



## Area Planning Committee (South and West)

**Date** Thursday 20 March 2014  
**Time** 2.00 pm  
**Venue** Council Chamber, Civic Centre, Crook

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### Business

#### Part A

1. Apologies for Absence
2. Substitute Members
3. Declarations of Interest (if any)
4. The Minutes of the Meeting held on 20 February 2014 (Pages 1 - 6)
5. Applications to be determined
  - a) 3/2013/0347 - Ireshope Plains, Ireshopeburn, Bishop Auckland  
(Pages 7 - 22)  
Erection of a single wind turbine 34.4m to tip and associated infrastructure (revised scheme)
  - b) 3/2014/0008 - Land East of Fairfield Cottages, Stanhope (Pages 23 - 36)  
Erection of 9 dwellings
  - c) 3/2013/0407 - Land off (east) South Church Road, Bishop Auckland (Pages 37 - 54)  
Residential development (outline, up to 28 dwellings)
6. Such other business as, in the opinion of the Chairman of the meeting, is of sufficient urgency to warrant consideration.

**Colette Longbottom**  
Head of Legal and Democratic Services

County Hall  
Durham  
12 March 2014

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

Councillor M Dixon (Chairman)  
Councillor J Buckham (Vice-Chairman)

Councillors D Bell, D Boyes, J Clare, K Davidson, E Huntington,  
S Morrison, H Nicholson, A Patterson, G Richardson, L Taylor,  
R Todd, C Wilson and S Zair

**DURHAM COUNTY COUNCIL**

At a Meeting of **Area Planning Committee (South and West)** held in Council Chamber, Council Offices, Spennymoor on **Thursday 20 February 2014 at 2.00 pm**

**Present:**

**Councillor M Dixon (Chairman)**

**Members of the Committee:**

Councillors D Bell, D Boyes, J Clare, K Davidson, O Gunn, E Huntington, S Morrison, H Nicholson, A Patterson, G Richardson, L Taylor, R Todd, C Wilson and S Zair

**Also Present:**

J Byers – Planning Team Leader (South and West)  
A Caines – Principal Planning Officer  
Clare Cuskin – Legal Officer  
D Stewart – Highways Officer  
R Lowe – Tree Officer

**1 Apologies for Absence**

An apology for absence was received from Councillor J Buckham.

**2 Substitute Members**

Councillor O Gunn substituting for Councillor J Buckham.

**3 Declarations of Interest**

There were no declarations of interest.

**4 Minutes**

The Minutes of the meeting held on 23 January 2014 were agreed as a correct record subject to an amendment to minute numbered 5a regarding planning application 3/2013/0304 – Lilac House, South View, Hunwick.

The comments made by the Chairman about the sustainability of the development were amended to read as follows:-

‘He expressed concern about the sustainability of the development given that the children would travel to and from the home from a distance of ‘more than’ 25 miles.’

## **5 Applications to be determined**

### **5a 6/2013/0295/DM - Land South of The Close, Cotherstone, Barnard Castle**

Consideration was given to the report of the Principal Planning Officer regarding an application for the erection of 12 dwellings including landscaping and site access (for copy see file of Minutes).

A Caines, Principal Planning Officer gave a detailed presentation on the application which included photographs of the site and its context in the village.

Mr I Moorhouse addressed the Committee on behalf of Cotherstone Parish Council. He commenced by addressing Local Plan Policies GD1, BENV4 and H13 referred to in the Principal Planning Officer's report. As could be seen from the photographs of the approach to the village the site was well-screened in the summer, however this was not the case in the winter months, and this would have an adverse visual impact on the area.

The Parish Council did not believe that that there was a local need for the development and that the Housing Needs Survey was a means of assessing aspirations rather than need. Even if the need existed the Parish Council did not consider that Policy H13 would be complied with. There were only 143 responses to the Survey from a total of 962 households. The Parish Council had collected 120 signatures against the development from a little over 200 households.

He continued that very few local people lived in the sheltered accommodation located next to the proposed development. The report noted that the site was 'not the most sustainable' which was an understatement as the residents were not wealthy, and private transport was an issue for local people in a rural area. There was no point in providing low cost accommodation where there was little employment, where buses only operated until 7pm and were expensive, and where there was uncertainty around the future of the bus service, the local shop and post office.

Mr Willis, the Agent stated that he appreciated the work of the Planning Officers in helping the applicant to achieve a development which respected the character of the Conservation Area. The Housing Needs Assessment (HNA) carried out in February 2013 supported the need for affordable housing which had been identified in the SHMA. The affordable housing would be secured through a Section 106 Agreement which would include local occupancy criteria.

Changes had been made to certain design features to ensure that the scheme was in keeping with the surrounding area, including the introduction of dry stone walling on the site frontage.

D Stewart, Highways Officer was asked to comment on concerns expressed relating to highway issues. He advised that following initial issues regarding the number of parking spaces the application had been amended in line with suggestions made by the Highways Authority, and a condition was proposed for

extension works to the lay by. The scheme was therefore deemed to be acceptable in highway terms.

Members asked how the allocation process would ensure that the local need was served. The Committee was advised that the properties would be allocated using Durham Key Options, and were informed of the local occupancy criteria which would be included in the Section 106 Agreement.

Councillor Boyes noted the concerns expressed by the Landscape Team, particularly in relation to the longevity of the hedgerows. It was suggested that condition 5 be amended to ensure that hedgerows were included in the planting plan which was to be submitted and agreed by the Local Planning Authority before any development took place.

Councillor Clare noted the Parish Council's concerns regarding sustainability. The Principal Planning Officer acknowledged that the site may not be the most sustainable location because of distance from local services, however there was a need for affordable housing in areas other than the larger settlements such as Barnard Castle. Cotherstone was a large village with good bus service links to facilities.

The Chairman commented that the development would help to ensure the sustainability of the existing bus service as more people moved into the village. In addition he considered that one bus per hour was not unusual for settlements in rural locations.

In response to Councillor Gunn, who noted that the Parish Council had also expressed concern about sustainability because the proposals did not include accommodation for young families, the Principal Planning Officer explained that the HNA demonstrated a clear demand for older persons dwellings in the area and the scheme would help to meet that identified need. However there was no age restriction included in the allocation criteria and four of the properties were two-storey, semi-detached dwellings which were suitable for young families.

During discussion on the application Councillor Richardson advised of his intention to abstain from voting.

**Resolved:**

That the application be approved subject to:-

- (i) the conditions outlined in the report with condition 5 being amended to read as follows:-

- '5. No development shall take place until full details of hard and soft landscape works and garden structures have been submitted to and approved in writing by the Local Planning Authority. These details shall include proposed hard surfacing materials, details of proposed sheds, details of proposed bin stores, a detailed planting plan for the ornamental shrubs, herbaceous planting and

hedgerows showing exact plant numbers and locations and giving plant and planting specifications, and details of the treatment of the boundary hedge to the north of the site. The development shall be carried out in accordance with the approved details.'

- (ii) the completion of a Section 106 Legal Agreement to ensure the dwellings remain affordable in perpetuity, and to secure a financial contribution of £6000 towards the provision/maintenance of open space in the locality.

#### **5b 6/2013/0360/DM/VP - 32 Cecil Road, Barnard Castle**

Consideration was given to the report of the Principal Planning Officer regarding an application for the removal of condition 7 of planning permission 6/2011/0162/DM to allow the annex to be occupied separately by a tenant (for copy see file of Minutes).

A Caines, Principal Planning Officer gave a detailed presentation on the application which included photographs of the site.

In discussing the application Members considered whether the proposed amendment to the condition would address the concerns of both the Parish Council and the neighbour that the proposal would transform a semi-detached house into a terraced house.

The comment was made by Councillor Clare that the payment of Council Tax on the annex was in effect creating two properties. Members were informed by C Cuskin, Legal Officer that this was not a material planning consideration that should be taken into account in the determination of the application.

The Principal Planning Officer clarified that the purpose of amending condition 7 was because of the potential impact any future separation of the annex would have on the character of the area. Planning Officers were concerned about the annex becoming a separate dwelling and the potential for garden division which would adversely impact on the spatial character of a location where gardens were of a regular size. The proposed wording would allow occupation by a tenant while still preventing the annex from being physically separated and sold separately.

In response to a question from Councillor Patterson, D Stewart, Highways Officer stated that there was space to accommodate three vehicles in the parking area to the rear of the property, which was deemed to be sufficient for the annex. The amendment to condition 7 was acceptable in highway terms.

#### **Resolved:**

That condition 7 of permission 6/2012/0172/DM be varied to remove the requirement that restricts occupation of the annex to only persons in the household of 32 Cecil Road, but retains the requirement that the annex cannot be sold as a separate dwelling, or physically separated from 32 Cecil Road by means of enclosure; and subject to an additional condition relating to parking provision and the original conditions covering the development, as outlined in the report.

**5c 6/2013/0382/DM/TP - Staindrop Hall, 20 Front Street, Staindrop**

Consideration was given to the report of the Principal Planning Officer regarding an application to fell 1 no. sycamore tree protected by TPO CCD-34-2012 (for copy see file of Minutes).

A Caines, Principal Planning Officer gave a detailed presentation on the application which included photographs of the site.

Mr S Johnson, a Consultant Ecologist, addressed the Committee on behalf of the applicant. He had originally been asked to inspect the tree in 2012 and had found that it was leaning, and suffering from root heave and subsidence. The tree had been part of a large group, one of which was a beech tree to the north of the sycamore which had been felled. This had left the tree flat-sided with the branches on the west side overhanging a grade 2 listed wall, the branches to the east extending up to 3m and those to the south and west having a spread of 6–7m. This would affect the balance and stability of the tree. Sycamores were not native to the UK and only had amenity value in the open countryside.

Mr Johnson continued that the tree was infested with aphids and had tar spot, which although not fatal would reduce the tree's ability to photosynthesise. He had spoken to a Council Tree Officer who, he claimed, had confirmed that the tree was leaning and that it would become unstable when it was pruned.

On a further visit in 2013 Mr Johnson had noticed more weather damage and whilst there was no evidence of further lean, the sycamore was overhanging a yew tree. The applicant had agreed to plant two young oak trees which would be of benefit to the site for many years to come, in contrast with the sycamore which would fail at some point.

R Lowe, the Council's Tree Officer responded to the comments made by Mr Johnson. He advised that when planning permission had been granted in 2011 an independent company had undertaken an arboricultural survey. The data from the survey was used in Mr Johnson's report, although he had reached a different conclusion about the condition of the tree.

Almost every tree in County Durham had tar spots or aphids and there was no evidence to suggest that it was in danger of falling over. Whilst the tree had developed a lean this was not unusual as it had been one of a group. Most trees in County Durham were sycamores which could live for up to 400 years. This was a mature tree with high amenity value which was in good health and had been given a Category A rating by an arboricultural consultant in 2011.

In response to questions from Members the Council's Tree Officer confirmed that the tree was safe despite the recent wet and windy weather conditions, and that no remedial works were needed. The Arboricultural Survey carried out in 2011 did not mention root heave but heavy vehicles may have disturbed the soil which could have caused Mr Johnson to believe that this was the case. The dwelling would be constructed on pile foundations in the Root Protection Area to safeguard the roots.

Councillor Richardson was of the view that the tree was too tall and, as had been the case with many other trees this winter, could fall over as a result of ground softening and high winds. There were a lot of new shoots at the base of the trunk which he understood were signs of a tree in distress. He favoured the applicant's proposal to fell the sycamore and plant two young oak trees.

The Tree Officer clarified that the growth from the roots was because the sycamore had originally been one of a group and the buds, which were present in the bark of every tree, had started to grow after the other trees had been felled.

In discussing the application Members noted the conflicting expert opinions about the condition of the tree. The Legal Officer advised that the Committee needed to decide, on balance, having considered all of the evidence before it, whether the application should be granted or refused. If any particular Member could not reach a decision on the basis of the evidence before the Committee, they should abstain from voting upon the application.

**Resolved:**

That the application be refused for the reasons outlined in the report.

**5d 7/2013/0522/DM - Land to the rear of 17 North End, Sedgefield**

Consideration was given to the report of the Planning Team Leader regarding an application for the erection of 1 no. dwelling (for copy see file of Minutes).

J Byers, Planning Team Leader gave a detailed presentation on the application which included photographs of the site.

In response to a question from the Chairman, Members were advised that there were roman settlement remains in East Park with archaeological features within the development site. A condition was proposed which would require a programme of archaeological work to be submitted before the commencement of any work on site.

**Resolved:**

That the application be approved subject to the conditions outlined in the report.

**6 Update - Building Preservation Notice**

Consideration was given to an update regarding the issue of a Building Preservation Notice on the winding engine house and machinery at Grove Rake Mine, Rookhope (for copy see file of Minutes).

**Resolved:**

That the serving of the Building Preservation Notice on the winding house and machinery at Grove Rake Mine, Rookhope and the action taken by the Director of Regeneration and Economic Development under emergency powers contained in paragraph 12 of Table 1 to part 3(c) of the Constitution, be noted.

## Planning Services

# COMMITTEE REPORT

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### APPLICATION DETAILS

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<b>APPLICATION NO:</b>	3/2013/0347
<b>FULL APPLICATION DESCRIPTION:</b>	<b>ERECTION OF A SINGLE WIND TURBINE 34.4M TO TIP AND ASSOCIATED INFRASTRUCTURE (REVISED SCHEME)</b>
<b>NAME OF APPLICANT:</b>	<b>MR J CARRICK</b>
<b>ADDRESS:</b>	IRESHOPE PLAINS, IRESHOPEBURN, BISHOP AUCKLAND, DL13 1HG
<b>ELECTORAL DIVISION:</b>	WEARDALE
<b>CASE OFFICER:</b>	<b>Adrian Caines</b> Principal Planning Officer 03000 263943 adrian.caines@durham.gov.uk

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### DESCRIPTION OF THE SITE AND PROPOSALS

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The site

1. The application site is within an enclosed agricultural pasture field, in a position close to the dry stone wall which forms the field boundary, and at a distance approximately 150m to the south east of the dwelling and associated building group at Ireshope Plains. The site falls within the designated landscape of the North Pennines Area of Outstanding Natural Beauty (AONB).
2. The A689 is the main road through Weardale and travels through the valley bottom around 860m to the north. Causeway Road leads off the A689 over 660m to the north. Access to Ireshope Plains is from Stony Path just over 200m to the north west of the site and there is a road leading south east off Stony path around 460m from the site. Stony Path is also a Public Right of Way (PROW) (No.51) and one of many PROWs in the area. There are a number of PROWs which lead directly off from Stony Path in the immediate vicinity of the application site. The nearest is No.54 which passes through the middle of the field around 120m to the north below the application site. Just beyond that are PROWs 52 and 53. PROWs 44, 45, 46, 48, 49 and 50 all lead off from Stony Path to the north west and they themselves then join to many other paths along the valley.
3. The nearest neighbouring residential property is High Greenwell around 420m north west of the site. Hawkwellhead Farm lies over 620m to the east. The properties on Causeway Road (A689) are nearly 700m to the north. The properties at Low Ling Riggs, Ling Riggs, High Ling Riggs and Slack House are all over 800m to the north west of the site.

4. High Greenwell is also the nearest listed building and there are other notable listed buildings nearby including the grade II\* listed Newhouse on Well Bank (1.2km) and grade II listed Wearhead Methodist Chapel on the A689 (1.2km).
5. The edge of the Ireshopeburn conservation area lies just over 760m to the north of the site. The Wearhead conservation area lies nearly 1.5km to the north west. The St John's Chapel and East Blackdene conservation areas lie around 1.7km to the north east. The Cowshill conservation area lies around 2.7km to the north west.

The proposal

6. Planning permission is sought for the erection of a single 3-blade wind turbine with a blade tip height of 34.4m and hub height of 24.8m. Ancillary development would include the concrete foundation 11mx11m, 7m of new access track (4m wide) to join the existing track from the yard and underground cabling to the transformer and grid connection. The turbine would be coloured grey (RAL 7015).
7. The proposed turbine would provide approximately 260,000kWh of electricity per annum for the farm and plant hire business which operate at the site with surplus electricity exported to the National Grid.
8. The application has been called to committee by Councillors Savory, Shuttleworth and Stanhope Parish Council.

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## **PLANNING HISTORY**

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9. The planning history at Ireshope Plains relates to the erection of agricultural buildings and extension to the farmhouse, which is not of any particular relevance to this application.
10. There was an application for a white coloured turbine on this site (3/2013/0087), but it was not determined following concerns about landscape impact, which led to the submission of this application with the turbine colour now amended to grey.
11. The telecommunications mast to the north, originally a TV relay mast, dates back to 1977 and it has had various permissions over the preceding years for minor additions of dishes and antennas.
12. Although not on this site, the Council has within the last year refused planning permission for a 34m high turbine at High Greenfield Farm, Cowshill, which lies just under 4km to the north of Ireshope Plains. That decision is relevant because the turbine was the same size and style of turbine, and is in close proximity to the application site within the AONB. An appeal decision on that proposal is expected shortly.

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## **PLANNING POLICY**

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### **NATIONAL POLICY**

13. On March 27th 2012 the Government published the National Planning Policy Framework (NPPF). The framework establishes a presumption in favour of sustainable development. However, the NPPF does not change the statutory status of the development plan as the starting point for decision making. Proposed

EXPIRES ON 19/11/2013

development that accords with an up-to-date Local Plan should be approved and proposed development that conflicts should be refused, unless other material considerations indicate otherwise. The following elements of the NPPF are considered most relevant to this proposal:

14. NPPF Part 10 *Meeting the challenge of climate change, flooding, and coastal change* states that LPAs should approve applications for energy development if impacts are (or can be made) acceptable. The overall need for such development need not be demonstrated, and there must be recognition that even small scale projects provide a valuable contribution to cutting greenhouse gas emissions.
15. NPPF Part 11 – *Conserving and enhancing the natural environment* – Paragraph 115 states that great weight should be given to conserving landscape and scenic beauty in Areas of Outstanding Natural Beauty, which have the highest status of protection in relation to landscape and scenic beauty. The conservation of wildlife and cultural heritage are important considerations in all these areas, and should be given great weight in National Parks and the Broads.
16. NPPF Part 12 *Conserving and Enhancing the Historic Environment* states that, when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation; and significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting.

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

17. The following saved policies of the Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007 are considered to be consistent with the NPPF and can therefore be given weight in the determination of this application:
18. *Policy GD1 (General Development Criteria)*: All new development and redevelopment within the district should contribute to the quality and built environment of the surrounding area and includes a number of criteria in respect of impact on the character and appearance of the surrounding area; avoiding conflict with adjoining uses; and highways impacts.
19. *Policy ENV1 (Protection of the Countryside)*: The District Council will seek to protect and enhance the countryside of Wear Valley.
20. *Policy ENV2 (The North Pennines Area of Outstanding Natural Beauty)*: Priority will be given to the protection and enhancement of the landscape qualities of the North Pennines Area of Outstanding Natural Beauty. Development which adversely affects the special scenic quality and the nature conservation interest of the AONB will not be permitted.
21. *Policy BE1 (Protection of Historic Heritage)*: The District Council will seek to conserve the historic heritage of the District by the maintenance, protection and enhancement of features and areas of particular historic, architectural or archaeological interest.
22. *Policy BE4 (Setting of a Listed Building)*: Development which impacts upon the setting of a listed building and adversely affects its special architectural, historical or landscape character will not be allowed.

23. *Policy BE8 (Setting of a Conservation Area)*: Development which impacts upon the setting of a Conservation Area and which adversely affects its townscape qualities, landscape or historical character will not be allowed.

## **EMERGING LOCAL POLICY**

24. The County Council is currently developing a countywide Local Plan (County Durham Plan) to replace all existing District Local Plans; however, the weight to be accorded to the draft policies is very limited in that the plan has not yet been subject to examination and may change prior to adoption. Wind turbine development is addressed in draft policy 22:
25. Policy 22 (Wind turbine development) states that planning permission will be granted for wind turbines unless, among other things, there would be significant harm to the character of the landscape. In respect of wind turbine development in the AONB, it specifically states that there will be a presumption against large scale wind development in the North Pennines AONB. Developments involving more than one turbine, or turbines with a hub height of over 25m, will not be permitted. Small scale wind development within the AONB will be permitted provided that its impacts on the environment are acceptable and its installed capacity is commensurate with the needs of the property or business.

## **CONSULTATION AND PUBLICITY RESPONSES**

26. Full consultation was carried out on application 3/2013/0087. The main difference between application 3/2013/0087 and this new application is the change in colour of the turbine from white to grey and therefore some organisations were not reconsulted, but their previous responses remain relevant.

### **STATUTORY RESPONSES:**

27. *Stanhope Parish Council* object to the application because of visual impact on the AONB landscape and concern about setting a precedent for other (turbine) development in the area.
28. *National Air Traffic Services (NATS)* has no safeguarding objection.
29. *Ministry of Defence (MOD)* were not reconsulted on this application because they had no objection to application 3/2013/0087.
30. *Highway Authority* were not reconsulted on this application because they had no objection to application 3/2013/0087.
31. *Natural England* were not reconsulted on this application because they had no objection to application 3/2013/0087.

### **INTERNAL CONSULTEE RESPONSES:**

32. *Landscape* object to the proposal, despite the change in colour from white to grey. The turbine is too large and would be seen over a large area within the AONB from roads and footpaths as well as access land. In these views the proposed turbine would be a singular landmark feature, creating a dominant and eye catching focal point, weakening the degree of unity and coherence in the landscape and eroding its

tranquillity. The assessment of the visual impacts contained in the application plays down the magnitude of the impact of the proposal and two of the three photomontages have technical problems in which the apparent size of the turbine has been reduced. The turbine cannot be compared with the nearby telecoms mast because the mast does not rotate, and so is much less attention grabbing than the proposed turbine would be. The proposal is considered to be in clear and substantive conflict with policy ENV 2 of the Wear Valley District Local Plan which states that priority will be given to the protection and enhancement of the landscape qualities of the AONB. In respect of emerging policy, the proposal would not conflict with proposed Policy 22 in respect of the size of the turbine, but would conflict in respect of its impacts on the environment.

33. *Design & Conservation* object to the proposal. The scale, location and colour of the proposed turbine would result in an adverse impact on the setting of numerous heritage assets in middle and near distance views including the Cowshead, Wearhead, Ireshopeburn, St John's Chapel and East Blackdene Conservation Areas, the grade II listed Methodist Chapel, grade II\* Newhouse and grade II Greenwell. In considering the impact on setting using The English Heritage guidance Wind Energy and the Historic Environment, it is considered that the excessive scale of the selected turbine will become a visually dominant feature in a landscape which is now and ever increasingly less dominated by the industrial past of the area. Intervisibility in this particular case is particularly important, the dales conservation areas are a series of related villages with similar characteristics all set within a relatively undisturbed landscape. The grade II\* listed Newhouse is a classic example in this context of a nationally significant asset which has been constructed to be directly linked to the surrounding landscape. It was constructed in the elevated position to provide commanding and dominating views of the landscape which it owned and managed. The setting of this building is one of open vistas and clear views of the now deindustrialised landscape of Weardale. This will be significantly harmed by the introduction of a turbine of the scale proposed. The setting in which the designated assets are now appreciated has remained unaltered now for several generations with the exception of small scale predominantly residential development throughout the area. This proposal would represent the single most intrusive feature to be introduced in to the landscape for some considerable time.

34. *North Pennines AONB Partnership* objects to the proposal. The proposed turbine would sit on an elevated point in the upper dale where it would be prominent from a number of locations within the local and wider area, especially against the skyline when viewed from the A689 to the north and other highway receptor sites. The site would lead to the turbine being poorly associated with the property it will serve and as such risk being the dominant feature in the landscape, especially considering its large height. The proposal has not adequately addressed the issues identified in The North Pennines AONB Planning Guidelines, particularly in respect of avoiding elevated sites and open locations where turbines would intrude into clean or locally important skylines. In their previous comments they also noted that The AONB Partnership has been supportive of many small scale turbine applications in the AONB, demonstrating support for renewable energy developments, but this application fails the relevant policy tests in the NPPF, Local Plan Policy ENV2 and the North Pennines Guidance.

#### **PUBLIC RESPONSES:**

35. The application has been publicised by site notice and neighbour letters. The only representations received on this application have been objections from The Open

Spaces Society and the Campaign to Protect Rural England (CPRE). It is however noted that there were 10 letters of support received for the previous application 3/2013/0087, all noting the general benefits of renewable energy in off-setting the carbon omissions of the existing farm business.

36. *The Open Spaces Society* objects to the proposal. They consider that the proposed turbine would dominate the landscape of this open rural area where local people and visitors come to walk and appreciate the quiet rural character of the countryside and do not expect to see structures of such proportions. The comparison made to the nearby telecommunication mast is not relevant as it is not a solid structure and the blades of the turbine would make it more noticeable on account of their movement.
37. *CPRE* objects to the proposal and reiterates their comments made on application 3/2013/0087. CPRE are in principle opposed to turbine developments which cause harm to AONBs. Even a single turbine of medium size in this location can affect the tranquillity of the area, which is a key characteristic of the AONB acknowledged in the draft Natural England National Character Assessment for the North Pennines, which describes the area as “A very tranquil landscape with a sense of remoteness, with a low population, slow rate of change, and extensive open moorlands with panoramic views and a unique wilderness quality, providing inspirational recreational experience.” The proposed turbine would be detached from the farm buildings and break the skyline. Even with a colour change it would cause harm to the landscape of the AONB.

#### **APPLICANTS STATEMENT:**

38. The Applicant has lived and worked at Ireshope Plain for 30 years and developed the farm and a plant hire and contracting company near to the village of Ireshopeburn. The Family has a long association with the area and have been at the farm since 1820. The contracting business comprises heavy plant hire and earthworks contracting, specialising in uplands restoration and environmental management work. The livestock business extends to 352 hectares, rearing around 300 sheep for meat production. The business is a major contributor to the local economy, providing employment both for the Carrick Family as well as being a significant employer of 7 local people, in an area of sparse population and limited employment opportunity.
39. The business is a large consumer of energy; the carbon footprint of the heavy plant contracting and farm business equating to around 517 tonnes of CO<sub>2</sub> per year. The proposed wind turbine will reduce the business' carbon footprint by providing sustainable energy and will make a significant environmental, economic and social contribution to the rural environment of County Durham, as well as contributing to Government renewable energy targets.
40. The proposed turbine is to be constructed and operated directly by the Applicant in order to move towards energy independence and a sustainable business with a reduced carbon footprint. Based on NOABL wind speed data, the turbine is expected to produce approximately 260,000kWh of electricity per annum at 6.0m/s wind speed and save 142 tonnes of CO<sub>2</sub> per annum, equating to 3,544 tonnes over the turbine life span. The proposed turbine will offset 30% of the business' annual carbon footprint which is a significant benefit to the business.
41. The Applicant recognises that the site is a sensitive location within the AONB. It is proposed to install a single Northwind NPS100-24-23 100kW wind turbine with a

hub height of 22.6m and a blade diameter of 23.6m. The proposed turbine is therefore lower than the maximum height of 25m to hub height advised in both the North Pennines AONB Planning Guidelines and emerging Policy 22 on wind turbine development within the North Pennines AONB. The turbine is also available in dark grey, which has been identified as a key consideration by the Landscape Officer.

42. The turbine location and the scale have been informed by the constraints of the site and the surrounding area alongside consultations with stakeholders, including the North Pennines AONB Partnership. The application is supported by a robust Landscape and Visual Impact Assessment, Ecological Impact Assessment and a Noise Impact Assessment. These reports demonstrate that the application is acceptable when assessed against current policy at all levels, emerging policy and other material planning considerations and that it provides material benefits that far outweigh any limited impact on the surrounding area.

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## **PLANNING CONSIDERATIONS AND ASSESSMENT**

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43. Having regard to the requirements of section 38(6) of the Planning and Compulsory Purchase Act 2004, Section 85 of the Countryside and Rights of Way Act 2000, development plan policies and relevant guidance, and all other material planning considerations, including representations received, it is considered that the main planning issues in this instance relate to the principle of development; landscape and visual impact; impact on the amenity of neighbours; ecology; and any other matters.

### Principle of development

44. General protection of the countryside and landscape quality is set out in Wear Valley Local Plan Policies GD1 and ENV1. More specifically Local Plan Policy ENV2 gives priority to protection and enhancement of the landscape qualities of the North Pennines AONB, an area within which the application site falls, noting development which adversely affects the special scenic quality of the AONB will not be permitted. Policies BE1, BE4 and BE8 are concerned with conservation of the historic heritage of the district and development which impacts on the setting of listed buildings or conservation areas will not be allowed.
45. Other important material considerations are Government guidance including the NPPF and National Policy Statements for Energy (EN-1) and for Renewable Energy (EN-3). EN-1 advises that in order to meet emissions targets the consumption of electricity will need to be almost exclusively from low carbon sources. The implication is that, in the short-term, much of the new capacity would need to come from on- and off-shore wind generated electricity. However, EN-1 confirms that National Parks, the Broads and AONBs have the highest status of protection in relation to landscape and scenic beauty. Each of these designated areas has specific statutory purposes which help ensure their continued protection. The conservation of the natural beauty of the landscape and countryside should be given substantial weight in deciding on applications for renewable energy development in these areas.
46. A core principle of The NPPF is that planning should support the transition to a low carbon future and encourage the use of renewable resources. Paragraph 93 provides for planning to play a key role in helping to shape places to secure radical reductions in greenhouse gas emissions, minimising vulnerability and providing resilience to the effects of climate change, and supporting the delivery of renewable energy and associated infrastructure. Paragraph 98 recognises that small scale

projects provide a valuable contribution to cutting greenhouse gas emissions. The NPPF's core principles also recognise the intrinsic character and beauty of the countryside and that development should contribute to conserving and enhancing the natural environment. Paragraph 115 confirms that great weight should be given to conserving landscape and scenic beauty in National Parks, the Broads and AONBs, which have the highest status of protection in relation to landscape and scenic beauty.

47. Section 12 of the NPPF includes guidance on conserving and enhancing the historic environment. In paragraph 132 it states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation; and significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. Harm to the significance of a designated heritage asset should be weighed against the public benefit of the proposal.
48. The Government has also recently published Planning Practice Guidance for Renewable and Low Carbon Energy. Paragraph 15 confirms that "the need for renewable or low carbon energy does not automatically override environmental protections"; "Proposals in National Parks and Areas of Outstanding Natural Beauty, and in areas close to them where there could be an adverse impact on the protected area, will need careful consideration" and "Great care should be taken to ensure heritage assets are conserved in a manner appropriate to their significance, including the impact of proposals on views important to their setting. It also includes advice on the assessment of cumulative landscape and visual impacts; and acknowledges that depending on their scale, design and prominence a wind turbine within the setting of a heritage asset may cause substantial harm to the significance of the asset.
49. The Wear Valley Local Plan is due to be replaced by the County Durham Plan (CDP). Consultation on the Pre Submission Draft ended in December 2013 and the final submission is likely to be made in April 2014, with examination following later in the summer 2014. The weight to be accorded to the draft policies is limited in that it has not yet been subject to examination and may change prior to adoption, having regard to amongst other things the responses received during the consultation. Wind turbine development is addressed in draft policy 22, which states that there will be a presumption against large scale wind development in the North Pennines AONB, but small scale wind development under 25m hub height will be permitted in the AONB provided that its impacts on the environment are acceptable and its installed capacity is commensurate with the needs of the property or business. The supporting text includes reference to the wilderness and remoteness of the AONB which are also among the special qualities identified in the AONB Management Plan 2009-2014.
50. Section 85 of the Countryside and Rights of Way Act 2000 requires the decision maker to have regard to the purposes of designation of an AONB when considering development that could affect the AONB. The primary purpose of AONB designation is to conserve and enhance the natural beauty of the area, but in pursuing that purpose account needs to be taken of (amongst other things) the needs of rural industries and of the social and economic needs of local communities, with particular regard paid to sustainable forms of social and economic development that in themselves conserve the environment.
51. It has been estimated by the applicant that the proposed turbine would result in a carbon saving of approximately 88 tons which is 17% of the carbon footprint of the farm business (517 tones of CO<sub>2</sub> per year). This in itself is a fairly significant carbon

saving for the farm, but in wider terms, a turbine with a rated output of 55kW would only make a very modest contribution to renewable energy. Nevertheless, The NPPF recognises that even small-scale projects provide a valuable contribution to cutting greenhouse gas emissions. Any surplus electricity could be exported to the grid and there would be economic benefits and energy security to a firm operating in a rural area.

52. By comparison with many other local authority areas, County Durham is making good progress with its contribution towards the national target for 30% renewable electricity by 2020 with current commitments to renewable energy to provide 27% of Durham's own electricity needs. However, much of the committed capacity in Durham has been created by large scale commercial wind farm development in areas of the county previously identified as of least constraint in past regional policy, and the draft CDP at paragraph 5.80 suggests that technical and environmental constraints indicate there is only limited potential for further such large scale wind farm development in the future. This could mean that a greater proportion of wind energy output is expected to be provided by small and medium scale turbines such as the application proposal. Nevertheless, there are likely to be other opportunities within the County to provide renewable energy on a similar scale to the application proposal in less sensitive locations outside the AONB.
53. Therefore, having regard to the policy context above, there is strong policy support for renewable energy development in the form of the proposed turbine. However, it is also clear that the need for renewable or low carbon energy does not automatically override environmental protections and throughout the policy context reference is made to the "great" and "substantial" weight that must be given to the protection of designated areas such as AONBs and the conservation of designated heritage assets. Where significant harm occurs it must be justified in the wider public interest.
54. So notwithstanding the acknowledged need for renewable energy, factors such as the progress County Durham is making towards the national target, together with the modest contribution the proposal would make to renewable energy and that there are likely to be opportunities for turbines of this scale outside the AONB, suggests that the application proposal is not essential to meet local or national targets. Therefore if the proposal is considered in the following sections to have a significant impact on the landscape of the AONB or significance of designated heritage assets, this will not be outweighed by the environmental and economic benefits of this particular proposal.

#### Landscape impact

55. The turbine would sit within a pasture field on the open, southern hillside of the Wear Valley at a point just below the transition to the upper moorland landscape of Harthope Moor, all of which is within the North Pennines Area of Outstanding Natural Beauty (AONB), a landscape which merits the highest level of landscape protection. There is landform evidence of past mining activity to the north and west of Ireshope Plains, which is a common feature throughout this part of the AONB and is part of the area's mining heritage. These landforms have remained unaltered as such for many generations, thereby representing an important part of the landscape character of the area as opposed to being something that detracts from it. Apart from the small Hole Plantation lower down the valley to the north and the Rowantree Plantation to the south east, tree cover on the hillside is scarce and therefore except where topography limits close and medium range views of the site, views are generally expansive across the valley and beyond to open moorland, particularly views from

the northern side of the valley and the roads and footpaths to the north west. Relevant key characteristics of the AONB are an upland landscape of high moorland ridges divided by broad pastoral dales with remote moorland summits and blanket bog. Particularly when the site is seen in wide panoramic views from the opposite side of the valley, this area has wilderness qualities and tranquillity, which are key landscape characteristics of the AONB designation. The AONB landscape is highly sensitive to change and even minor changes can result in significant impact on its character. The applicant's landscape assessment plays down the sensitivity of this landscape and strict statutory protection afforded to it.

56. The Zone of Theoretical Visibility (ZTV) accompanying the application confirms the high visibility of the site from immediately to the west and from the rising ground on the opposite side of the valley, with the majority of visibility lying within a 5km radius of the site, which is the distance a turbine of this size would be a noticeable feature.
57. In long distance views greater than 5km the turbine would be a relatively small feature in the landscape and this is where the grey colour would help reduce its visibility. The impact at this distance is likely to be low and therefore not significant.
58. However, at medium distance views between 1.5 and 5 km from the site, the turbine would become more prominent and the impact on the landscape more significant. Some of the more adverse views at this distance range are likely to be from the A689 at Copthill on entry down into Cowshill at a distance of about 3.1km; the road from Cowshill to Burnhope Reservoir 2.2km-2.4km; the northern entry into Wearhead on the A689 near West Fall about 2.2km; and travelling from the east along the road from Daddry Shield to East Blackdene and the higher road above at a distance of about 2.1km. At these distances and because of the turbine's elevated position, it would be clearly identifiable in the landscape and the movement of the blades would make it more noticeable. The top of the turbine would appear as a moving element against the moorland tops and may break the skyline in some of the views. These views do encompass vegetation, buildings and other minor vertical elements which would help reduce the significance of the impact, but because of the sensitivity of the landscape and the fact it would be the only turbine of its type and size visible, the impact would be adverse.
59. The views from the high road leading from Cowshill to Bail Hill and Well Bank (and footpaths leading off the road) at between 2.5km and 1.4km; Grasshill Causeway 2.2km; and the descent from the north down Well Bank between 3.1 and 1.8km are where the turbine would be most likely to have a significant adverse landscape impact at medium distance. In all these elevated views the turbine would be visible in wide open vistas encompassing the remote wilderness qualities of the AONB. The turbine would be prominent in relation to other elements within the surrounding landscape where it would be a large, distinctive moving feature. Other than the telecommunications mast nearby there are no other strong vertical features of a similar scale visible and the solid nature, colour and moving blades would render the turbine far more attention catching and visible than the mast. The impact on these views would be a significant adverse effect on the purposes and special qualities of the AONB due to intrusion, thereby detracting from its wilderness and remoteness.
60. In close distance views under 1.5km the turbine would be a dominant feature in a number of views for both road users and recreational users of the many footpaths in the area. Recreational footpath users and other visitors to the area particularly are likely to be more sensitive to features in the landscape as views of the landscape are one of the main objectives of leisure walks and visits to the area. The A689 is the

primary road through Weardale travelled by residents as well as visitors who come to the area to experience the unique wilderness and landscape qualities of the area. There would be largely unbroken views of the turbine for a stretch along the A689 of about 660m between Wearhead and the road to West Blackdene. A view of this is shown in photomontage viewpoint 2 which is about 1.2km from the site. Along this section of the A689 the turbine would be a very noticeable, large, moving feature on the hillside where it would break the skyline. It would also appear particularly dominant from the Wearhead Playground on this section of road. The farm buildings at Ireshope Plains are barely visible in these views which would make the turbine appear particularly isolated. Again, because of its solid nature and moving blades, the turbine would be more noticeable than the nearby mast and its position higher up the hill would add to its impact. The same would apply from public footpaths 35 and 37 crossing the fields to the south. The impact on these views would be a significant adverse effect.

61. From the upper sections of Causeway Road near High Wham, High Ling Riggs (shown in photomontage viewpoint 3) and public footpaths 11, 12 and 40 the blades of the turbine would break the skyline and would be mostly seen in the context of the wide open moorland tops at a scale that would dominate the farm buildings. This scale of structure is not normally expected within the AONB and there are no other examples of turbine development of the type and scale proposed in this part of the AONB. The turbine would be highly intrusive with a significant adverse impact on the AONB landscape.
62. At the closest views from Stoney Path under 300m (shown in photomontage viewpoint 1), the turbine and its large concrete pad would appear most dominant, but these views are perhaps a little less sensitive because the farm complex would be prominent in the foreground and there is lesser appreciation of the wider open AONB landscape seen in more distance views. Nevertheless, the siting of the turbine would still be detached from the farm buildings and the further away you get from the farm complex along public footpath 54, which runs through the field the turbine would be sited in, and public footpath 51, which carries on south past the farm complex along Stoney Path, the more sensitive the landscape becomes and the more adverse the impact from the turbine would be to the extent that footpath users would be likely to find the scale of the turbine and its movement intrusive and significantly detracting from the remote, tranquil characteristics of the AONB.
63. These concerns are shared in the objections from the Council's Landscape Section, The AONB Partnership, The Open Spaces Society and CPRE. It is therefore considered that the visual intrusion of the proposed turbine into the AONB landscape from the identified roads and footpaths would have a significant adverse effect on the purposes and special qualities of the AONB. This would be contrary to Wear Valley Local Plan Policy ENV2 and more generally policies GD1 and ENV1. It would also be in conflict with the aims of the NPPF in terms of the great weight that should be given to conserving the landscape and scenic beauty in AONBs, as well as the statutory purpose of AONB designation to preserve and enhance the natural beauty of the area.
64. While the applicant has made reference to draft policy 22 of the emerging CDP, the weight that can be given to the policy is very limited given it has not been through public examination. Nevertheless, even though the proposed turbine would technically fall under the 25m hub height restriction within draft policy 22, this would only be by 200mm and therefore be so marginal. It is also not clear if the height of the concrete pad has been taken into account. In any case the wording of draft policy

22 does not suggest that all turbines of that size would have acceptable impacts in all areas of the AONB as the impacts on the environment still need to be acceptable in each individual case. As the proposed turbine would have a significant adverse impact on the landscape and character of the AONB from a number of points, the proposal would still be in conflict with draft policy 22.

#### Impact on designated heritage assets

65. In the exercise of its planning functions with respect of any development which affects a listed building or its setting, the Local Planning Authority must have regard to section 66 of The Planning (Listed Buildings and Conservation Areas) Act 1990. This provision requires the Local planning authority to pay special regard to the desirability of preserving the listed building, or its setting, or any features of special architectural or historic interest which it possesses.
66. There are 5 conservation areas and various listed buildings within 3km of the application site, all of which are designated heritage assets and the development has potential to impact on the setting of those heritage assets. The NPPF confirms that significance of heritage assets can be harmed or lost through development within its setting. The Planning Practice Guidance for Renewable and Low Carbon Energy confirms that a wind turbine within the setting of a heritage asset may cause substantial harm to the significance of the asset.
67. The landscape section above identifies where the most prominent views of the proposed turbine would be. Some of those views coincide with views within or over conservation areas and from or over listed buildings.
68. The views of the turbine from Copthill would be over the Cowshill conservation area at approximately 3.1km, but views within the conservation area would be limited and at the distance involved the impact on the character of the conservation area would not be substantial. Similarly from Four Lane Ends there would be views over the East Balckdene and St John's Chapel conservation areas with limited views from within and again together with the distance involved, the impact on these conservation areas would not be substantial.
69. On the A689 the turbine would come into view at the northern entry into Wearhead before the primary school at about 2km away. The view of the turbine for drivers would be central, but quickly changing and softened by the presence of telegraph poles in the foreground. It would however, be more visible from the primary school and the nearby footpath no.39 where the impact would be more adverse. This part of the conservation area is very open and rural. The intervisibility between the conservation area and landscape is important to the significance of the conservation area as the countryside permeates into the conservation area giving it its rural character. From here the turbine would appear as a notable and unexpected feature on the hillside where it would intrude into the open views of the hillside from the school and footpath within this part of the conservation area. Its location, scale and impact on intervisibility would cause substantial harm to the setting and significance of the conservation area from these points.
70. The views of the turbine from Causeway Road at High Wham, High Ling Riggs and footpaths 11, 40 and 42 would be over the grade II listed Greenwell. The turbine would be the dominant element in these views and would therefore draw attention away from Greenwell and detract from its rural setting and relationship with the surrounding countryside. The impact on the setting of Greenwell would therefore be

adverse although it is lessened by the presence of the telecommunications mast and farm buildings which already dominate Greenwell in these views.

71. The Wearhead Methodist Chapel is grade II listed and lies just south of Wearhead on the A689. The chapel faces south over the playing fields to the hillside where the turbine would be located approximately 1.2km away. At this distance the turbine would be a highly prominent and dominant, moving feature high up the hillside. This would have a significantly adverse impact on the currently peaceful and still views of the landscape the chapel faces onto, which are important factors in its setting and historical significance as a chapel and place of peace. This would cause substantial harm to the experience and setting of the chapel, thereby harming its significance.
72. Once again, the views of the turbine from Well Bank are also likely to have a significant impact, this time on heritage assets. The first 500m up Well Bank falls within the Ireshopeburn conservation area. There is also the very notable grand 18<sup>th</sup> Century grade II\* listed Newhouse adjacent to Well Bank. The turbine would be highly visible ahead on entry into the conservation area when travelling down Well Bank and then following a short period of limited visibility would become open to view again from the point almost immediately adjacent to Newhouse and down the rest of the lower section of the road before the riverside trees block the view of the hillside opposite. As acknowledged in the Conservation Area Appraisal the surrounding hills provide the backdrop to all views from within the village and therefore the intervisibility and views of the open moorland hilltops are an important part of the significance of the conservation area, contributing to its rural character. The turbine would appear as a large, intrusive, moving element on the hillside when travelling down Well Bank within the conservation area, thereby causing harm to the setting and significance of the conservation area.
73. The grade II\* status of Newhouse means it is one of the most important buildings in the country. The property has been the home of successive agents of the Beaumont lead mine owning family. It was constructed in its elevated position to provide commanding and dominating views of the landscape which the occupiers owned and managed. As noted in the Conservation Area Appraisal Newhouse enjoys “splendid views to the south” from its many south facing windows and this is a key feature of its setting and significance. A photo of the view onto the proposed turbine site even features in the Conservation Area Appraisal. From here the turbine would appear to sit on top of a ridge and would appear very prominent and intrusive to a much greater extent than the existing mast. The prominence of the turbine and regular, continuous movement of the blades would have a substantial adverse impact on the presently open and still landscape views from Newhouse. This would cause substantial harm to the experience and setting of Newhouse, thereby harming its significance.
74. These concerns are shared in the objection from the Council’s Design and Conservation Section. It is therefore considered that the visual intrusion of the proposed turbine in the open AONB landscape would also be significantly harmful to the setting of the grade II\* listed Newhouse and the grade II listed Methodist Chapel, as well as to the setting of the Ireshopeburn and Wearhead conservation areas. The substantial harm caused to the heritage assets would not be outweighed by the economic and environmental benefits of this proposal. This would be contrary to Wear Valley Local Plan Policies BE1, BE4 and BE8, and more generally policy GD1. It would also be in conflict with the aims of the NPPF in terms of the great weight that should be given to conservation of heritage assets.

## Other matters

75. Turbines are unlikely to be overbearing at distances of greater than around seven times their height. There are no neighbouring properties within seven times the proposed turbine height (241m) with the nearest being High Greenwell at 420m away. While the turbine would be a prominent feature in the landscape over a wide ranging area for many properties, its scale together with the distance involved would not be unreasonably overbearing from within any neighbouring properties to the extent that they would become unattractive places to live.
76. A noise assessment accompanying the application indicates the turbine will meet the LA90 35dBA criterion specified in ETSU-R-97 for neighbouring properties. This is likely given the distance to neighbouring properties and could be controlled by condition.
77. There are no neighbouring properties within ten rotor diameters and therefore shadow flicker would not be an issue within any neighbouring properties.
78. The site is in grazed pasture and together with its high elevation and its distance in excess of 50m from any hedges, trees and buildings; means the proposed turbine is unlikely to have any adverse impact on bats. This is confirmed in the ecology survey accompanying the application, which also assesses the impact on bird populations to be insignificant. There are no objections from the Council's Ecology Section.
79. There were no aviation safeguarding concerns from the MOD or NATS.

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## CONCLUSION

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80. The proposed turbine would make a contribution towards the supply of renewable energy and reduce the carbon footprint of the business activities at Ireshope Plains, but the environmental and economic benefits of the proposal and the acknowledged need for renewable energy are not in this case sufficient to override the strict environmental protection afforded to the landscape of the AONB and conservation of designated heritage assets. The proposal is in conflict with Wear Valley Local Plan Policies ENV2, BE4, BE8 and more generally GD1, ENV1 and BE1, and the impacts are not acceptable in terms of NPPF paragraph 98.

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## RECOMMENDATION

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

1. The proposed turbine, by reason of its scale and siting, would have a detrimental impact on the landscape of the North Pennines Area of Outstanding Natural Beauty. This is contrary to saved policies ENV2, GD1(i)(ii)(xi) and ENV1 of the Wear Valley Local Plan, as well as NPPF paragraphs 98 and 115.
2. The proposed turbine, by reason of its scale and siting, would have a detrimental impact on the setting of the grade II\* listed Newhouse and the grade II listed Methodist Chapel, as well as the Ireshopeburn and Wearhead conservation areas. This is contrary to saved policies BE1, BE4 and BE8 of the Wear Valley Local Plan, as well as NPPF paragraphs 98 and 132.

EXPIRES ON 19/11/2013

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## **STATEMENT OF PROACTIVE ENGAGEMENT**

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76. In arriving at the decision to refuse the application the Local Planning Authority has assessed the proposal against the NPPF and the Development Plan in the most efficient way, however, given the issues of concern could not be overcome, it has not been possible to achieve a positive outcome.

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## **BACKGROUND PAPERS**

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Submitted Application Forms, Plans and Statements

National Planning Policy Framework

National Policy Statements for Energy (EN-1) and for Renewable Energy (EN-3)

Planning Practice Guidance for Renewable and Low Carbon Energy

Wear Valley Local Plan

North Pennines Planning Guidelines

Consultee comments

Public Consultation Responses



## Planning Services

# COMMITTEE REPORT

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### APPLICATION DETAILS

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<b>APPLICATION NO:</b>	3/2014/0008
<b>FULL APPLICATION DESCRIPTION:</b>	<b>ERECTION OF 9 DWELLINGS</b>
<b>NAME OF APPLICANT:</b>	DURHAM DIOCESE BOARD OF FINANCE
<b>ADDRESS:</b>	LAND EAST OF FAIRFIELD COTTAGES, STANHOPE, BISHOP AUCKLAND,
<b>ELECTORAL DIVISION:</b>	WEARDALE
<b>CASE OFFICER:</b>	<b>Adrian Caines</b> Senior/Planning Officer 03000 263943 adrian.caines@durham.gov.uk

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### DESCRIPTION OF THE SITE AND PROPOSALS

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#### The site

1. The application site extends to 0.52 hectares and is located on the northern fringe of Stanhope on land to the east of Fairfield Cottages and Fairfield House off East Lane. It is currently used for agricultural grazing and surrounded by residential development to the south, south east and west, and agricultural land containing remnants of historic mine workings to the north. East Lane bounds the site to the south and east with residential dwellings bordering the road to the south. There are no trees within the site, and the only notable trees adjacent to the site are towards the north west corner and within the grounds of Fairfield House. The roadside trees along East Lane are poor quality. Site levels fall quite steeply from north to south offering good views to the south across the valley.
2. The site is excluded from the development limit, which skirts immediately around the site to the west, south and east, but it falls within the conservation area and the Area of High Landscape Value (AHLV).

#### The proposal

3. Planning permission is sought for the erection of 9 dwellings with a new vehicular access off East Lane. The dwellings would all be 2 storey comprising of 6 large terraced properties, which would be located at the front of the site along the road, and 3 detached dwellings behind the terraced properties in the north west corner of the site. Each property would have its own attached garage with additional driveway parking space to ensure a minimum of at least 2 parking spaces per dwelling. Proposed building materials would be stone and slate to reflect the character of surrounding development, apart from the less visible rear elevation of the detached dwellings, which would be painted render. The access road would be a mix of coloured asphalt and tegular block paving. The existing stone walls surrounding the

site would be retained, apart from where the new access would be formed. It is also proposed to bury the power lines currently crossing the site.

4. The application has been called to Committee because of an objection by Stanhope Parish Council.

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## **PLANNING HISTORY**

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5. There is no relevant planning history on the site.

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## **PLANNING POLICY**

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### **NATIONAL POLICY**

6. On March 27th 2012 the Government published the National Planning Policy Framework (NPPF). The framework establishes a presumption in favour of sustainable development. However, the NPPF does not change the statutory status of the development plan as the starting point for decision making. Proposed development that accords with an up-to-date Local Plan should be approved and proposed development that conflicts should be refused, unless other material considerations indicate otherwise. The following elements of the NPPF are considered most relevant to this proposal:
  7. *NPPF Part 6 - Delivering a wide choice of high quality homes* states housing applications should be considered in the context of the presumption in favour of sustainable development. To promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities.
  8. *NPPF Part 11 - Conserving and enhancing the natural environment* states that the planning system should contribute to and enhance the natural and local environment.
  9. *NPPF Part 12 - Conserving and Enhancing the Historic Environment* states that, when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation; and significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting.

### **LOCAL PLAN POLICY:**

10. The following saved policies of the Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007 are considered to be consistent with the NPPF and can therefore be given weight in the determination of this application:
  11. *Policy GD1 (General Development Criteria):* All new development and redevelopment within the district should contribute to the quality and built environment of the surrounding area and includes a number of criteria in respect of impact on the character and appearance of the surrounding area; avoiding conflict with adjoining uses; and highways impacts.
  12. *Policy ENV1 (Protection of the Countryside):* The District Council will seek to protect and enhance the countryside of Wear Valley.

EXPIRES ON 05/03/2014

13. *Policy ENV3 (Area of Landscape Value)*: Development will not be allowed which adversely affects the special landscape character, nature conservation interests and appearance of the Area of Landscape Value.
14. *Policy BE1 (Protection of Historic Heritage)*: The District Council will seek to conserve the historic heritage of the District by the maintenance, protection and enhancement of features and areas of particular historic, architectural or archaeological interest.
15. *Policy BE5/BE6 (Conservation Areas)*: New Development in Conservation Areas will only be permitted if they preserve or enhance the character of the area in terms of scale, bulk, height, materials, colour and design; have appropriate materials; and satisfy the objectives of Policy GD1 of the plan.
16. *Policy H3 (Distribution of Development)*: New development will be redirected to those towns and villages best able to support it. Within the limits to development of towns and villages, as shown on the Proposals Map, development will be allowed provided it meets the criteria set down in Policy GD1 and conforms to other policies within the plan.
17. *Policy H24 (Residential Design Criteria)*: New residential development should reflect the density and character of the locality, provide suitable access, have suitable private amenity space and have acceptable window relationships with existing dwellings.
18. *Policy T1 (General Highways Policy)*: All developments which generate additional traffic will be required to fulfil Policy GD1 and provide adequate access to the development; not exceed the capacity of the local road network; and be capable of access by public transport works.

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## **CONSULTATION AND PUBLICITY RESPONSES**

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### **STATUTORY RESPONSES:**

19. *Stanhope Parish Council* objects to the proposal because this is a greenfield site, outside the settlement boundary and the land is not designated for housing.
20. *The Highway Authority* has no objection. It is acknowledged that the site does not have good highway linkages, but the low density of development proposed and external footway link improvement means a highways refusal cannot be sustained. Comments made previously on minor design matters have been taken on board to amend the scheme.
21. *Northumbrian Water* has requested a condition for a scheme of surface and foul water to be approved.

### **INTERNAL CONSULTEE RESPONSES:**

22. *Design & Conservation* made comments on shortcomings in the applicant's Heritage Statement, but nevertheless consider the scheme to be well thought out, taking

advantage of the levels and constraints of the site, relating well to the character of the conservation area and making good reference to local vernacular. Comments about footpath treatment and traffic calming have been addressed in the amended scheme. Conditions are suggested to remove permitted development rights from the elevations facing East Lane and to control specification of materials.

#### **PUBLIC RESPONSES:**

23. The application has been publicised by press notice, site notice and neighbour letters. 7 objections have been received. The main points raised in the objections are summarised below:

- The need for further housing in Stanhope is questioned with the affordable housing development currently taking place at East End Stanhope.
- The site is not unattractive as described by the applicant and it is considered that the development and its high roofs would be prominent and spoil an attractive greenfield area.
- The narrow roads surrounding the site are considered to be unsuitable to cope with the additional traffic from the new houses and are dangerous in winter when icy.
- The drains won't be able to cope with additional stormwater off the development.
- It is unclear what will happen to the overhead electric lines crossing the site.
- There would be overshadowing and loss of privacy to 11 Union Lane and Newfield Farm.
- Development on the field would have a detrimental impact on the self catering holiday business at Fairfield House. It would affect outlook and cause disruption during construction, which will be detrimental to bookings.

#### **APPLICANTS STATEMENT:**

24. The application seeks the development of nine high quality attractive residential dwellings on land to the east of Fairfield Cottages, Stanhope.

25. The detailed application for the development has been comprehensively assessed against national and local policy and fully accords with the framework. In addition, the application has been supported by the submission of a detailed Planning Statement, Design & Access Statement and Heritage Statement.

26. The proposed development aims to enhance the village through the transformation of grazing land into high quality and sustainable residential development that makes a positive contribution to the surrounding area.

27. Situated within Stanhope Conservation Area, it is considered that the development will have a positive impact on the surrounding area. The high quality design has incorporated features of neighbouring properties to ensure that the dwellings remain true to their historic setting. The design has had regard to the adjacent dwellings in the immediate locality. As such, the terraced properties that will overlook High Street and East Lane respectively are located a minimum of 19 meters from the adjacent properties on these streets. This distance was agreed in discussion with the local planning authority and considers the natural topography and local urban grain. As a result, there will be no overlooking or significant adverse overshadowing of any residential development along East Lane.

28. The site is well contained by East Lane and existing residential development and its central location within the village ensure key services and facilities are within walking distance. The addition of nine new family sized dwellings within the village has the potential to strengthen the existing settlement and integrate with the existing residential community in Stanhope.
29. The proposal seek to deliver larger detached houses which were identified in the Strategic Housing Market Assessment (2013) as being in high demand within the local housing market area. Furthermore the Strategic Housing Land Availability Assessment (2013) identifies few suitable and deliverable housing sites in Stanhope despite the emerging County Durham identifying a need for twenty dwellings over the next plan period. The proposed development therefore offers the opportunity to meet some of this need and assist in meeting the identified housing targets within Stanhope
30. A full Highways Assessment has been undertaken which has confirmed that East Lane is capable of serving the proposed development. The Local Highways Authority has also submitted no objection to the scheme.
31. The development is situated within a sustainable location, contained within the existing settlement lines, and will significantly enhance the village and its surroundings. There are no significant reasons that would prevent the delivery of the site and the development would make a positive contribution to meeting the identified housing need in Stanhope and West Durham.

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## **PLANNING CONSIDERATIONS AND ASSESSMENT**

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24. Having regard to the requirements of section 38(6) of the Planning and Compulsory Purchase Act 2004, development plan policies and relevant guidance, and all other material planning considerations, including representations received, it is considered that the main planning issues in this instance relate to the principle of development; impact on the conservation area and Area of Landscape Value; impact on neighbouring properties; and highway safety.

### Principle of development

25. The site is greenfield land outside the development limits of Stanhope and therefore the development would be a departure from the development plan, particularly local plan policy H3 which seeks to locate new housing within the development limits of towns and villages capable of accommodating new development (those that have a range of services). It is however noted that although the site is excluded from the development limits it is tightly bordered by housing to the west, south and east, and the rising land forms a strong boundary to the north. Housing also continues north up East Lane. Therefore notwithstanding its current agricultural use and inclusion in the AHLV designation, the site is well related to the form and physical confines of the settlement and the new dwellings would be viewed as part of the settlement rather than an encroachment into the countryside. Local Plan policies ENV1 and ENV3, which relate primarily to development in the open countryside are therefore of little relevance in this case.
26. The NPPF is an important material consideration and more up to date than the Wear Valley Local Plan. A key strategic policy objective of the NPPF is to support strong, vibrant and healthy communities by providing the supply of housing required to meet

the needs of present and future generations; and by creating a high quality built environment, with accessible local services that reflect the community's needs. Local Planning Authorities are expected to create sustainable, inclusive mixed communities in all areas both urban and rural, and housing applications have to be considered in the context of the presumption in favour of sustainable development.

27. The County Durham Settlement Study identifies Stanhope as a tier 2 Secondary Settlement which indicates it has a wide range of local services and facilities. Although the site would be situated on the periphery of the town, the services and facilities in the town would be within short walking/cycling distance (300m). The scale of development proposed would be commensurate with the role of Stanhope in the settlement hierarchy and the development would aid the vitality and viability of its local services, which play an important role in supporting the wider rural area. Stanhope is therefore a sustainable location for new housing and its range of local services makes it a preferable location to support housing delivery and need in the wider Weardale area. The large, high quality, bespoke dwellings proposed would cater for a distinctly different housing market compared to the affordable scheme at East End and there are few identified deliverable housing sites in Weardale to secure the type and quality of housing proposed. This scheme, together with the affordable development at East End would have a complimentary role in meeting the NPPF objectives of providing a wide choice of high quality homes and creating sustainable mixed communities.
28. The principle of development is therefore wholly in accordance with the up to date guidance in the NPPF and its aims of promoting sustainable patterns of development. The presumption in favour of sustainable development therefore outweighs the departure to Wear Valley Local Plan Policy H3 in this case.

#### Impact on the conservation area and Area of High Landscape Value

29. The site lies within the Stanhope Conservation Area and therefore regard has to be paid to section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 which requires the local planning authority to pay special attention to the desirability of preserving or enhancing the character or appearance of the Stanhope Conservation Area. This is reflected in Wear Valley local Plan Policies BE1, BE5 and BE6, as well as Section 12 of the NPPF. The site also falls within the Area of High Landscape Value where protection of landscape quality is the key objective, but this is a local designation that does not have the same statutory protection and weight afforded to the Area of Outstanding Natural Beauty, and is not being carried through to the emerging County Durham Plan. It therefore carries little weight as a landscape designation.
30. The significance of the site relates to its contribution to the character and appearance of the conservation area, rather than its relationship to surrounding countryside. The applicant's Heritage Statement describes the site as unattractive; however that is not the case. Apart from the overhead lines and electricity equipment there is nothing fundamentally unattractive about the site and it makes a contribution to the rural character of the town. However, because of its sense of enclosure by the combination of development, East Lane and the mound to the north the site, the site is viewed more as part of the town, rather than having any strong interrelationship with the surrounding landscape and AHLV. It is also not a highly visible site from the wider surrounding area. The main views into the site are close-up from East Lane immediately to the east and the top of Union Lane and Martin Street to the south. The only longer distance views of any significance are from the B6278 on the

opposite side of the valley at about 1.2km where site is seen in the context of the rest of the town. The development would not be seen as an intrusion beyond the existing settlement form into the countryside and accordingly, would not therefore be harmful to the purposes the AHLV designation and local plan policy ENV3 in respect of seeking to protect the landscape quality of the area.

31. In terms of the impact on the character and appearance of the conservation area, loss of the site as a rural open space would be balanced by the very high standard of development that would be achieved and the additional benefits of boosting the supply and choice of high quality housing stock in Stanhope. The development would establish a strong frontage onto East Lane reflecting the existing pattern and terraced form of housing in the area with the detached dwellings located to the rear of the site where they would be less visible. Great care has been taken in the design, detailing and use of materials in the proposal to reflect the local distinctiveness and vernacular to a high standard appropriate for the conservation area. The density of development has been kept low to respect the rural character and edge of town setting and internally the development would retain a spacious rural character. Amendments have been made to the treatment of the highway surface and footpaths to give the development more of a rural feel by reducing the dominance of the highway and width of footpaths. To help achieve this it is proposed to use a mix of subdued coloured asphalt and tegular block paving in the highway, the specific details of which can be conditioned for approval. The roof heights would relate well to the height of adjacent buildings and the dwellings would not appear prominent in the wider setting because of the backdrop of steeply rising land behind. Fairfield House, Newfield Farm and the new houses behind Newfield Farm are all substantial heights. Use of natural slate on the roofs would further help to assimilate the development into the existing roofscape of the town. The existing walls around the site would be retained, as annotated on the plans, apart from where the new vehicular access would be formed. The overhead electrical lines and infrastructure would be buried representing a significant visual improvement.
32. Therefore, having regard to section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, it is considered that the high standard of development proposed would preserve the character and appearance of the Stanhope Conservation Area. The impact on the AHLV would also be acceptable. The proposal therefore accords with Wear Valley Local Plan Policies GD1, BE1, BE5, BE6 and ENV3, as well as the relevant provisions in Parts 11 and 12 of the NPPF.
33. Given the great care that has been taken to produce a quality scheme that relates well to its surroundings in the conservation area, and because it is the back of the dwellings that would front onto East Lane, the removal of permitted development rights on those dwellings would be justified in order to prevent any inappropriate alterations that would detract from the appearance of the development from East Lane.

#### Impact on neighbouring properties

34. There are some properties that border or look onto the application site and objections in respect of the impact on neighbouring properties have been received from 11 Union Lane, Newfield House and Fairfield House.
35. 11 Union Lane is a 2 storey detached dwelling located across East Lane immediately to the south of the application site and therefore there would be no overshadowing from the proposed development. The main outlook from 11 Union Lane and its

garden is south (the other side to the application site), but it does have a single window in the ground floor extension and single first floor bedroom window in the main house facing north onto the application site. There would be just under 20m between the ground floor window and dwellings opposite, but the application site is raised a few meters above street level and the outlook from that window is into the existing boundary wall. The first floor bedroom window is set further back in the main dwelling and there would be just under 22m between that window and the dwellings opposite. This represents an acceptable window relationship and would ensure there was no unreasonable loss of privacy to 11 Union Street.

36. Newfield Farm lies to the south east of the application site on the corner of East Lane and again there would be no overshadowing from the proposed development because the site lies to the north. The front of the dwelling faces directly down East Lane, but it does have views across the application site. The views from the front would fundamentally change following the proposed development, but loss of view is not a material planning consideration to which any weight can be given, and the proposed development onto which it would look would be a very high quality. At its closest there would be approximately 26m between the windows in the main dwelling and proposed dwellings. This reduces to 19m between the single storey extension and where the proposed dwellings would round the corner further north, but given that is a secondary element of Newfield Farm and that the existing front to front distances nearby along Martin Street and Front street are between 10m and 14m, it is considered to represent a reasonable relationship, in keeping with the existing pattern of development in the town, and would not lead to unacceptable impacts from loss of privacy, or appearing overbearing.

37. Fairfield House is set well back from the road towards the north west corner of the application site. It is a substantial property set in large grounds with its main outlook south onto High Street, but it does have a number of windows in its eastern elevation which look across the application site. It is currently in use as luxury 8 bedroom self catering holiday accommodation and there has clearly been significant investment in the refurbishment of the property to a very high standard. The concerns expressed in the objections are about the potential impact of the development on the running of the holiday business, particularly in regard to the change in the character of its surroundings and potential disturbance during the construction period and effect it may have on bookings. It is accepted that the quality of its surroundings is an important factor for the attraction of the holiday accommodation and views over the site will be significantly changed. Fairfield House is however within a town setting, rather than in isolated countryside and therefore isolation and an unspoiled rural setting are not likely to be key features of attraction for the holiday accommodation. Newfield Farm and the new housing behind it lie beyond the application site to the east and therefore views to the east from Fairfield House are not of clear unbroken countryside. The proposed dwellings would be located forward of the front elevation of Fairfield House with the closest approximately 24m away and therefore they would not be directly opposite the east facing windows of Fairfield House. The direct views from those windows would be over the gardens of the new dwellings through to the countryside beyond. This relationship, together with the overall quality of the proposed development would ensure a high quality setting would be retained around Fairfield House and therefore it is considered that the presence of the finished development should not unduly impact on the long term viability of the holiday business. During the construction period the appearance of the site would suffer and there may be some disruption from construction activity, noise and traffic, but those would be temporary effects and when balanced against the longer terms benefits of boosting housing supply and securing high quality development, along with the

economic spinoffs from construction, these impacts would not be sufficient to justify refusal of an otherwise high quality and acceptable development.

38. As for the other nearby properties, no.1 Fairfield Cottages is the closest to the application site, but it does not have any windows in its east facing gable elevation and there would be nearly 38m between windows to the rear. No.20 Martin Street has 2 windows in its north gable looking over the application site, but the nearest of the proposed dwellings would be approximately 25m away. No.12 Martin Street is located next to Newfield Farm, but it only has 1 window looking directly up East Lane and the nearest of the proposed dwellings would be approximately 28m away.
39. It is therefore considered that the proposed development would not have any unacceptable impacts on surrounding properties and accords with Wear Valley Local Plan Policies GD1 and H24.

#### Highway Safety

40. There have been a number of objections received in respect of the suitability of the highway network to accommodate the additional vehicle movements generated by the proposed development, as well as the safety of the access and road conditions during winter.
41. On-street parking significantly reduces the width of the approach roads in Union Street, Martin Street, Graham Street and to a lesser extent High Street. This was identified as a constraint early on in pre application discussions with the Highway Authority and was a fundamental factor in limiting the number of houses proposed to just 9. Notwithstanding the narrow approach roads, the vehicle movements associated with 9 dwellings would not exceed the capacity of the surrounding roads, particularly as there are four possible routes to the site and the length of restriction in Union Street, Martin Street and Graham Street is just 100m from the A689, which is the main road through Weardale.
42. The proposal includes improvements to the pedestrian footpath along East Lane and the Highway Authority is satisfied with the safety of the new site access, internal highway and parking provision, which provides garaging as well as two driveway spaces per dwelling. The condition of the roads in winter is an issue already experienced by all existing properties and is managed by the County Council. Because of the site gradient and proposed layout, together with an appropriate surface water drainage scheme, which will be conditioned for approval in consultation with Northumbrian Water, the assumptions made in the objections that the development would lead to significant discharge of surface water onto East Lane, thereby worsening the icy conditions in winter, are not reasonable.
43. The NPPF advises that development should only be refused on highway grounds where the cumulative residual impact on highway safety would be severe. That would not be the case in this proposal and therefore it is considered that the proposal accords with Wear Valley Local Plan Policies GD1 and T1, as well as paragraph 32 of the NPPF.

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## CONCLUSION

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44. Although the application site lies outside the development limits of Stanhope, the development would not be seen as an intrusion into the countryside and would be

wholly in accordance with the NPPF aims of promoting sustainable patterns of development. The proposed dwellings would relate well to the surrounding area, landscape of the AHLV and neighbouring properties, and would deliver a high quality of development that would preserve the character of the conservation area, while also not prejudicing highway safety. The proposal therefore accords with Wear Valley Local Plan Policies GD1, BE1, BE5, BE6, H24 and T1, as well as NPPF Sections 6, 11 and 12. In the balance, these factors override the general in-principle conflict with Wear Valley Local Plan Policies H3 and ENV1.

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## RECOMMENDATION

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That the application be **APPROVED** subject to the following **conditions and reasons**.

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

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

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

Plan Reference Number:	Date received:
Site Location Plan	8 January 2014
Proposed Site Plan AL(0)03 Rev A	10 March 2014
House Layouts Type A AL(0)10	8 January 2014
House Layouts Type B AL(0)11	8 January 2014
House Layouts Type C AL(0)12	8 January 2014
Detached House Layouts AL(0)13	8 January 2014
East Lane Elevations AL(0)20	8 January 2014
Street Elevations AL(0)21	8 January 2014
Street Elevations AL(0)22	8 January 2014
Site Section AL(0)23	8 January 2014
Plan & Road Long Section SK002 Rev A	8 January 2014

*Reason: To define the permission.*

3. No development shall take place until longitudinal and cross section engineering drawings of the proposed internal road and East Lane footway link have been submitted to and approved in writing by the Local planning authority. The development shall be completed in accordance with the approved details.

*Reason: In order to ensure new roads and footways are of the standard required to serve the approved dwellings. In the interests of highway safety and to comply with policy GD1 of the Wear Valley District Local Plan.*

4. Before the occupation of any dwelling hereby approved the estate road, footways, turning space and driveways shall be properly consolidated and surfaced.

*Reason: In the interests of highway safety and the amenity of the area and to comply with policy GD1 of the Wear Valley District Local Plan.*

EXPIRES ON 05/03/2014

5. Notwithstanding any details of materials submitted with the application no development shall take place until details of the make, colour and texture of all road surface and driveway materials have been submitted to and approved in writing by the Local planning authority. The development shall be completed in accordance with the approved details.

*Reason: To secure an appropriate high standard of development in the conservation area and to comply with policies GD1, BE5 and BE6 of the Wear Valley District Local Plan.*

6. No development shall take place until full details of both hard and soft landscape works, including specifications of new planting and hard surface materials, have been submitted to and approved in writing by the local planning authority and these works shall be carried out as approved within the first available planting season following the first occupation of each individual plot to which they relate. 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 of each individual plot shall be replaced in the first available planting season with others of similar size and species. Replacements will be subject to the same conditions.

*Reason: To secure an appropriate high standard of development in the conservation area and to comply with policies GD1, H24, BE5 and BE6 of the Wear Valley District Local Plan.*

7. Notwithstanding any details of materials submitted with the application no development shall take place until samples of the make, colour and texture of all walling and roofing materials have been submitted to and approved in writing by the Local planning authority. This shall include the erection of a sample stone panel on the site for written approval from the Local planning authority. The approved sample panel shall remain in place throughout construction and the development shall be constructed in accordance with the approved walling and roofing details.

*Reason: To secure an appropriate high standard of development in the conservation area and to comply with policies GD1, H24, BE5 and BE6 of the Wear Valley District Local Plan.*

8. No development shall take place until joinery and section details at a scale of no less than 1:20 of all windows and doors have been submitted to and approved in writing by the Local planning authority. The development shall be constructed in accordance with the approved details and thereafter retained as such.

*Reason: To secure an appropriate high standard of development in the conservation area and to comply with policies GD1, H24, BE5 and BE6 of the Wear Valley District Local Plan.*

9. No development shall take place until a detailed scheme for the disposal of surface and foul water from the development hereby approved has been submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall take place in accordance with the approved details and completed prior to occupation of the first dwelling.

*Reason: To prevent the increased risk of flooding from any sources in accordance with policy GD1 of the Wear Valley District Local Plan and the NPPF.*

10. The following design requirements shall be incorporated into the development and thereafter retained:

- a) All windows and doors shall be timber.
- b) All windows and doors shall be recessed at least 100mm from the face of the building.
- c) All lintels and cills shall be natural stone.
- d) All rooflights shall be flush fitting conservation style.
- e) All rainwater goods shall be black and hung on traditional brackets.
- f) The roof coverings shall be natural slate.
- g) All driveways shall be constructed with a porous material.

*Reason: To secure an appropriate high standard of development in the conservation area and to comply with policies GD1, H24, BE5 and BE6.*

10. Notwithstanding the provisions of Classes A and E of Part 1, Schedule 2 of The Town and Country Planning (General Permitted Development) Order 1995 (or any Statutory Instrument revoking or re-enacting that Order with or without modification) no enlargement, improvement or other alteration shall be carried out to the rear of units 1-6 and no buildings, including sheds, garages and glass houses shall be erected to the rear of units 1-6 without the prior written approval of the Local planning authority upon an application submitted to it.

*Reason: To maintain the character of the development and preserve the character of the conservation area, and to comply with policies GD1, H24, BE5 and BE6.*

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## **STATEMENT OF PROACTIVE ENGAGEMENT**

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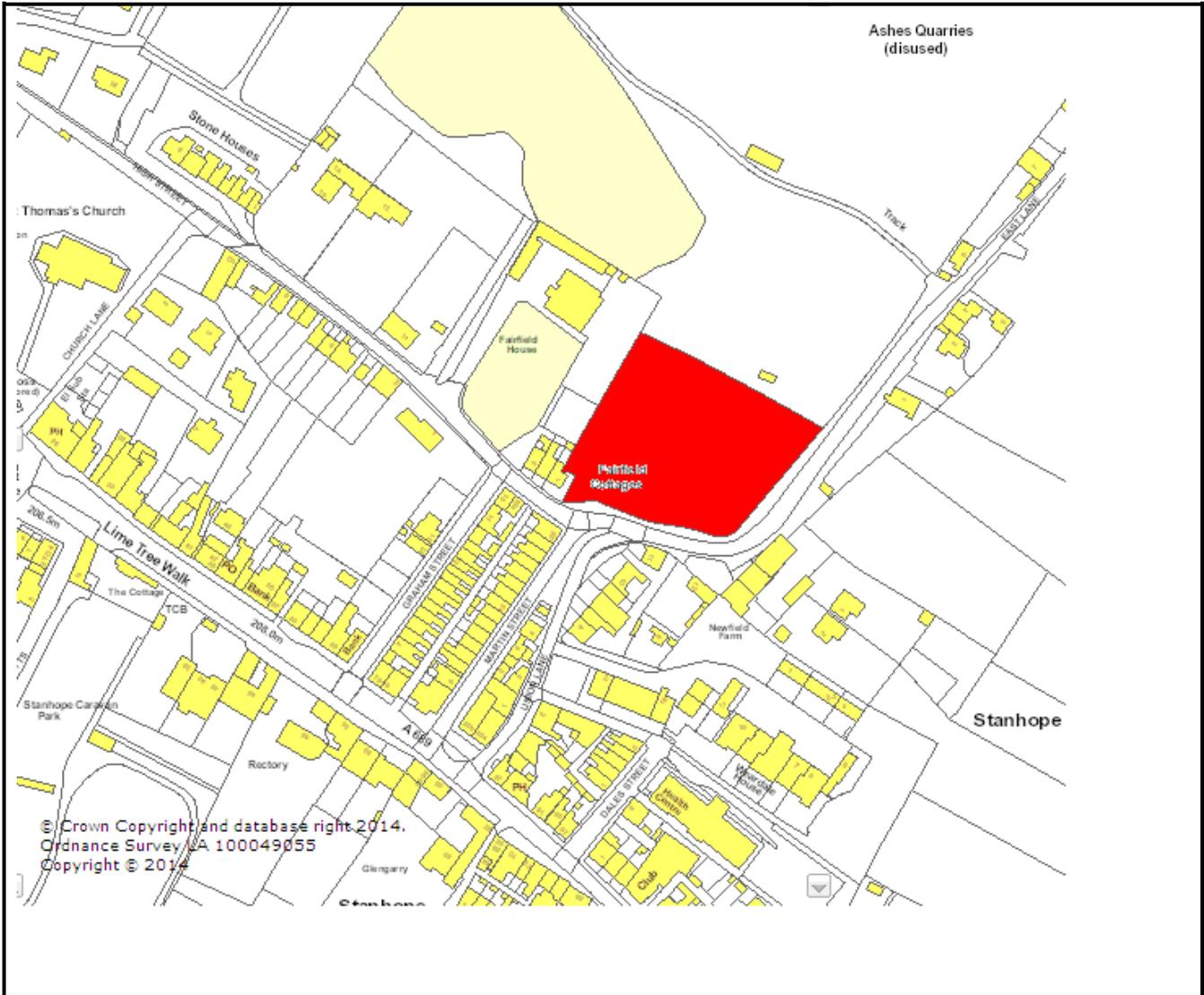
45. The Local Planning Authority in arriving at its recommendation to support this application has, without prejudice to a fair and objective assessment of the proposals, issues raised, and representations received, sought to work with the applicant in a positive and proactive manner with the objective of delivering high quality sustainable development to improve the economic, social and environmental conditions of the area in accordance with the NPPF.

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## **BACKGROUND PAPERS**

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Submitted Application Forms, Plans and Statements  
National Planning Policy Framework  
Wear Valley Local Plan  
Consultee comments  
Public Consultation Responses



**Planning Services**

Land East of Fairfield Cottages,  
Stanhope

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9 dwellings

**Date 20/03/2014**

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## Planning Services

# COMMITTEE REPORT

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### APPLICATION DETAILS

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<b>APPLICATION NO:</b>	3/2013/0407
<b>FULL APPLICATION DESCRIPTION:</b>	Residential Development (Outline, up to 28 Dwellings)
<b>NAME OF APPLICANT:</b>	Ardcombe Limited
<b>ADDRESS:</b>	Land off (east) South Church road, Bishop Auckland, Co Durham, DL14 6DJ
<b>ELECTORAL DIVISION:</b>	Bishop Auckland
<b>CASE OFFICER:</b>	Steven Pilkington, Senior Planning Officer, 03000 263964, <a href="mailto:steven.pilkington@durham.gov.uk">steven.pilkington@durham.gov.uk</a>

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### DESCRIPTION OF THE SITE AND PROPOSALS

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1. The application relates to a parcel of sloping undeveloped land currently utilised for grazing, to the east of South Church Road, Bishop Auckland. The site, which extends to 1.16 hectares, is bound to the north by Bishop Auckland to Darlington railway line, to the east by the River Gaunless and to the south and west by existing housing developments. Bishop Auckland town centre lies approximately 450m to the north west of the site while the Grade II Listed Building of 'The Grand' lies directly to the west.
2. Outline planning permission is sought for the erection of up to 28 dwellings, including means of the access, with all other matters reserved. Access to the site is proposed to be taken from South Church Road, orientated centrally to the site. An indicative site layout has been submitted suggesting that semi detached dwellings would be arranged around a single access road with a cul-de-sac. It is also proposed that the existing land levels would be altered to facilitate the development creating a level around the access road with dwellings set onto the sloping ground on the existing site, 2-3 storey in nature. The dwellings would be concentrated to the northern part of the site with the provision of an open space area to the south.
3. This application is being reported to Planning Committee as it falls within the definition of a major development.

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### PLANNING HISTORY

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4. There is no relevant planning history to this site.

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# PLANNING POLICY

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## NATIONAL POLICY

5. The Government has consolidated all planning policy statements, guidance notes and many circulars into a single policy statement, the National Planning Policy Framework (NPPF), although the majority of supporting Annexes to the planning policy statements are retained. The overriding message is that new development that is sustainable should go ahead without delay. It defines the role of planning in achieving sustainable development under three topic headings – economic, social and environmental, each mutually dependant.
6. The presumption in favour of sustainable development set out in the NPPF requires local planning authorities to approach development management decisions positively, utilising twelve ‘core planning principles’. The following elements of the NPPF are considered relevant to this proposal.
7. *Part 1 – Building a strong, competitive economy.* The Government is committed to securing economic growth in order to create jobs and prosperity, building on the country’s inherent strengths, and to meeting the twin challenges of global competition and a low carbon future.
8. *Part 4 – Promoting sustainable transport.* Transport policies have an important role to play in facilitating sustainable development but also in contributing to wider sustainability and health objectives. Smarter use of technologies can reduce the need to travel. The transport system needs to be balanced in favour of sustainable transport modes, giving people a real choice about how they travel. However, the Government recognises that different policies and measures will be required in different communities and opportunities to maximise sustainable transport solutions will vary from urban to rural areas.
9. *Part 6 - Delivering a wide choice of high quality homes.* To boost significantly the supply of housing, applications should be considered in the context of the presumption in favour of sustainable development.
10. *Part 7 – Requiring Good Design.* The Government attaches great importance to the design of the built environment, with good design a key aspect of sustainable development, indivisible from good planning.
11. *Part 8 – Promoting Healthy Communities.* The planning system can play an important role in facilitating social interaction and creating healthy, inclusive communities. Developments should be safe and accessible; Local Planning Authorities should plan positively for the provision and use of shared space and community facilities. An integrated approach to considering the location of housing, economic uses and services should be adopted.
12. *Part 10 – Climate Change.* Meeting the challenge of climate change, flooding and coastal change. Planning plays a key role in helping shape places to secure radical reductions in greenhouse gas emissions, minimising vulnerability and providing resilience to the impacts of climate change, and supporting the delivery of renewable and low carbon energy and associated infrastructure. This is central to the economic, social and environmental dimensions of sustainable development.
13. *Part 11 – Conserving and enhancing the natural environment.* The planning system should contribute to and enhance the natural and local environment by protecting

and enhancing valued landscapes, geological conservation interests and soils; recognising the wider benefits of ecosystem services; minimising impacts on biodiversity and providing net gains in biodiversity where possible, contributing to the Government's commitment to halt the overall decline in biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures; preventing both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels of soil, air, water or noise pollution or land instability; and remediating and mitigating despoiled, degraded, derelict, contaminated and unstable land, where appropriate.

14. *Part 12 – Conserving and enhancing the historic environment.* Local planning authorities should set out in their Local Plan a positive strategy for the conservation and enjoyment of the historic environment, including heritage assets most at risk through neglect, decay or other threats. In doing so, they should recognise that heritage assets are an irreplaceable resource and conserve them in a manner appropriate to their significance.

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

15. In accordance with paragraph 215 of the National Planning Policy Framework, the weight to be attached to relevant saved local plan policies will depend upon the degree of consistency with the NPPF. The greater the consistency, the greater the weight. The relevance of this issue is discussed, where appropriate, in the assessment section of the report, however, the following policies of the Wear Valley Local Plan are considered relevant.
16. *Policy GD1 (General Development Criteria)* All new development and redevelopment within the District should be designed and built to a high standard and should contribute to the quality and built environment of the surrounding area.
17. *Policy BE1 (Protection of Historic Heritage)* Seeks to conserve the historic heritage of the area by the maintenance, protection and enhancement of features and areas of particular historic, architectural or archaeological interest.
18. *Policy BE4 (Setting of a Listed Building)* Development which impacts upon the setting of a listed building and adversely affects its special architectural, historical or landscape character will not be allowed.
19. *Policy BE14 (Open Spaces)* Sets out that open spaces which contribute to the character and amenity of the area within the defined development limits will be protected from development.
20. *Policy BE17 (Areas of Archaeological Interest)* Requires a pre-determination archaeological assessment where development affects areas of archaeological interest. Where possible the remains will be preserved in-situ.
21. *Policy H3 (Distribution of Development)* New development will be directed to those towns and villages best able to support it. Within the limits to development of towns and villages, as shown on the Proposals Map, development will be allowed provided it meets the criteria in Policy GD1 and conforms to the other policies of the plan.
22. *Policy H15 (Affordable Housing)* The Council will, where a relevant local need has been established, seek to negotiate with developers for the inclusion of an appropriate element of affordable housing.

23. *Policy H22 (Community Benefit)* On sites of 10 or more dwellings the local authority will seek to negotiate with developers a contribution, where appropriate, to the provision and subsequent maintenance of related social, community and/or recreational facilities in the locality.
24. *Policy H24 (Residential Design Criteria)* New residential developments and/or redevelopments will be approved provided they accord with the design criteria set out in the local plan.
25. *Policy RL5 (Sport and Recreation Target)* For every 1 hectare of land developed residential purposes, at least 1300 square metres of land should directly be made available on or off-site for sporting or recreational use as part of the development or developers will be expected to make a contribution to the provision of such facilities.
26. *Policy T1 (Highways)* Sets out that all developments which generate additional traffic will be required to fulfil Policy GD1 and; provide adequate access to the developments; not exceed the capacity of the local road network; and, be capable of access by public transport networks.

*The above represents a summary of those policies considered most relevant in the Development Plan the full text, criteria, and justifications of each may be accessed at <http://planning.wearvalley.gov.uk/portal/servlets/ApplicationSearchServlet?PKID=69842>*

27. The emerging County Durham Plan is at the next stage of consultation in Pre-Submission Draft form, ahead of Examination in Public in Summer 2014. In accordance with paragraph 216 of the NPPF, decision-takers may give weight to relevant policies in emerging plans according to: the stage of the emerging plan; the extent to which there are unresolved objections to relevant policies; and, the degree of consistency of the policies in the emerging plan to the policies in the NPPF. To this end, the following policies contained in the Pre-Submission Draft are considered relevant to the determination of the application:
28. *Policy 3 (Quantity of New Development)* sets out the levels of development required over the plan period in order to meet the needs and aspirations of present and future residents of County Durham. At least 31,400 new homes of mixed types, size and tenure are required.
29. *Policy 4 (Distribution of Development)* sets out the broad distribution patterns for new development across the County, and in particular sets out a housing allocation for south Durham of 10,420, of which 2350 are to be provided in Bishop Auckland.
30. *Policy 15 (Development on unallocated sites)* identifies that development on sites that are not allocated in the County Durham Plan will be permitted provided that the development is appropriate in scale, design and location to the character and function of the settlement; does not result in the loss of a settlements last community facility and would not involve development in the open countryside that does not meet the criteria of policy 35.
31. *Policy 31 (Addressing Housing Need)* sets out qualifying thresholds and requirements for affordable housing provision together with the provision of a range of specialist housing.
32. *Policy 44 (Historic Environment)* sets out that development which would lead to total loss of significance of a designated heritage asset will not be permitted unless the substantial harm or loss is proven to be necessary to achieve substantial overriding public benefits, or all of the following apply: the nature of the heritage asset prevents all reasonable uses of the site; no viable use of the heritage asset itself can be found

in the medium term that will enable its conservation; conservation by grant-funding or some form of charitable or public ownership is demonstrably not possible; and, the harm or loss is outweighed by the benefit of bringing the site back into use.

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## **CONSULTATION AND PUBLICITY RESPONSES**

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### **STATUTORY RESPONSES:**

33. *Highway Authority* offers no objection to the development of the site, but advises that details of the carriageway levels should be secured by condition. The formation an improved footway on the A689, should also be secured while highlighting that site visibility splays from the development would need to be maintained.
34. *Environment Agency* offers no objection to the scheme subject to the development being carried out in accordance with the Flood Risk Assessment and limiting the discharge of surface water from the site.
35. *Northumbrian Water Limited* has no objections subject to controlling flow rate of foul water into sewerage system
36. *Coal Authority* has no objections subject to a condition requiring investigation works prior to development on site commencing.

### **INTERNAL CONSULTEE RESPONSES:**

37. *Design and Historic Environment Section* Offers no objections on the proposal considering that the development would have no impact on the setting or significance of the adjacent listed building.
38. *Spatial Policy Section* advise that the site is contained within the settlement of Bishop Auckland which is a main town identified for growth in the CDP. This site is well related to the town centre, and opportunities exist to enhance off-site connections to promote walking from the site, according with the NPPF objective of locating housing in suitable locations which offer a good range of community facilities and with good access to jobs, key services and infrastructure. The development will help meet the needs of different groups in the community such as families with children and people wishing to live within the town. Furthermore the provision of 10% affordable housing will deliver clear benefits to the area which aligns with sustainability objectives.
39. *Landscape Section* offer no objection subject to suitable details of protection measures of trees to the east of the site.
40. *Archaeology Section* advises that a condition be attached to any approval requiring that further archaeology works are carried out prior to the commencement of the development appraising the character and significance of any archaeological remains to the western boundary of the site.
41. *Access and Rights of Way Section* advises that a recorded footpath runs through the site that may need diverting if not incorporated into the layout of the site.
42. *Ecology Section* has no objections, subject to the implementation of the proposed mitigation measures including the enhancement of the proposed open amenity space to the south of the site, and protecting existing habitat on site.

43. *Environmental Health* advises that a condition relating to the restriction of working hours on site should be imposed, along with appropriate measures to mitigate noise from the adjacent railway.
44. *Contaminated Land Section* recommends the imposition of conditions requiring further site investigation, subsequent remediation and submission of validation information thereafter.
45. *Arboricultural Officer* offers no objection.
46. *Sustainability Officer* - Offers advice on the sustainability credentials of the site, highlighting that an improved bus service would improve the sustainability credentials of the development. It is also suggested that a scheme to embed sustainability and minimise carbon consumption should be submitted prior to development commencing.

#### **PUBLIC RESPONSES:**

47. The application has been publicised by way of press and site notices, and individual notification letters to neighbouring residents.
48. Three letters of representation have been received in response expressing concerns about the development in terms of the impacts upon highway safety and the difficulties vehicles will encounter exiting the site onto South Church Road. Further concerns are also raised regarding the potential use of access at Aintree Drive and the limited wider pedestrian access into the centre of Bishop Auckland

#### **APPLICANTS STATEMENT:**

49. The development of the site represents a suitable, sustainable and accessible location for housing and is 'sustainable development' as envisaged in the NPPF. The proposals are compliant with the adopted development plan, as far as its policies remain 'up to date' and 'fit for purpose'. There are significant material considerations which weigh in favour of the grant of planning permission, including the clear direction by the NPPF to significantly boost the housing supply and presumption in favour of sustainable development.
50. The site is within the defined urban area of Bishop Auckland and is not allocated for any specific purpose in the development plan. The site is accessible by a choice of transport methods other than the private motor vehicle and a good range of existing employment sites, schools and shops located within the vicinity of the site. The site would also provide 10% affordable housing helping to meet local need.

*The above represents a summary of the comments received on this application. The full written text is available for inspection on the application file which can be viewed at:  
<http://planning.wearvalley.gov.uk/portal/servlets/ApplicationSearchServlet?PKID=77800>*

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## **PLANNING CONSIDERATIONS AND ASSESSMENT**

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51. Having regard to the requirements of Section 38(6) of the Planning and Compulsory Purchase Act 2004, the relevant Development Plan policies, relevant guidance and all other material planning considerations, including representations received, it is considered that the principal material planning considerations relate to the principle of development, visual amenity of surrounding area, highway safety, amenity of adjacent land uses, ecological interests impact on heritage assets, flooding and drainage and ground conditions.

## The Principle of Development

52. The application site is located within the defined settlement limits of Bishop Auckland, as set out in the Wear Valley Local Plan. Within these settlement limits, Policy H3 identifies that windfall housing development will be considered acceptable in principle. Policy H3 is considered consistent with the National Planning Policy Framework (NPPF) in this respect which also seeks to divert new development to sustainable locations in urban centres.
53. In terms of the Pre-Submission Draft version of the emerging County Durham Plan (CDP), Bishop Auckland is recognised as a main town and a sub-regional centre in terms of its retail offer and has a good range of employment opportunities and services. For these reasons the settlement is a focus for growth. The site has been assessed as part of the development of the CDP and currently has an unsuitable (amber) classification within the Strategic Housing Land Availability Assessment (SHLAA) due to technical development issues (land stability, gradient and flooding). Consequently it is not identified in the list of Housing Land Allocations under Policy 30 in the “Pre-Submission version” of the CDP. However the Planning Policy Section have advised that should these issues be addressed, this would represent the evidence required to justify the grant of planning permission and the site would be amended to green/suitable in future reviews of the SHLAA.
54. In the context of the NPPF, this site is considered a sustainable location given the close proximity to the town centre and as it is contained within the settlement. The NPPF seeks to boost significantly the supply of housing and housing applications are expected to be considered in the context of the presumption in favour of sustainable development. The NPPF also states that Local Planning Authorities should deliver a wide choice of high quality homes, widen opportunities for home ownership and create sustainable, inclusive and mixed communities
55. The applicant’s planning statement advises 10% affordable housing will be provided as part of the development. This would comply with draft Policy 31 of the CDP which sets a 10% threshold for the South Durham Area with a suggested tenure mix of 75% affordable rented housing and 25% intermediate housing. It is proposed to secure this through a S106 agreement for the scheme, providing 3 affordable units on site.
56. Part of the site is subject to Saved Policy BE14 of the Local Plan, which seeks to protect areas of open space within built up areas. The policy states that development of these areas is only permissible in instances where the land does not contribute positively to the character or amenity of the area. Consideration is given to this matter in detail below, however providing there is an acceptable visual impact the site is considered a suitable and sustainable location for new residential development. The Councils Open Space Need Assessment also highlights that within this area of Bishop Auckland there is a significant over provision of Amenity Open Space.
57. Overall it is therefore considered that subject to a detailed analysis of the impacts of the scheme, the development of the site for residential purposes is considered acceptable in principle, being compliant with the NPPF, saved Local Plan policies and the direction of the emerging plan.

## Visual amenity of surrounding area

58. The application site currently consists of an undeveloped paddock bordered by the highway South Church Road to the west, the Bishop Auckland to Darlington railway line to the north and an un-adopted single track access way to the south. There is a significant level change on site falling away from south Church Road to the River Gaunless to the east.
59. Since the adoption of the Local Plan in 1997, the character of this area has changed principally due to the development of Aintree drive to the south east of the site and a separate residential development to the east. This has significantly reduced the perceived openness of the site which is now read as being located within the built framework of Bishop Auckland, rather than the edge of the settlement. In addition the site is within private ownership, with limited no public access, restricted to the PROW. It has also been heavily grazed and now has a visually unattractive appearance. The council's landscape officer therefore offers no objection the development of this site.
60. Good design is a key aspect of sustainable development and is a requirement of Part 7 of the NPPF. Although the layout is indicative and detailed improvements could be secured (such as improving the frontage onto South Church Road and breaking up the housing blocks), it is considered that the scheme represents a practical use of the development site that provides a workable layout. It is also considered that the indicated scale of the proposed development would be commensurate with the other dwellings in the area. However further consideration would be given in any reserved matters application to ensure that the proposed dwellings contribute to the quality and built environment of the surrounding area, including the landscaping of the site and retention of any sensitive vegetation.
61. Overall it is therefore considered that the existing site offers little to the character of the surrounding area due to its un-kept condition and the change in nature of area following the adoption of the Local Plan. It is considered that a residential development could be developed which would contribute to the character of the built environment, while adequate landscaping and screening could be provided to the River Gaunless.

#### Highway Safety

62. Local Plan Policy T1 requires that development proposals achieve a satisfactory means of access to the wider highway network. Concerns have been raised by local residents in relation to access and visibility on to South Church Road, while further concerns are raised that future occupants would potentially use Aintree Court as a means of access.
63. However the development would be solely served by a new access taken directly off South Church Road while internally a cul-se-sac would provide access to the dwellings. No secondary access is proposed to the site, particularly through Aintree Court.
64. In considering the proposed access arrangements, the Highway Authority raise no objection to the scheme advising that the providing the proposed visibility splay is maintained, a satisfactory access to the site would be created. It is however recommended that any consent be conditioned to require full engineering details of the proposed access road prior to the commencement of the development.
65. The Highways Authority also consider it appropriate to make provision for a widened footway along the eastern side of the A689 as this would be the principal pedestrian access link into Bishop Auckland. Although this could not be extended under the

railway bridge, which constrains the carriageway, it would improve the accessibility of the development, helping to address objectors concerns. A condition requiring this is therefore proposed.

66. Further consideration in any reserved matters application would be given to the quantity and layout of parking across the development to meet the Councils revised Residential Parking Standards. The Rights of Way Officer has identified that a Public Right Footpath runs through the site in a north south direction. Any reserved matters application would need to take account of this footpath in the layout, which could be easily adjusted to follow its established route. Alternatively a separate consent could be sought to divert the route of the right of way.
67. Overall the proposed development would be served by a satisfactory means of access, complying with policy T1 of the Wear Valley Local Plan.

#### Impact on amenity of adjacent residents and future occupants

68. Local Plan Policies GD1 and H24 highlight that residential developments should protect the amenities of neighbouring uses.
69. In reviewing the indicative internal layout, it is considered that the development would achieve minimum separation distances of 21m to existing adjacent properties and internally within the site. It is also considered that future occupants would have adequate areas of private amenity space, without experiencing an unacceptable level of overlooking. In terms of open space provision an area equating to approximately 1450sqm is proposed to be set aside. This would comply with saved policy RL5 of the Local and therefore no offsite contribution is required in this respect. Any reserved matters application would be expected to replicate this provision and separation distances.
70. Approximately 20m from the northern boundary of the site lies the Bishop Auckland to Darlington railway line, which would have an effect on the level of residential amenity that prospective occupiers of the properties bordering the railway line. The Environmental Health Section consider that the developer could mitigate the impact of noise generated to an acceptable level, and future residents would also be readily aware of the proximity of the properties to the railway line. It is therefore recommended that an acoustic assessment is secured by condition and subsequent mitigation implemented on site.
71. During construction there would be noise and disturbance created for a limited period, however the councils Environmental Health Unit have separate legislative power which would be more appropriate to deal with any nuisance created. In addition to this due to the separation distances to neighbouring properties and the expected length of time to complete the development a loss amenity is not expected to arise.
72. Overall it is considered that the proposed development would comply with policies GD1 and H24 of the Local Plan

#### Ecology

73. Paragraph 11 of the NPPF requires Local Planning Authorities to take into account, protect and mitigate the effects of development on Biodiversity Interests. In this instance the applicant has submitted a series of ecology reports and assessed the potential impacts of the development on protected species and established habitats in the area.

74. In considering these reports the Ecology Section offers no objection to the scheme subject to the implementation of the mitigation measures set out. These include the enhancement of the biodiversity value of the proposed open space and the protection of existing habitats to the eastern boundary of the site (it is expected that the landscaping of the site approved under any reserved matters would detail the enhanced biodiversity value of the open space). Therefore, it is considered that the granting of planning permission would not constitute a breach of the Conservation of Habitats & Species Regulations 2010.

#### Historic Environment

75. Local Plan Policies BE1 and BE4 seek to preserve the historic environment, particularly the setting and character of Listed Buildings and reflect the requirements of S66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 in terms of having special regard to the desirability of preserving the buildings setting or any features of special architectural or historic interest which it possesses. The NPPF also seeks to conserve or enhance heritage assets in a manner appropriate to their significance. In this instance a Grade II listed building (hotel) known as 'The Grand' lies directly to the west of the site. In appraising any potential impact on the building the Council's Design and Conservation Team advise that the proposed development would have no impact on the setting or significance of this building, given its location within an existing residential street and degree of separation to the development site.
76. In terms of Archaeology, Local Plan Policy E24 sets out the requirements for an appropriate programme of archaeological investigation, recording and publication to be made. Accordingly the applicant has submitted a desk-based assessment on the potential for archaeology remains to be present on site. In reviewing this assessment the Council's Archaeology Officer advises that there is the potential for the presence of archaeological remains in certain parts of the site and therefore a condition requiring further investigation and recording is recommended.

#### Flooding and Drainage

77. Paragraph 103 of the NPPF and Local Plan Policies H24 and GD1 require consideration be given to issues regarding flooding particularly from surface water run-off while requiring that developments adequately dispose of foul water. The development is located within Flood Zone 1, while further to the east of the site lies Flood Zones 2 and 3 due to the proximity of the river Gauless. Consultation has been undertaken with the Environment Agency and Northumbrian Water Limited, who offer no objections subject to a condition to control the rate of surface water run off and the rate of foul drainage from the site. Conditions detailing these are recommended.
78. The Environment Agency also suggest that a condition requiring the limiting of development within Flood Zones 2 and 3, however this matter would be secured in any reserved matter application. The indicative site layout locates the development solely within Flood Zone 1, while the topography of the site would preclude development within flood zones 2 and 3.

#### Ground Conditions and Stability

79. Given that the site is changing to a more sensitive use, the Land Contamination Section recommends the imposition of conditions requiring the carrying out of a site investigation to identify the extent of any contamination. An initial survey has not been identified significant contaminants.

80. Part of the application site lies within the High Risk Coal Mining Referral Area due to the presence of a coal seam. The applicant has submitted a Coal Mining Risk Assessment which concludes that it is likely that the site has been subject to previous coal mining activity. The report recommends a programme of investigation and mitigation to confirm the absence or otherwise of historic workings and appropriate mitigation measures. It is therefore recommended that this be secured by condition, requiring validation of these investigation works before construction of the dwelling commences as suggested by the Coal Authority.

#### Other Issues

81. Planning plays a key role in helping to reduce greenhouse gas emissions, and minimising vulnerability and providing resilience to the impacts of climate change, and supporting the delivery of renewable and low carbon energy and associated infrastructure. This is central to the economic, social and environmental dimensions of sustainable development as set out in the NPPF. The development would be expected to achieve at least 10% of its energy supply from renewable resources, or through an equivalent level through energy effect measures

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## CONCLUSION

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82. In conclusion it is considered that although part of the site is safeguarded for open space purposes within the Wear Valley Local Plan, in its current form the site does not positively contribute to the character of the area, moreover a recent open space needs assessment highlights that there is a significant over provision of open amenity space in the area.
83. The site is otherwise located within the defined development limits of Bishop Auckland and constitutes a sustainable, accessible location when assessed against the NPPF and emerging CDP.
84. The proposed site access is considered acceptable and would not compromise highway safety. Although indicative at this stage it is considered that the layout could be designed so that adequate separation distances would be achieved to avoid an unacceptable loss of amenity to surrounding properties. The scale and layout of the development could also provide for an attractive form of development while not impacting on heritage, landscape, ecology and footpath issues.
85. Further technical work is required to satisfy the recommendations of other agencies, however there is no objection in principle from these parties, subject to appropriate conditions.
86. A section 106 legal agreement would secure the provision of 10% affordable housing across the development, equating to three units.

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## RECOMMENDATION

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That the application be **APPROVED** subject to the completion of a satisfactory Section 106 Obligation to secure the provision of 3 units affordable housing units on site and subject to the following conditions:-

1. Approval of the details of the appearance, layout and scale of the development and the landscaping of the site (hereinafter called "the reserved matters") shall be obtained from the Local Planning Authority in writing before any development is commenced

*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. Application for approval of reserved matter shall be made to the Local Planning Authority before the expiration of three years beginning with the date of this permission and the development must be begun not later than the expiration of two years from the approval of the reserved matters, or in the case of approval on different dates, the date of approval of the last reserved matter to be approved

*Reason: Required to be imposed pursuant to section 92 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004*

3. The access hereby approved shall be carried out in strict accordance with the Proposed Site Layout Plan, Drwg no. 002, received 24<sup>th</sup> February 2014.

*Reason: To define the consent and ensure that a satisfactory form of development is obtained in accordance with Policies GD1, H24 and T1 of the Wear Valley Local Plan.*

4. Notwithstanding the submitted information, provision shall be made for the widening and resurfacing of the pedestrian footway on the eastern side of the A698 in accordance with a scheme to be first submitted to and agreed in writing by the Local Planning Authority. No dwelling shall be occupied until the agreed scheme is implemented and brought into use.

*Reason:- In the interests of pedestrian safety and accessibility to the site in accordance with policies GDp1 and t1 of the Wear Valley Local Plan.*

5. No development hereby approved shall take place unless in accordance with the mitigation, recommendations and conclusions within the ecological reports (Penn Associates received November 2013 and February 2014 and amended site plan Drwg no002 rev d, received 24<sup>th</sup> February 2004)

*Reason: To conserve protected species and their habitat in accordance with Paragraph 109 of the NPPF.*

6. No development shall commence until details of a scheme for the management and maintenance of all areas of open space within the development for a minimum ten year period has been submitted to and agreed in writing by the Local Planning Authority. Development shall thereafter take place in accordance with the agreed scheme.

*Reason: In the interests of the visual amenity of the area and to comply with Policies GD1 and H24 of the Wear Valley Local Plan.*

7. Notwithstanding the submitted information and prior to works commencing a detailed scheme for the disposal of foul and surface water, shall be submitted to and approved in writing by the Local Planning Authority. The submitted scheme shall demonstrate that the foul water discharge rate shall be limited to 1.38 l/s and the surface water discharge rate limited to 5l/s in accordance with the Flood Risk and Foul Drainage Assessment compiled by M Design, ref MD0781/rep/002, Received 18<sup>th</sup> November

2013. The development shall be carried out in accordance with the approved details thereafter.

*Reason: In the interest of the adequate disposal of foul and surface water in accordance with Policy GD1 of the Wear Valley Local Plan.*

8. No development approved by this permission other than the digging of foundations and preliminary site excavation shall take place until a scheme to minimise energy consumption has been submitted to and approved in writing by the Local Planning Authority. The scheme shall consist of energy from renewable or low carbon sources provided on-site, to a minimum level of at least 10% of the total energy demand from the development, or an equivalent scheme that minimises carbon emissions to an equal level through energy efficient measures. Thereafter the development shall be carried out in complete accordance with the approved scheme prior to the first occupation of the dwellings.

*Reason: In the interests of sustainable construction and energy generation in accordance with the aims of Policy GD1 of the Wear Valley Local Plan.*

9. No development shall take place until an Archaeological Mitigation Strategy to include a written scheme of investigation and a timetable for any investigation has been submitted to and approved in writing by the Local Planning Authority. The Strategy shall provide for:

- i) The proper identification and evaluation of the extent, character and significance of archaeological remains within the area of plots 1-13 (inclusive) as set out on Plan 002(B) Site Plan.
- ii) An assessment of the impact of the proposed development on any archaeological remains identified in the evaluation phase;
- iii) Proposals for the preservation in situ, or for the mitigation through investigation, recording and recovery of archaeological remains and the publishing of the findings, with a presumption in favour of their preservation in situ wherever feasible;
- iv) Sufficient notification and allowance of time to archaeological contractors nominated by the developer to ensure that archaeological fieldwork as proposed in pursuance of (i) and (iii) above is completed prior to the commencement of permitted development in the area of archaeological interest; and,
- v) Notification in writing to the Local Planning Authority commencement of archaeological works and the opportunity to monitor such works.

The development shall then be carried out in accordance with the approved details. Prior to first occupation of any dwelling, a copy of any analysis, reporting, publication or archiving required as part of the mitigation strategy shall be submitted to the Local Planning Authority.

*Reason : To safeguard any Archaeological Interest in the site, and to comply with paragraphs 135 and 141 of the NPPF.*

10. Notwithstanding the submitted information, no development shall commence until full details of the means of access, including the layout, levels, construction details, and surfacing have been submitted to and approved in writing by the Local Planning Authority, and the dwellings hereby approved shall not be occupied until the approved access has been constructed, in accordance with the approved plans.

*Reason: In the interests of highway safety in accordance with Policies GD1 and T1 of the Wear Valley Local Plan.*

11. Development other than that required to be carried out as part of an approved scheme of remediation must not commence until conditions A to D have been complied with. If unexpected contamination is found after development has begun, development must be halted on that part of the site affected by the unexpected contamination to the extent specified by the Local planning authority in writing until condition D has been complied with in relation to that contamination.

*A. Site Characterisation*

An investigation and risk assessment, in addition to any assessment provided with the planning application, must be completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site and to establish whether remedial works are required to treat areas of shallow mine workings. . The contents of the scheme are subject to the approval in writing of the Local planning authority. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local planning authority. The report of the findings must include:

- (i) a survey of the extent, scale and nature of contamination;
- (ii) an assessment of the potential risks to: human health, property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes; adjoining land; groundwaters and surface waters; ecological systems; and, archaeological sites and ancient monuments;
- (iii) an appraisal of remedial options, and proposal of the preferred option(s).

This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.

*B. Submission of Remediation Scheme*

A detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment must be prepared, and is subject to the approval in writing of the local planning authority. The scheme shall include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

*C. Implementation of Approved Remediation Scheme*

The approved remediation scheme shall be carried out prior to the commencement of development. The Local planning authority shall be given two weeks written notification of commencement of the remediation scheme works.

Following completion of measures identified in the approved remediation scheme, a verification report that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the Local planning authority.

*D. Reporting of Unexpected Contamination*

In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported immediately to the Local planning authority in writing. An investigation and risk assessment must be undertaken in accordance with the requirements of condition A, and where

remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition B, which is subject to the approval in writing of the Local planning authority.

Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local planning authority in accordance with condition C.

#### *E. Long Term Monitoring and Maintenance*

A monitoring and maintenance scheme to include monitoring the long-term effectiveness of the proposed remediation over a period of 5 years, and the provision of reports on the same must be prepared, both of which are subject to the approval in writing of the Local planning authority, and implemented in accordance with the agreed scheme thereafter.

Following completion of the measures identified in that scheme and when the remediation objectives have been achieved, reports that demonstrate the effectiveness of the monitoring and maintenance carried out must be produced, and submitted to the Local planning authority.

This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.

*Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with Paragraph 120 of the NPPF.*

12. Notwithstanding the submitted information, the erection of the dwellings shall not commence until a detailed acoustic mitigation scheme addressing noise and vibrations generated from the adjacent railway line, has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved scheme and the measures shall be fully implemented before the dwellings are brought into use and shall thereafter be retained in perpetuity.

*Reason: To protect the residential amenity of future residents from the adjacent industrial use to comply with Policy GD1 of the Wear Valley Local Plan.*

13. Notwithstanding the submitted information, prior to the development commencing a detailed site investigation report shall be submitted to and approved in writing by the Local Planning Authority. The report shall consider the risk of unstable land in relation to historic coal mining activity and make provision for mitigation measures in line with the findings of the investigation report. The development shall be carried out in accordance with the approved report and mitigation measures.

*Reason: In order to ensure the future stability of the site in accordance aims of the National Planning Policy Framework*

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## **STATEMENT OF PROACTIVE ENGAGEMENT**

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In assessing the application, the Local Planning Authority has worked with the applicant in a positive and proactive manner to seeking to resolve issues during the application process.

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## **BACKGROUND PAPERS**

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Submitted Application Forms, Plans and supporting documents

National Planning Policy Framework

Wear Valley Local Plan

County Durham Plan (pre submission version) and

Affordable Housing & CIL Development Viability Study

Statutory responses from Highway Authority, Environment Agency, Northumbrian Water Limited, and Coal Authority

Internal responses from Design and Historic Environment Section, Spatial Policy Section, Landscape Section, Archaeology Section, Access and Rights of Way Section, Environmental Health, Contaminated Land Section, Ecology Section, and Arboricultural Officer



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**Planning Services**

Land off (east) South Church road, Bishop Auckland, Co Durham, DL14 6DJ

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**Comments**

**Date** 28 Feb 2014

**Scale** 1:1250

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