remain unlit. Reducing lodge density would create a more cohesive wildlife corridor and buffer the broad-leaved woodland. A 30-year Biodiversity Management and Monitoring Plan is required, with its implementation

ensured through a legal agreement. The application meets biodiversity net gain requirements.

43. *Landscape* – Officers state that, while there would be some harm to landscape character and to visual amenity, this would reduce in extent during the longer term as the proposed landscape planting scheme develops to maturity. This would be aided by further planting to strategic locations north of the site to aid with views from Copeland Lane. Officers also consider that the proposed landscape mitigation would respond to in part the requirements of Policy 39 where harm is envisaged, however further mitigation should be requested.
44. *Design and Conservation* – raise no objection. Officers advise that there are no heritage or design concerns in regard to this proposal, acknowledging that the landscape impact may give rise for concerns. The approach to built development reflects the agricultural and equestrian character of the site with the nearest heritage assets being placed at distance to the north of the site.
45. *Archaeology* – raise no objection subject to imposition of appropriate conditions relating to the approval of, and subsequent works according with, a Written Scheme of Investigation, including trial trenching.
46. *Public Right of Way Officer* – raise no objection.

EXTERNAL CONSULTEE RESPONSES:

47. *Visit County Durham* – expresses support for the proposals to address the undersupply of visitor accommodation in County Durham, highlighting the need to meet market demand to enhance competitiveness. The response emphasises the county's resilience in achieving pre-pandemic business levels and the potential to attract more visitors through investments in local attractions. Finally, a Visitor Economy Factsheet was attached which underscores the importance of increasing overnight stays and suggests using market research to ensure the development exceeds visitor expectations in quality.

PUBLIC RESPONSES:

48. The application has been advertised in the local press (the Northern Echo), by site notice and through neighbour notification letters as part of the planning procedures. Notification letters were sent to 133 individual properties in the vicinity of the site.

Objection

49. 7 letters of objection have been received from local residents. It is also noted that a separate objection was received from the Campaign to Protect Rural England (or 'CPRE'). The matters raised within these representations are set out below.

Public Comments

- Concerns about existing traffic congestion and safety issues in the West Auckland and Tindale area, with worries that the proposed development would exacerbate these problems. Specifically, the entrance to the proposed site is highlighted as a potential hazard due to its location on a busy stretch of road with a history of accidents.
- Opposition to the planning application due to fears that the development would adversely affect the character of the area and potentially host events associated with past incidents of claimed violence and criminality.

- Concerns raised about increased traffic, noise levels, and potential risks of local flooding and habitat displacement for endangered species.
- Emphasis on the poor safety record of the A688 road, particularly in the proposed access area, with worries about traffic congestion and safety hazards, especially for vehicles towing caravans.

CPRE

- Concerns were raised about the significant scale of the proposal, consisting of 119 chalets and 80 touring caravan pitches, and its location not being allocated in the County Durham Plan (CDP).
- Access to the site is noted to be from the busy A688 with no pedestrian provision to West Auckland, potentially impacting cyclists traveling through the area.
- The letter questions the suitability of the site in relation to the landscape and biodiversity, highlighting its adjacency to an Area of Higher Landscape Value (AHLV).
- Concerns are raised regarding the proposed development's compliance with Policy 8 and Policy 10 of the CDP, particularly in terms of scale, residency, visitor needs, and sustainability.
- The absence of input from Visit Durham and scepticism expressed by Spatial Policy are noted, casting doubt on the potential benefits and sustainability of the development.
- The letter emphasises the lack of essential need and viability for the proposed venture, suggesting it may not meet the criteria outlined in Policy 10.
- Perceived contradictions were observed with Policy 39 of the CDP regarding landscape conservation and enhancement are pointed out, with objections raised to the potential intrusion into the countryside and its impact on the AHLV.

APPLICANT'S STATEMENT:

50. Committee Members will know the villages of Bishop Auckland and West Auckland have seen significant investment over the last 10 years and there have been both environmental and economic benefits that have resulted. The support of the County Council in the area has led to a range of improvements and been a large part of that ongoing private as well as public investment.
51. Ten years ago, it would have seemed less likely that a larger scale scheme for chalet and touring park of this scale would have come forward in West Auckland, and yet there is little doubt the market now exists.
52. You will see there has been quite notable support for the application. While well related to the town, it does not lie adjacent to large areas of housing or existing local residents who could be affected by the scheme.
53. The application before you today includes improvements following consultation with your officers. A reduction in numbers combined with extensive areas of additional landscaping mean we now have a development that will be a significant asset to West Auckland, Bishop Auckland and County Durham as a whole.
54. The Committee will be aware through both national guidance and your own Local Plan policies there are clear aims to diversify the rural economy and encourage tourism throughout the County.
55. Using the available data and nationally accepted formula our Tourism Report confirms there were 870,000 visitors to County Durham in 2022. They spent a total of £241 million and this equates to £277 each for the average stay in self-catering accommodation of 3-7 days per visitor.

56. We can then predict the planned scheme at Acrum Stud will generate as many as 20,000 visitors per year and at a spend of £277 per person this equates to a direct spend in County Durham of £5.5-6m.
57. Breaking that down, it means an additional spend each year in the area of £2m on food and drink, £750,000 at local attractions and £500,000 in local shops. This then leads to direct and indirect employment of 167 jobs resulting from your decision, if it is to approve the application today.
58. In conclusion, any new development of a reasonable scale must be studied closely and where necessary we increase landscaping and make changes to the design. However, it is developments of this type that make a huge difference to a local economy. The development of this site will increase tourism spending locally and across County Durham and lead to a significant increase in employment. I hope you can therefore support my clients' application.

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>

PLANNING CONSIDERATIONS AND ASSESSMENT

59. 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 development, residential amenity, access and traffic, layout and design, locational sustainability of the site, renewable energy, contamination and coal mining risk, flooding and drainage, landscape and trees, ecology, cultural heritage, other matters and public sector equality duty.

The Principle of the Development

60. The proposal is for the change the use of the land to allow the siting of 104 holiday chalets, 63 pitches for touring caravans and the creation of a new amenity building with reception, cafe and shop. The proposed development would also seek to re-clad the existing Acrum Stud stables.
61. 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 relevant to this proposal and are 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.
62. Paragraph 11 of the NPPF establishes a presumption in favour of sustainable development. For decision taking this means:
 - c) approving development proposals that accord with an up-to-date development plan without delay; or

- d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:
 - i) the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or,
 - ii) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

- 63. The Council has an up-to-date development plan. Paragraph 11 of the NPPF establishes a presumption in favour of sustainable development. For decision taking this means approving development proposals that accord with an up-to-date development plan without delay (Paragraph 11 c). Accordingly, Paragraph 11(d) of the NPPF is not engaged.
- 64. Paragraph 88 of the NPPF states that planning policies and decisions should enable, amongst other types of development, sustainable rural tourism and leisure developments which respect the character of the countryside. In addition, the CDP highlights the role that tourism accommodation in rural areas, can have in delivering a positive impact on the local economy, including some social benefits.
- 65. The site is located in the open countryside, with open agricultural land between the site and the closest settlement (West Auckland), therefore Policy 10 (Development in the Countryside), is applicable to the consideration of this proposal. It states that development in such locations will not be permitted unless allowed for by specific policies in the Plan or unless it relates to one of a list of stated exceptions.
- 66. Policy 8 of the CDP relates solely to tourism accommodation and which development in the Countryside can be found permissible if meeting certain requirements, thus would therefore form the key policy for determining the acceptability of the proposals in-principle.
- 67. Policy 8 states that proposals for new visitor accommodation that are in the countryside will be supported where they are appropriate to the scale and character of the area and are not used for permanent residential accommodation. Proposals will only be supported where they are necessary to meet identified visitor needs; helps to support future business viability or is a conversion of an existing building. The proposal must respect the character of the countryside and demonstrate clear opportunities to make the location more sustainable.
- 68. Visit County Durham (VCD) are in support of the proposal, noting that County Durham lacks visitor accommodation capacity to meet market demand. Despite County Durham having some of the region's largest attractions, compared to nearby competitor regions of Cumbria and Northumberland, Durham is still some way behind in providing the visitor accommodation opportunities and choice. The last 5 years have seen unprecedented investment in the large attractions, and this can only further increase market demand for visitor accommodation. In addition, they state that the visitor economy is important to County Durham, with 91% being day visitors, spending less on average per day than overnight visitors spent on average around £184.13 per trip. In this way, around 42% of all tourism expenditure in the county can be attributed to only 8% of the total visitors. Consequently, encouraging overnight stays is a key issue for the tourism economy within County Durham.

69. Based on the above, it is clear that there is a demonstrable need for additional accommodation to meet identified visitor needs countywide and the proposals would therefore satisfy the requirements of Policy 8.2.c in this regard and is given significant weight accordingly.
70. As the proposals relate to the provision of new caravanning units, part 3 of Policy 8 is of particular relevance which emphasises the need for schemes to adequately address Flood Risk Warning and Evacuations and ensure that development would not be unduly prominent in the landscape form from either long- or short-range views. These matters are discussed in relevant sections below.

Locational Sustainability of the Site

71. The application site is not considered to be a wholly sustainable location, as it is located within open countryside, in an area with limited services and, it is not well served by public transport. It is, however, considered that the proposed use is befitting of the location. Criterion (f) of Policy 8 requires proposals to demonstrate clear opportunities to make its location more sustainable. The supporting text to this policy further advises that in locations that are not served by public transport or that are not close to existing services and facilities, applicants will need to demonstrate that development is sensitive to its surroundings and does not have an unacceptable impact on local roads, and that any opportunities to improve the scope for access by foot, by cycling and/or by public transport are made the most of, thereby making the development more sustainable.
72. In this regard, the proposals incorporate a widened combined footpath / cycle link from the site entrance heading to the north east and linking the site with the wider network at the A688 / Staindrop Road roundabout. Services lie approximately 1.2km-2km away from the site in this direction, which will also allow access to the bus stops on Staindrop Road that provide regular services to 7 days a week to Tindale Crescent, Bishop Auckland and the City of Durham. These stops are located at around 800m or 10 minutes walking distance from the site.
73. This should also be seen in conjunction with the provision of more immediate facilities on site for future patrons, such as the proposed Hub building. This would feature a café, farm shop and toilet facilities, catering for initial day to day needs of future patrons of the site and its first operation can be conditional upon occupation at the site.
74. While the above all offer a genuine alternative to the use of the motor car for the future patrons of the site; however, accounting for the intended holiday use, it is likely that future occupants would most likely utilise travel via private car, whether public transport is readily available or not, and this is not uncommon for this type of accommodation in rural areas. The applicant has demonstrated, however, efforts to increase connectivity to local amenities and attractions, such as the combined footpath and cycle way, thus resulting in an alternative option for travel over shorter distances. The Highway Authority have not objected on sustainable travel grounds.
75. As such, through the proposed onsite service provision, the creation of shared use link adjacent to the A688 to the north east and the distances to local facilities / bus stops, the weight that can be attributed to the harm associated with the locational sustainability of the site can be reduced from significant to moderate.

Flood Risk

76. Part 14 of the NPPF directs Local Planning Authorities to guard against flooding and the damage it causes. Protection of the water environment is a material planning consideration and development proposals, including waste development, should ensure that new development does not harm the water environment. Development should, wherever possible, help to improve local environmental conditions such as water quality.
77. Paragraph 173 of the NPPF states that when determining any planning applications, Local Planning Authorities should ensure that flood risk is not increased elsewhere. Where appropriate, applications should be supported by a site-specific flood-risk assessment. Development should only be allowed in areas at risk of flooding where, in the light of this assessment it can be demonstrated that it incorporates sustainable drainage systems, unless there is clear evidence that this would be inappropriate, and any residual risk can be safely managed.
78. Policies 35 and 36 of the CDP relate to flood water management and infrastructure. Policy 35 requires development proposals to consider the effects of the scheme on flood risk and ensure that it incorporates a Sustainable Drainage System (SuDs) to manage surface water drainage. Development should not have an adverse impact on water quality. Policy 36 seeks to ensure that suitable arrangements are made for the disposal of foul water. National advice within the NPPF and PPG with regard to flood risk advises that a sequential approach to the location of development should be taken with the objective of steering new development to Flood Zone 1 (areas with the lowest probability of river or sea flooding). When determining planning applications, local planning authorities should ensure flood risk is not increased elsewhere and only consider development appropriate in areas at risk of flooding where a sequential test and some instances exception tests are passed, informed by a site-specific flood risk assessment.
79. The majority of the built-up area within the site is located within Flood Zone 1, with a small strip including the site entrance and access road being located within Flood Zone 2 and 3. No new residential accommodation proposed as part of this application, permanent structure or visitor accommodation is proposed within the either flood zone. Both the Lead Local Flood Authority and the Environment Agency have been consulted as part of the consideration of this application and no objections were raised by either party, including relating to the impacts of the small section of Flood Zone 2/3 on the operation of the site. As such, on the basis of minimal risk of surface flooding within the substantial majority of the site area, a Flood Risk Warning and Evacuation plan is not required in this instance.
80. It is therefore considered that, subject to a suitable condition to secure details of the proposed drainage scheme, the proposed development would not lead to increased flood risk, both on and off site, and through the use of SuDs would ensure there is no net increase in surface water runoff for the lifetime of the development. It is therefore considered that the proposals would not conflict with CDP Policies 35 and 36 and Part 14 of the NPPF.

Landscape

81. Paragraph 180 of the NPPF states that decisions should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes in a manner commensurate with their statutory status or identified quality in the development plan.
82. CDP Policy 10 states that development in the countryside must not give rise to unacceptable harm intrinsic character, beauty or tranquillity of the countryside either

individually or cumulatively, which cannot be adequately mitigated or compensated for and must not result in the merging or coalescence of neighbouring settlements.

83. CDP Policy 39 states that proposals for new development will be permitted where they would not cause unacceptable harm to the character, quality or distinctiveness of the landscape, or to important features or views. Proposals will be expected to incorporate appropriate measures to mitigate adverse landscape and visual effects. 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.
84. CDP Policy 40 states that proposals for new development will not be permitted that would result in the loss of, or damage to, trees of high landscape, amenity or biodiversity value unless the benefits of the proposal clearly outweigh the harm. Where development would involve the loss of ancient or veteran trees it will be refused unless there are wholly exceptional reasons, and a suitable compensation strategy exists. Proposals for new development will not be permitted that would result in the loss of hedges of high landscape, heritage, amenity or biodiversity value unless the benefits of the proposal clearly outweigh the harm. Proposals for new development will not be permitted that would result in the loss of, or damage to, woodland unless the benefits of the proposal clearly outweigh the impact and suitable replacement woodland planting, either within or beyond the site boundary, can be undertaken.
85. The site, spanning approximately 8.83 hectares, is situated within open countryside southwest of West Auckland, adjacent to the A688. It is characterised by pastureland and hedgerows, forming part of the West Durham Coalfield County Character Area. While not designated as an Area of Higher Landscape Value (AHLV), the County Durham Landscape Value Assessment (2019) assessed the larger area of which the site forms part of being of moderate value across most of the attributes assessed including Scenic, Rarity, Representiveness, Natural and Historical Conservation Interests, all of which the site contributes towards.
86. The application is supported by a Landscape Visual Impact Assessment (LVIA) which has informed consideration of the landscape and visual effects of the proposals. Landscape Officers consider that the proposed development, in transitioning from farmland to urban infrastructure, will significantly alter the rural character, especially visible from Staindrop Road and Copeland Road.
87. The proposal would sit largely within the existing field pattern with the submitted information suggesting that existing trees and shrubs will be largely retained with the exception some trees removed to accommodate the new access. Creation of the new access road will be visually prominent in close up views from the A688, however here the eyes are drawn to the presence of the recently constructed dwellinghouse that is considered to have a greater visual impact by an order of magnitude above that of the proposed access road and route. It is accepted that the development is feasible with the retention of the majority trees and hedges, with adequate provision for their retention within the proposed layout.
88. The site plays a positive role in the rural and attractive character of the site and wider area. At the level of the site and its immediate surroundings the proposals would involve a transformative change from pastoral farmland to an urban, domestic form of development. The proposed amenity building including shop would also add to this. The magnitude of the effect at site level would be high.
89. This would be evident from Staindrop Road (A688) and associated footway and whilst views are intermittent and limited by existing vegetation, views would still be afforded

through sporadic sparser sections, and through gaps particularly of the south eastern corner of the site (Phase 1) in winter and in views in the vicinity of High Staindrop Field House which affords visibility of the higher ground in southwest corner of the site (Phase 3) where the hedgerow is gappy and there is seasonal variation in the quality of screening. In views from the east, along the A688 the chalet development would be screened by the existing stables (to be retained and reclad) and the newly erected dwelling. New proposed planting to the east of the stables will help break up its massing of the building, however the new improved access would be visible, although a new hedgerow along its western boundary is proposed.

90. It would also be evident in varying degrees from Copeland Road (and southern edge of West Auckland) to the north and whilst views are shallow and oblique, the northern edge of the site (phase 1&2) lacks meaningful existing screening. The effects of development would be less apparent in the wider landscape where views are largely restricted to the north and east. Whilst effects on views vary from minor to moderate depending on the level of intervening topography and vegetation, the roof lines of phase 1 & 2 and due to the topography of the site, Phase 3 (the highest part of the site) will remain visible. Whilst the visibility of the development, and therefore its effects on the character of the local landscape, would be reduced over time by the proposed planting of new trees, hedges and native shrubs which would help integrate the proposals with the surrounding area, this would take time to become effective and could be limited in places.
91. To mitigate against landscape and visual impacts additional tree, shrub and hedgerow planting has been proposed. This has been framed within the context of the site boundaries and utilising existing landscape features to improve the mitigation benefits, such as the internal hedgerows between fields (phases). A landscape scheme and planting plan have been provided to support this approach.
92. The resultant impact upon the wider landscape remains high in the initial years, however as with any form of mitigation this would reduce over time and Officers considered that this would result in a moderate level of harm into the longer term. Further, the phasing of the proposed development would allow the incremental build out of the proposals, which by proxy would result in incremental harm being generated and subsequently mitigation. This adds further to the consideration that the harm generated by the proposals would be moderate in the medium term also as the build out of the proposals progresses.
93. In summary, the proposals would lead to a transformative impact upon an area of landscape that would be considered to have a high value. The proposed phased build out and landscape mitigation would to some degree reduce the impact of the proposals in this landscape setting. For the purposes of the planning balance, these landscape harm is considered to be moderate and as such some conflict with Policy 39 is noted.

Layout and Design

94. CDP Policy 29 outlines that development proposals should contribute positively to an area's character, identity, heritage significance, townscape and landscape features, helping to create and reinforce locally distinctive and sustainable communities. Parts 12 and 15 of the NPPF also seek to promote good design, while protecting and enhancing local environments. Paragraph 135 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.

95. The application proposals follow a set layout for chalets and lodges interspersed with landscaping, open spaces and recreation paths and areas. Akin to a housing proposal, wayfinding is critical, and the segregation of vehicle and pedestrian routes is welcome and offers alternative options for movement around the site. Utilisation of existing buildings on site to form the hub building and concentration of formal parking adjacent would ensure the continued re-use of existing buildings in a sustainable manner.
96. In response to landscape concerns detailed above, the development would be implemented in a phased manner, currently proposed in three stages, from east to west. The proposed layout is designed in a manner commensurate to that phased approach. Furthermore, the use of land western most within the site for use for touring caravan pitches would offer further wayfinding on site and decrease the structural form from east to west as the site moves away from the A688 and in the countryside setting, while always being set within improved structural landscaping both surrounding the site and to the perimeter.
97. The lodges themselves are designed as a modern interpretation of agricultural and rural buildings, with grey / black roof and horizontal clad timber walls set above a stone base course. The material choice and colouring would further aid the visual reduction of the lodges within the landscape and would be a welcome design direction.
98. In response to CDP Policy 29 it is not considered that the development would detract from the character of the surrounding area through the design and layout of the proposals in combination with the proposed landscaping for the site. As acknowledged above, the impacts from the development would be reduced over time and the phased implementation complemented by the proposed design of the lodges and the layout of the scheme are considered to combine to reduce the transformative impacts of the development in this location. Subject to the imposition of a conditions relating to materials and finishes, it is considered that the development would accord with the principles of CDP Policy 29 and Part 12 of the NPPF in respect of good design.

Residential Amenity

99. Paragraph 180 of the NPPF states that planning decisions should contribute to and enhance the natural and local environment by preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of air or noise pollution. Development should, wherever possible, help to improve local environmental conditions such as air quality and water quality. Paragraph 191 of the NPPF states that planning decisions should ensure that new development is appropriate for its location taking into account the likely effects of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. Paragraph 192 of the NPPF advises that planning decisions should sustain and contribute towards compliance with relevant limit values or national objectives for pollutants. Opportunities to improve air quality or mitigate impacts should be identified, such as through traffic and travel management, and green infrastructure provision and enhancement. Paragraph 193 of the NPPF advises that planning decisions should ensure that new development can be integrated effectively with existing businesses and community facilities (such as places of worship, pubs, music venues and sports clubs).
100. CDP Policy 31 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 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 locating of 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.

101. The site is surrounded by predominantly open farmland. It is noted that the approved agricultural worker's dwelling to the east of the site (ref: DM/17/02339/VOC) would be the closest residential dwelling to the site, being located adjacent to the site access, approximately 150m from the nearest chalet. The next nearest receptor, the Import Car Parts shop, is located approximately 180m to the east of the majority of the proposed development, being separated by the area surrounding the entrance road.

Noise

102. Environmental Health and Consumer Protection (Nuisance Action) officers initially requested further information relating to the management of the holiday chalets/touring site, specifically how the preservation of low night-time background noise levels would be ensured and whether a noise policy would be implemented.
103. The applicant has subsequently confirmed that the site would not utilise a speaker/PA system and would be willing to submit a site management document as part of a separate condition in due course. Similarly, a pre-commencement condition has been included for the submission and approval of an appropriate Construction Environmental Management Plan, which will set out a range of mitigation measures during the construction phase. These conditions would subsequently demonstrate that, the development would not result in any unreasonable impacts in relation to noise to surrounding receptors during construction and operational phases.

Lighting

104. No details in relation to external lighting have been submitted with the subject application. Officers in the Environmental Health and Consumer Protection (Nuisance Action) have commented on the requirements for external lighting, saying that a lighting plan should be developed to support the application, ensuring that future lighting doesn't overly impact sensitive receptors or the environment. They subsequently specify that the lighting units should be adjustable to address any complaints, and compliance with guidelines for reducing obtrusive light is essential.
105. On the above basis, a condition has been included and agreed by the applicant requiring the details of any external lighting to be erected on site.
106. There would be some disturbance to residential properties during construction, but this can be mitigated through the use of appropriate conditions and the correct implementation of a construction management plan. This disturbance would be time limited and necessary to facilitate the development.
107. Overall, it is considered that the proposed development would not create an unacceptable impact on health, living or working conditions or the natural environment in notable excess from the existing arrangements. And while there would likely be some impact in terms of noise and light upon the immediately adjacent residential dwelling, this would be considered of very little weight when assessed against CDP Policies 29 and 31 and Part 15 of the NPPF as a result of the imposition of the conditions recommended above. It is therefore considered that the proposals would provide an acceptable standard of residential amenity can be achieved in this instance.

Access and Traffic

108. Paragraph 114 of the NPPF states that safe and suitable access should be achieved for all users. In addition, Paragraph 111 of the NPPF states that development should only be refused on transport grounds where the residual cumulative impacts on development are severe. CDP Policy 21 states that the transport implications of development must be addressed as part of any planning application, where relevant this could include through Transport Assessments, Transport Statements and Travel Plans.
109. The proposed development would repurpose and alter the existing vehicular access from the A688 to the south that was formed as part of the previous permission for an agricultural workers dwelling. This access would provide 4.5m x 215m visibility splays appropriate for the 60mph speed limit, and the lower 85th percentile speeds observed by the submitted Transport Statement (TS). The scheme proposes two-way vehicle movements of 251 each day would be generated from the development, of which 10 would be in the AM peak and 23 in the PM peak traffic periods. Given that the A688 currently carries circa 11,000 vehicles per day, the impact on the local highway network would be negligible.
110. It is noted that a number of objections refer to numerous accidents along this stretch of the A688. However, in the past 3 year period there have been just two accidents, and one of those was caused sadly by a driver having a medical episode. There is therefore no evidence to suggest there is an existing road safety issue in the vicinity of the site. The applicant is also proposing a 3.0m shared footway/cycleway on the western verge of the A688, delivery of which can be secured by way of condition.
111. Car parking is proposed in accordance with the Council's Parking and Accessibility Guidelines (2023). There would also be 18 additional spaces (with 2 EV charging spaces) provided by the new main building and available for staff parking. Cycle parking would be provided for each chalet, and cycle parking for staff in the main car park would also be provided.
112. It is considered that the proposals have been appropriately assessed through a Transport Statement and would not result in harm to the safety of the local or strategic highway network and would not cause an unacceptable increase in congestion. Based on the above, it is considered that the development would not conflict with CDP Policy 21 and Part 9 of the NPPF and attracting neutral weight in the planning balance.

Ecology

113. Paragraph 185 of the NPPF sets out the Government's commitment to halt the overall decline in biodiversity by minimising impacts and providing net gains where possible and stating that development should be refused if significant harm to biodiversity cannot be avoided, mitigated or, as a last resort, compensated for. CDP Policy 41 reflects this guidance by stating that proposals 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. CDP Policy 43 states that 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.
114. The presence of protected species is a material consideration in planning decisions as they are a protected species under the Wildlife and Countryside Act 1981 and the

European Union Habitats Directive and the Conservation of Habitats and Species Regulations 2017 (as amended). The Habitats Regulations prohibit the deterioration, destruction or disturbance of breeding sites or resting places of protected species. Natural England has the statutory responsibility under the regulations to deal with any licence applications but there is also a duty on planning authorities when deciding whether to grant planning permission for a development which could harm a European Protected Species to apply three tests contained in the Regulations in order to determine whether a licence is likely to be granted. These state that the activity must be for imperative reasons of overriding public interest or for public health and safety, there must be no satisfactory alternative, and that the favourable conservation status of the species must be maintained. Brexit does not change the Council's responsibilities under the law.

115. There are no relevant ecological designations within or immediately adjacent to the proposed site.
116. An Preliminary Ecological Appraisal and Biodiversity Net Gain Report have been submitted in support of the application.
117. The Assessment presents recommendations for ecological impact avoidance, mitigation, and enhancement measures concerning the proposed development. It outlines forthcoming requirements for a Biodiversity Net Gain (BNG) assessment, indicating the need for a 10% biodiversity gain through new landscaping. Additionally, it highlights the importance of retaining the most valuable habitat hedgerows and conducting habitat assessments for a comprehensive BNG evaluation. The report also addresses protected species such as badgers, bats, birds, and hedgehogs, recommending specific strategies to prevent disturbance or harm during construction, including sensitive lighting strategies, bird nesting season precautions, and methods for safeguarding hedgehogs during site clearance.
118. The Biodiversity Net Gain Assessment is supported by a DEFRA's Biodiversity Metric 4.0. The metric advises that the baseline site provides 16.69 habitat units and 10.53 hedgerow units. Post development, taking into account the habitat creation set out in the paragraphs above, the site would provide in excess of 20 habitat units and 10 hedgerow units equating to a net gain in excess of 25% for habitat and no net loss of hedgerow. The Council's Ecology Officers agree with the conclusions regarding the baseline habitats on site and the delivery of a clear BNG.
119. The Council's Ecology Officers have no objection to the current application. They advise a Biodiversity Management and Monitoring Plan (BMMP) that covers a 30 year period from the date the habitats were created is needed. The BMMP should include any proposed ecological enhancements with the long management, maintenance and monitoring to be secured by an agreement under Section 39 of the Wildlife and Countryside Act 1981.
120. The proposed development would provide biodiversity enhancement to the site. It is considered that the proposed development with suitable mitigation would not adversely impact upon any nationally or locally protected sites or protected species and as such a licence is not required. It is therefore considered that the proposals would not conflict with CDP Policies 41 and 43 and Part 15 of the NPPF in respect of avoiding and mitigating harm to biodiversity.

Other Matters

Contamination and coal mining risk

121. Part 15 of the NPPF requires the planning system to consider remediating and mitigating despoiled, degraded, derelict, contaminated and unstable land where appropriate. Noting that where a site is affected by contamination or land stability issues, responsibility for securing a safe development rests with the developer and/or landowner. CDP Policy 32 requires that where development involves such land, any necessary mitigation measures to make the site safe for local communities and the environment are undertaken prior to the construction or occupation of the proposed development and that all necessary assessments are undertaken by a suitably qualified person.
122. A Preliminary Phase 1 Investigation (Desk Study) was carried out alongside a brief Coal Mining Risk Assessment. The phase 1 report undertook initial analysis and concludes that there is a low risk of significant contamination on the site based on historical site development and recorded activities. The site was concluded to be categorised as a low-risk zone for coal mining-related issues. No further risk assessment for hazardous ground gases was deemed necessary due to the absence of proposed buildings.
123. Environmental Health and Consumer Protection (Contaminated Land) Officers have considered the information submitted and raise no objections in respect of land contamination. Due to the fact that this development constitutes a change of use to a more sensitive receptor, officers have recommended 2no. conditions to require investigation of potential areas of ground contamination (Phase 1-3 and Phase 4).
124. It is considered that, subject to the imposition of appropriate conditions, the proposed development would be suitable for the proposed use and would not result in unacceptable risks which would adversely impact on the environment, human health and the amenity of local communities and it is considered that the proposals with appropriate mitigation would provide an acceptable standard of residential amenity in accordance with CDP Policies 32 and Part 15 of the NPPF.

Cultural Heritage

125. In assessing proposed development within a Conservation Area, regard must be had to the statutory duty imposed on the Local Planning Authority under the Planning (Listed Buildings and Conservation Areas) Act 1990 to pay special attention to the desirability of preserving or enhancing the character and appearance of a conservation area. In addition, the Planning (Listed Buildings and Conservation Areas) Act 1990 also 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. If harm is found this gives rise to a strong (but rebuttable) statutory presumption against the grant of planning permission. Any such harm must be given considerable importance and weight by the decision-maker.
126. Part 16 of the NPPF requires clear and convincing justification if development proposals would lead to any harm to, or loss of, the significance of a designated heritage asset. CDP Policy 44 seeks to ensure that developments should contribute positively to the built and historic environment and seek opportunities to enhance and, where appropriate, better reveal the significance and understanding of heritage assets.
127. There are no designated heritage assets within the proposed site nor is the site located within a Conservation Area. The closest listed structure is located to the north east, this being the Grade II listed County Council Marker Stone in Front of No. 77 Staindrop Road, West Auckland at approximately 350m. Design and Conservation Officers have

reviewed the proposals and have raised no objections in regard to designated heritage assets.

128. It is considered that the proposal would not conflict with CDP Policy 44, Part 16 and paragraph 202 of the NPPF and the Listed Building Act.

Planning Balance

129. As set out above the proposals attract significant support from the need for more overnight visitor accommodation in County Durham that would lead to economic and social benefits, locally and more widely. The site, by virtue of its location, does offer challenges with regard to sustainability and moderate landscape harm; however, the proposals have offered mitigation where possible to both of these impacts. As such, these proposals need to be considered in the context of Section 38(6) of the Act. This requires that “where in making any determination under the planning Acts, regard is to be had to the development plan, the determination shall be made in accordance with the plan unless material considerations indicate otherwise.” Impacts from Landscape are considered to conflict to a moderate level with CDP Policy 39 and as such an assessment of the other material considerations is required before coming to a recommendation upon this application.
130. In assessment of the other material considerations, when viewed in combination with the nature of the proposed development as visitor accommodation and the overarching economic and social benefits of the scheme, these would outweigh the harm in terms of locational sustainability and landscape impacts to such a degree that the proposals should be recommended for approval in the round. The proposal would attract support from Policy 8 (Visitor Accommodation) as a whole, in part Policy 21 b) and d) (Sustainable Transport) and by definition Policy 10 regarding development in the countryside.
131. Planning proposals are to be determined in accordance with the development plan unless material considerations indicate otherwise. For the reasons set out above, and having regard to all other matters, it is concluded that the proposals would not conflict with the development plan when read as a whole, and the application is recommended for approval.

Public Sector Equality Duty

132. 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.
133. In this instance, Officers have assessed all relevant factors and do not consider that there are any equality impacts identified.

CONCLUSION

134. Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise. The NPPF is a material consideration in planning decisions.

135. Consideration has been given to the principle of the development and the impact of the proposals in terms of landscape impact, residential amenity, access and traffic, layout and design, locational sustainability of the site, renewable energy, contamination and coal mining risk, flooding and drainage, landscape and trees, ecology, cultural heritage and other matters.
136. The proposed development has generated a small degree of public objection, with 7 no. letters of objection having been received, including a separate letter from the CPRE. The contents of these objections have been considered as part of the decision-making process in this instance, both relating to material matters and other matters.
137. Overall, the proposed development would provide a significant benefit to the visitor economy in response to the identified county-wide shortfall. The scheme would improve its sustainability credentials through mitigation and be well designed, include sufficient landscape mitigation to minimise impacts on the surrounding countryside. On balance, the proposals would be considered in accordance with Policies 8, 10 and 21 of the CDP.
138. Undertaking the required 'planning balance' of the merits of the scheme against its harms per the adopted Development Plan, the benefits of the scheme are considered to outweigh the identified harm and therefore the proposals are considered to be acceptable subject to the proposed schedule of mitigations alongside the suggested conditions and legal agreement within the recommendation below.
139. The proposed development has generated some public interest, with letters of objection having been received. Concerns expressed regarding the proposal have been taken into account, and carefully balanced against the scheme's wider social, environmental and economic benefits.

RECOMMENDATION

140. That the application is **APPROVED** subject to the completion of a Section 39 Legal Agreement to secure the following:
- Biodiversity net gain on site in accordance with a Biodiversity Management and Monitoring Plan for 30 years.

And subject to the following conditions:-

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

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

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

17/03/2023 – 212020141 - 001 – Site Location Plan

17/03/2023 – Wash Block Elevations (Lloyd Harden, 23.11.22)

17/03/2023 – Wash Block Layout Plan and Elevations (Lloyd Harden, 23.11.22)

17/03/2023 – SK101 – Proposed Hub Building – Floor Plans
17/03/2023 – SK103 Rev A – Proposed Hub Building – Elevations
17/03/2023 – SK110 – The Stables – Proposed Plans and Elevations
12/03/2024 – Proposed Site Layout Rev F (Lloyd Harden, 23.11.22)
12/03/2024 – 2411.01 – Planting Plan 1 of 2
12/03/2024 – 2411.02 – Planting Plan 2 of 2
04/04/2024 – DR-C-0100 Rev P2 – Drainage Strategy

Reason: To define the consent and ensure that a satisfactory form of development is obtained in accordance with Policies 8, 10, 21, 26, 29, 31, 35, 36, 39, 40, 41, 43 and 44 of the County Durham Plan and Parts 2, 6, 8, 9, 14 and 15 of the National Planning Policy Framework.

3. Prior to the commencement of the development, a timetable for the phasing of development shall be submitted to and agreed in writing by the Local Planning Authority. Once agreed, the development shall be carried out in accordance with the approved details.

Reason: To ensure landscape harm is mitigated sufficiently in accordance with Policy 39 of the County Durham Plan and Part 15 of the National Planning Policy Framework.

4. No development shall commence until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. The Construction Management Plan shall include as a minimum but not necessarily be restricted to the following:

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/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. Details of contractors' compounds, materials storage and other storage arrangements, including cranes and plant, equipment and related temporary infrastructure.
8. Details of provision for all site operatives for the loading and unloading of plant, machinery and materials.
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 the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate.
12. Waste audit and scheme for waste minimisation and recycling/disposing of waste resulting from demolition and construction works.
13. Management measures for the control of pest species as a result of demolition and/or construction works.
14. Detail of measures for liaison with the local community and procedures to deal with any complaints received.

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

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

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

5. No development other than remediation works shall commence until a detailed scheme for the provision of foul and surface water drainage works have been submitted to and approved in writing by the Local Planning Authority. The scheme shall be developed in accordance with the Councils Sustainable Drainage Systems (SuDS) Adoption Guide 2016. The development thereafter shall be completed in accordance with the details and timetable agreed.

Reason: To ensure that surface and foul water are adequately disposed of, in accordance with Policies 35 and 36 of the County Durham Plan and Parts 14 and 15 of the National Planning Policy Framework.

6. Prior to the commence of the development hereby approved, detailed engineering drawings of the proposed site access and shared use footway between the site entrance and the A688 / Staindrop Road roundabout, together with a timetable for their implementation, shall be submitted to and approved in writing by the Local Planning Authority. The proposed footway improvements alongside the A688 shall be designed in accordance with the Transport Assessment dated March 2023. Once agreed, the proposed site access and footway improvements shall be implemented in accordance with the approved details.

Reason: To ensure that highway safety is upheld in accordance with Policy 21 of the County Durham Plan and Part 9 of the National Planning Policy Framework.

7. No development shall commence until a land contamination scheme has been submitted to and approved in writing by the Local Planning Authority. The submitted scheme shall be compliant with the YALPAG guidance and include a Phase 1 preliminary risk assessment (desk top study).

If the phase 1 assessment identifies that further investigation is required a Phase 2 site investigation shall be carried out, which shall include a sampling and analysis plan. If the Phase 2 identifies any unacceptable risks, a Phase 3 remediation strategy shall be produced and where necessary include gas protection measures and method of verification. Any remediation works shall be carried out in accordance with the approved remediation strategy.

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.

8. 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 Part 15 of the National Planning Policy Framework.

9. No development shall commence until a detailed landscaping scheme has been submitted to and approved in writing by the Local Planning Authority.

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

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

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

Trees, hedges and shrubs scheduled for retention.

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

Details of planting procedures or specification.

Finished topsoil levels and depths.

Details of temporary topsoil and subsoil storage provision.

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

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

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

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

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

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

No tree shall be felled or hedge removed until the removal/felling is shown to comply with legislation protecting nesting birds and roosting bats.

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

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

Replacements will be subject to the same conditions.

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

11. Prior to first occupation / public use of the development hereby approved, until a scheme for the ongoing maintenance of the areas of internal open space within the development hereby approved have been submitted to and approved in writing by the Local Planning Authority. In the event of proposals to maintain the public open space by means other than through transfer to the Local Authority then the scheme shall provide for details of an agreed maintenance and cutting schedule in perpetuity.

Reason: In the interests of appearance of the area in accordance with Policies 26 and 29 of the County Durham Plan and Parts 8 and 12 of the National Planning Policy Framework.

12. Prior to first occupation / public use of the development hereby approved, the proposed car parks shall be laid out and ready for use in accordance with details approved by the Local Planning Authority. The car parks shall be retained for use as such in perpetuity thereafter.

Reason: In the interests of residential amenity and highway safety in accordance with the County Durham Plan Policy 21 and Part 15 of the National Planning Policy Framework.

13. Prior to the construction of the car parking hereby approved, a scheme indicating the locations of the 2no. electric car charging points at the site shall be submitted to and agreed in writing by the Local Planning Authority. The charging points shall be made available prior to first occupation / public use of the development and maintained for use in perpetuity thereafter.

Reason: In order to encourage sustainable means of travel in accordance with County Durham Plan Policy 21 and Part 9 of the National Planning Policy Framework.

14. Prior to first occupation / public use of the development hereby approved, details of any external lighting shall be submitted to and approved in writing by the Local Planning Authority. Details shall demonstrate adherence to the Institute of Lighting Professionals Guidance Note for the reduction of intrusive

light. The external lighting shall be erected and maintained in accordance with the approved details thereafter.

Reason: To ensure that the visual impact and rural amenity of the local area is protected in accordance with Policies 31 and 39 of the County Durham Plan and Part 15 of the National Planning Policy Framework.

15. Prior to first occupation / public use of the development hereby approved, an Operational Site Management Plan shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that residential amenity is maintained at the operational phase of the development in accordance with Policy 31 of the County Durham Plan and Part 15 of the National Planning Policy Framework.

16. Prior to first occupation / public use of the development hereby approved, the 'hub' building hereby approved shall be constructed and available for use.

Reason: To ensure sustainable patterns of development are achieved and users of the development have access to facilities in accordance with Policies 21 and 29 of the County Durham Plan and Parts 9 and 15 of the National Planning Policy Framework.

17. The development shall be carried out in accordance with the submitted flood risk assessment and the mitigation measures detailed within (Section 3, Flood Risk Assessment and Foul Drainage Assessment, ref: 20265-FRA-001 Rev B, August 2023).

Reason: To ensure that development is suitably protected from risk of flooding in accordance with Policies 35 and 36 of the County Durham Plan and Parts 14 and 15 of the National Planning Policy Framework.

18. Any caravan or lodge on the development site shall be occupied for holiday purposes only and no caravan or lodge on the development site shall be occupied as a person's sole or main place of residence. The owners/operator shall maintain an up-to-date register of the names of all occupiers and of their main home addresses and telephone numbers and shall make this information available at all reasonable times to the Local Planning Authority.

Reason: To ensure that the development is occupied as holiday accommodation only, in order to comply with Policy 8 of the County Durham Plan and Part 6 of the National Planning Policy Framework.

19. All chalets on site should be timber clad and feature black or grey roof colourings.

Reason: To ensure landscape harm is mitigated sufficiently in accordance with Policy 39 of the County Durham Plan and Part 15 of the National Planning Policy Framework.

20. In undertaking the development that is hereby approved:

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

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

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

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

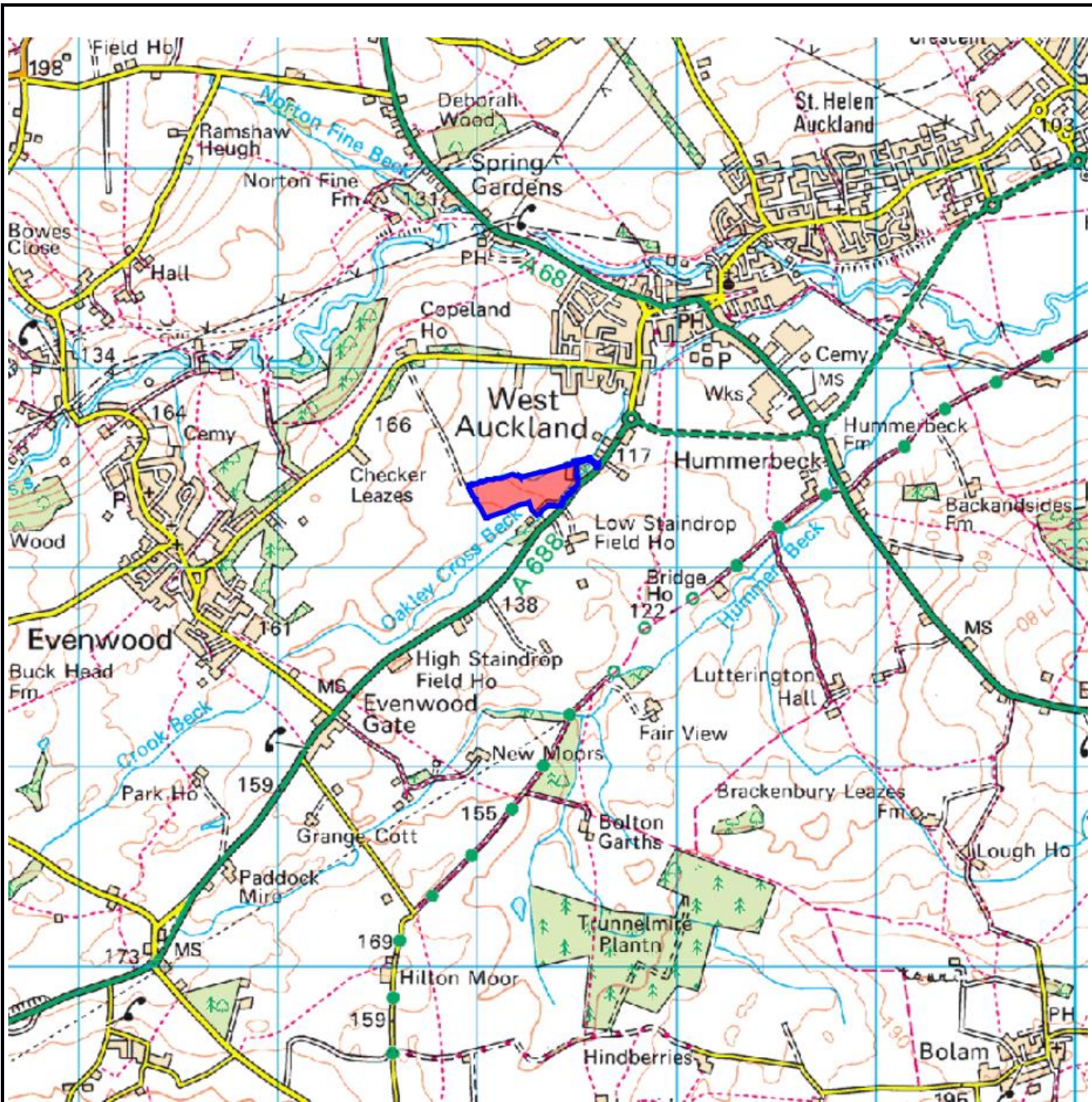
Reason: To protect the residential amenity of existing and future residents from the development in accordance with Policy 31 of the County Durham Plan and Part 15 of the National Planning Policy Framework.

STATEMENT OF PROACTIVE ENGAGEMENT

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

BACKGROUND PAPERS

- Submitted application form, plans supporting documents and subsequent information provided by the applicant.
- The National Planning Policy Framework (2023)
- National Planning Practice Guidance notes
- County Durham Plan
- Statutory, internal and public consultation response



Planning Services

DM/23/00757/FPA

Change the use of the land to allow the siting of 104 holiday chalets, 63 pitches for touring caravans and the creation of a new amenity building with reception, cafe and shop. Re-clad the existing Acrum Stud stables.

Acrum Lodge, Staindrop Road, West Auckland, DL14 9PB

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Comments

Date June 2024

Scale Not to Scale