



## Area Planning Committee (North)

**Date** Thursday 27 June 2013  
**Time** 2.00 pm  
**Venue** Council Chamber, Council Offices, Chester-le-Street

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### Business

#### Part A

1. Apologies for Absence
2. Substitute Members
3. Minutes of the Meeting held on 25 April 2013 (Pages 1 - 6)
4. Declarations of Interest (if any)
5. Applications to be determined by the Area Planning Committee (North Durham)
  - a) 1/2012/0062 - Wardles Bridge Inn, Holmside, Edmondsley  
(Pages 7 - 22)  
Demolition of existing redundant public house and erection of 10no. terraced dwellings
  - b) 2/13/00068/FUL - Hermitage School, Waldrige Lane, Waldrige, Chester-le-Street (Pages 23 - 42)  
Upgrade of sports pitch to a full sized hockey pitch with synthetic grass with associated perimeter fencing, floodlighting and equipment
  - c) 1/2013/0137 - Land south east of Beechdale Nursery School, Beechdale Road, Consett (Pages 43 - 52)  
Resubmitted outline consent for four dwellings and alterations to existing school fence and gates, with approval of access sought, and all other matters reserved
  - d) 1/2013/0112 - Leazes Lodge, Burnopfield (Pages 53 - 62)  
Erection of two storey side extension and single storey rear extension
6. Appeal Update (Pages 63 - 64)
7. 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

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

Councillor C Marshall (Chairman)  
Councillor B Armstrong (Vice-Chairman)

Councillors H Bennett, P Brookes, J Cordon, I Jewell, J Maitland,  
O Milburn, J Robinson, K Shaw, A Shield, L Taylor, O Temple,  
K Thompson, S Wilson and S Zair

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**DURHAM COUNTY COUNCIL  
AREA PLANNING COMMITTEE (NORTH)**

At a Meeting of the **Area Planning Committee (North)** held in the Council Chamber, Council Offices, Chester-le-Street on **Thursday 25 April 2013 at 2.00 pm**

**Present:**

**Councillor O Johnson (Chair)**

**Members of the Committee:**

Councillors Allen Turner (Vice-Chairman), B Alderson, J Armstrong, B Bainbridge, A Bell, P Brookes, J Cordon, N Martin, A Naylor and O Temple

**Also Present:**

Councillor A Willis

F Clarke (Principal Planning Officer), C Cuskin (Solicitor - Planning & Development), A Farnie (Planning Team Leader), S France (Senior Planning Officer) and N Thompson (Highways Officer)

**1 Apologies for Absence**

Apologies for absence were received from Councillors J Blakey, P Gittins, A Laing, J Robinson and M Simmons

**2 Substitute Members**

There were no substitute members.

**3 Minutes**

The minutes of the meeting held on 28 February 2013 were confirmed as a correct record and signed by the Chair.

**4 Declarations of Interest**

There were no declarations of interest.

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

**5a 2/12/00078 - Lumley Sixth Pit Industrial Estate, Lumley Sixth Pit, Fencehouses, Durham  
Extension to vehicle storage depot**

The Senior Planning Officer presented his report on this application (for copy see file of minutes) which was recommended for approval subject to conditions.

Members had visited the site on 24 April and were familiar with the location and setting.

The Committee was advised that a further objection had been received since the report had been prepared. The objector felt that the application was being considered on the basis of the Council's corporate policy rather than planning grounds, and that it was inconceivable that no other suitable locations for the business could be found within the County. The objector felt that the removal of trees had been regrettable, that the floodlighting was excessive and the number of tankers to be stored on the site to be unacceptable.

Councillor A Willis, one of the Divisional Members, addressed the Committee objecting to the application on behalf of local residents.

She explained that residents did not want the site to expand and felt that there was no place for this type of business in close proximity to a residential area. When properties on the Chesters Wood Estate had been purchased, the business was not at its current size.

The quarry had been used for landfill prior to being landscaped and designated as green belt. The green belt boundary had been clearly designed to ensure that the industrial estate could not spread.

PAR Petroleum had been able to operate on the current site footprint for over a year which showed that there was no need for this expansion. Only six jobs had been created and this had to be balanced against the needs of the wider community.

Residents felt that their concerns had been played down and that planning officers had acted as consultants to the applicants. There was a real fear in the community that the site may explode in the same way as Buncefield. A similar operation in Suffolk had also caught fire shortly before Christmas.

Councillor Willis urged the Committee to look at the wider issues. The community did not want this development and there was a high level of risk. The site was too close to residential properties and there was the possibility of low level radiation in the former landfill site. She asked the Committee to refuse the application.

Councillor B Bainbridge addressed the Committee indicating that she had been contacted by the applicant at an early stage in the application and had discussed the application with him. She would not be taking part in determining the application or voting on it.

Councillor Bainbridge advised the Committee that the company was a family business which could trace its origins back to 1914 when it was formed as Roy's Coal Merchants. The company had developed its site on the Sixth Pit Industrial Estate since moving there in 1991, prior to which the site had been used for LPG storage since at least 1981. Neither petrol nor aviation fuel was stored on site; the application was for the storage of tankers and to create a staff parking area.

The site was inspected regularly to ensure that it was being operated satisfactorily and to protect the safety of employees and local residents and the applicant had worked with officers to improve the scheme.

*Councillor B Bainbridge withdrew the meeting*

Mr Ian Lyle then spoke indicating that he was a chartered town planner and would address the Committee objecting to the application.

Mr Lyle stated that the land had been designated by Chester-le-Street District Council as green belt and, as nothing had changed since its designation, development was inappropriate. Development in the green belt was only permitted in 'very special circumstances' which did not exist in this case as the applicant had not shown that there were no suitable alternative sites for the business. Mr Lyle asked the Committee to refuse the application as inappropriate development in the green belt.

Mr Marc Hopkinson, a local resident, then addressed the Committee objecting to the application, copies of his presentation having been circulated (for copy see file of minutes).

Mr Hopkinson noted that the County Council had become responsible for public health functions on 1 April and had a duty to protect the health of residents; approval of this application would, he contended, be a dereliction of this duty.

Empty tankers were more flammable than full ones and this application would move the hazard closer to residential properties. The site was adjacent to a busy road and a caravan park where hundreds of propane gas bottles were stored. The Civil Contingencies Unit had identified the site as a risk and an exclusion zone of 1km would be required in the event of any incident. The Buncefield disaster had been the result of management systems not being followed and throughput on the site being increased; residents foresaw a similar event happening if this application were to be approved.

Mr C Warren, the applicant's agent, addressed the Committee in support of the application, indicating that the two main issues were the principle of development in the green belt and the impact on residential amenity.

The National Planning Policy Framework had a presumption in favour of sustainable development. Development could take place on green belt in very special circumstances which, in this case, Mr Warren considered to be the economic benefits the development would bring compared to the small incursion into the green belt. The site was a logical extension to the business and there was no evidence to support its inclusion in the green belt designation. Planning Policy Officers could see merit in amending the boundary, albeit their timescales for doing this through the planning policy process did not fit with the immediate need for the applicant to expand the business.

No additional storage of fuel was proposed and all vehicles were independently tested. The Company was regularly audited and its systems reviewed. There had

been no objections from other statutory consultees and safety requirements for the site would be met by regulatory authorities.

Mr Warren stated that approval would give the business greater flexibility within the site, allow the firm to remain in its current, established location and recruit additional staff. He asked the Committee to approve the application.

Responding to the issues raised by speakers, the Senior Planning Officer advised the Committee that the planning policy stance had changed since pre-application advice had been given on the application. Advice was now based on the NPPF rather than PPG2. There was conflict in this application between the push for economic development and the high degree of weight given to protection of the green belt; on balance the recommendation was to approve.

The application was for an extension to a hardstanding area only, the facility was not considered to be a major hazard site and the Environment Agency which monitored the former landfill site considered it to be inert due to the time passed since it was capped.

Pre-submission discussions had taken place with the applicants and the NPPF was clear that councils should be proactive in ensuring that sustainable development was achieved.

VOSA regulations ensured that the site was operated in a safe manner and the Council's Landscape Officer would be looking for an appropriate planting mix to screen the development throughout the year. Approval of the application was therefore recommended subject to conditions to control the use.

Councillor A Bell commented that, as Divisional Member, he had never had as many representations from residents on any planning application as he had on this one. He explained that the Environment Agency had been monitoring the adjoining landfill site over recent weeks as there was concern about leaching from the site. This was even more concerning as the owners of the landfill site, Premier Waste, were entering liquidation on 1 May.

The PAR Petroleum site was close to homes, a school and a residential home and this development would bring it even closer.

The committee report did not provide reassurance surrounding the risks posed by the site and there was a planning policy objection to development in the green belt. Councillor Bell moved refusal of the application for those reasons.

One Member noted that no extra storage was proposed and that the Civil Contingencies Unit had no objection. If approved by the Committee, the application would need to be referred to the Secretary of State as a departure from policy and thus final determination would not lie with the Council.

Other Members commented that the location of the business, in close proximity to residential properties and a caravan site, was not ideal and suggested that there were more suitable locations within the County for such a business. Some

Members expressed the opinion that they were not qualified to assess the safety risks posed by the site and remained unhappy with the proposal. It was noted that there was no information before the Committee in relation to the storage of gas bottles on the caravan site, however, a number of Members expressed their concern that this could increase the risk and severity in the event of an incident. Although there was no proposal to store aviation fuel on the premises, Members felt that there was potential for lorries containing fuel to be stored on site overnight.

In relation to the green belt, several Members referred to the boundary and sought clarification from Officers as to whether there had been any objection to the inclusion of the site at the time of designation. In responding, the Senior Planning Officer advised that he had no reason to believe that any objections had been lodged at that time, however the applicants had only recently purchased the site.

It was commented by Members that there was an element of 'creep' involved with the application with the site extending closer to residential properties. The green belt existed for the purpose of protection and allowing development within it would lead to a further loss of visual amenity. In the case of this application, it was not considered that the 'very special circumstances' required for development in the green belt existed.

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

- (1) In the opinion of the Local Planning Authority the application has not demonstrated the proposals represent the 'very special circumstances' necessary to justify departure from the Green Belt policies in the Local Plan and the advice set out in the NPPF. The proposals are therefore contrary to Policies NE2, NE3, NE4 and NE6 of the Chester-le-Street District Local Plan (saved 2009).
- (2) Based upon the available evidence the Local Planning Authority do not consider the application has demonstrated to an acceptable degree the perceived harm arising from the safety implications of the proposal will not undermine the level of residential amenity local residents could reasonably expect to enjoy contrary to the general intent of Policies IN5 and IN10 of the Chester-le-Street District Local Plan (saved 2009).

*Councillor B Bainbridge returned to the meeting.*

## **6 Appeal Update**

The Principal Planning Officer reported on the following appeal decisions which had been received since the last meeting (for copy see files of minutes).

- (i) An appeal had been lodged against the issue of an enforcement notice relating to the material change of use of land to the rear of 3 Front Street, Burnhope and the refusal to grant a certificate of lawful development for the siting of one static caravan.

The appeals had been dealt with by way of a public enquiry with the Inspector concluding that the Council's refusal of a lawful development certificate was well founded and that the enforcement notice appeal should fail. The Council had however requested that the Inspector vary the notice in respect of the number of dogs to be allowed to be kept on the premises. The Inspector had therefore varied the notice in relation to the number of dogs and had extended the time limits for all elements of the notice to 3 months.

- (ii) An appeal had been lodged against the Council's refusal to grant planning permission for one dwelling at Fell View House, 40 West View, Medomsley.

The Inspector found that the main issue was whether the proposal would amount to a sustainable form of development, concluding that the proposal would not conflict with the aim of the NPPF or materially alter the character of the area. The Inspector also felt that the site was sustainable and that jobs would be created during construction of the dwelling. The appeal was therefore allowed.

- (iii) An appeal had been lodged against the Council's refusal to grant planning permission for one dwelling at land to the east of Mill House, Iveston Lane, Iveston.

The Inspector felt that the site was not sustainable and the majority of journeys would be made by car. The Inspector also felt that there was no evidence of a shortage of housing land and that the dwelling would detract from the setting of the conservation area. The appeal was therefore dismissed.



# COMMITTEE REPORT

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## APPLICATION DETAILS

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APPLICATION NO:	1/2012/0062
FULL APPLICATION DESCRIPTION:	Demolition of existing redundant public house and erection of 10 No. terraced dwellings
NAME OF APPLICANT:	Mr W Smith Wardles Bridge Inn Holmside
ADDRESS:	Edmondsley County Durham DH7 6EX
ELECTORAL DIVISION:	Lanchester Steve France Senior Planning Officer
CASE OFFICER:	Telephone: 0191 3872263 <a href="mailto:steve.france@durham.gov.uk">steve.france@durham.gov.uk</a>

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## DESCRIPTION OF THE SITE AND PROPOSALS

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### Site Description

1. The 'Wardles Bridge' at Holmside is a traditional stone built Public House that first appears in its current form on the 1898 Ordnance Survey (OS) map. An inn did exist on the immediately adjacent site before that time. The main building is an attractive stone built structure with a Welsh Slate roof. Detailing of the main windows and the prominent chimneys and watertabling add to the period charm of the main elevations of the building. The hostelry has been subject to a number of modern extensions, as detailed in the history section, more than doubling the size of the original structure, which whilst executed in appropriate materials, leave something to be desired in terms of fenestration and execution. The building is not listed.
2. The roadside building has car parks to both sides, and the site also includes an extensive grassed area to the south west which was subject to an application and approval for 10 holiday lodges some time ago.
3. The site falls gradually then steeply to the rear where Wardles Burn passes through designated Ancient Woodland to the south-east of the site. A narrow, unsurfaced public footpath, known as Charlaw Lane skirts this boundary of the site.
4. The village of Holmside consists of a central core of short terraces, a mix of stone built, stone faced and brick built – some now rendered – to the north of the road junction leading to Edmondsley, training off into looser knit dwellings on its periphery; Garden Cottage to the north, The Lodge to the north west and four dwellings with the public house on the road to the south of the junction. The loose knit form of the

settlement does appear to be a feature of traditional development in the area. The village does not have a defined 'settlement boundary' on the Local Plan Proposals Map.

5. The majority of the surrounding countryside is not protected by restrictive designation, however, situated on the edge of the ancient woodland, the small group of dwellings and the inn are covered by an 'Area of High Landscape Value' designation that covers the length of the burn up to the immediately adjacent former boundary with Chester-le-Street District's area. Whilst the former District areas are now defunct, the Planning policies still reflect the former administrative areas.

#### Description of application

6. The application proposes the demolition of the existing public house, claimed as having structural problems, and the erection of a development of 10no. new dwellings in a terraced form located in the same part of the site as the existing building. The communal parking would be sited to the rear of the dwellings, which would be organised in a 'U' shape. Traditional detailing and materials would seek to integrate the development into the loose form of the settlement, reflecting traditional terracing, whilst the massing would provide an end 'stop' to the village. As an addition to the scheme's sustainable credentials, one of the dwellings is proposed as an 'affordable' unit, with a legal agreement required in the event of an approval. It is noted that the elevational treatment of the proposed development has evolved during the course of the application, and small 'summer houses' atop the slope at the rear of the site have been deleted from the proposals.
7. The application is reported to Committee as the application is classed as being 'major development' due to the number of dwellings proposed.

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## **PLANNING HISTORY**

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8. The former public house has been extensively extended, with applications for kitchen extensions in 1996 and 1997, a function room, toilets and car park in 1995, conservatory in 1991 and another extension to the car park in 1987.
9. Consent was granted for 10no. holiday chalets in 1997, although this was not implemented and has now lapsed.

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## **PLANNING POLICY**

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### **NATIONAL POLICY**

10. In March 2012 the Government consolidated all planning policy statements, circulars and guidance into a single policy statement, termed the draft National Planning Policy Framework (NPPF). The overriding message from the Framework is that planning authorities should plan positively for new development, and approve all individual proposals wherever possible. It defines the role of planning in achieving sustainable development under three topic headings – economic, social and environmental, each mutually dependant. There is a presumption in favour of sustainable development. It requires local planning authorities to approach development management decisions positively, utilising twelve 'core principles' that should underpin both plan-making and decision taking, these being; empowering local people to shape their surroundings, proactively drive and support economic development, ensure a high standard of design, respect existing roles and character, support a low carbon future, conserve the

natural environment, encourage re-use of previously developed land, promote mixed use developments, conserve heritage assets, manage future patterns of growth and take account of and support local strategies relating to health, social and cultural well-being.

11. *NPPF Part 1 – Building a Strong, Competitive Economy* – reinforces the Government’s commitment to securing economic growth to create jobs and prosperity, ensuring the planning system supports this aim – ‘significant weight’ is to be placed on this aim. Planning policies should seek to address potential barriers to investment, setting out clear economic vision and strategy which proactively encourages sustainable economic growth, identifies sites and inward investment, and identifies priority areas for economic regeneration. There is no specific advice on decision making.
12. *NPPF Part 4 – Promoting Sustainable Transport* - notes the importance of transport policies in facilitating sustainable development and contributing to wider sustainability and health issues. Local parking standards should take account of the accessibility of the development, its type, mix and use, the availability of public transport, levels of local car ownership and the need to reduce the use of high-emission vehicles.
13. *NPPF Part 6 – Delivering a wide choice of high quality homes*. Housing applications should be considered in the context of a presumption in favour of sustainable development. Local Planning Authorities should seek to deliver a wide choice of high quality homes, widen opportunities for home ownership and create inclusive and mixed communities. Policies should be put in place to resist the inappropriate development of residential of residential gardens where development would cause harm to the local area.
14. *NPPF 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. Planning policies and decisions must aim to ensure developments; function well and add to the overall quality of an area over the lifetime of the development, establish a strong sense of place, create and sustain an appropriate mix of uses, respond to local character and history, create safe and accessible environments and be visually attractive.
15. In accordance with paragraph 215 of the National Planning Policy Framework, the weight to be attached to relevant saved local plan policy 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 below.

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

16. *Policy GDP1 – General Development Principles* – outlines the requirements that new development proposals should meet, requiring high standards of design, protection of landscape and historic features, protection of open land with amenity value, respecting residential privacy and amenity, taking into account ‘designing out crime’ and consideration of drainage.
17. *Policy EN1 – Development in the Countryside* – will only be permitted where it benefits the rural economy / helps maintain / enhance landscape character. Proposals should be sensitively related to existing settlement patterns and to historic, landscape, wildlife and geological resources.

18. *Policy EN2 – Preventing Urban Sprawl* – Except where provision has been made in the plan, development outside built up areas will not be permitted if it results in: the merging / coalescence of neighbouring settlements; ribbon development or; and encroachment into the countryside.
19. *Policy EN6 - Development within Areas of High Landscape Value* - Development will only be permitted provided that it pays particular attention to the landscape qualities of the area in the siting and design of buildings and the context of any landscaping proposals.
20. *Policy EN11 – Trees and Development* – states that throughout the district existing trees should be retained where possible. Consideration will be given to the effect of development on any affected trees, taking into account; landscape diversity, the setting of existing or proposed buildings, wildlife habitat and visual amenity.
21. *Policy HO5 – Housing Development on Small Sites* – There are a number of listed settlements where housing development will be permitted on small sites. Development must be appropriate to the existing pattern and form of development; must not extend beyond the existing built up area; represents acceptable backland or tandem development; and should not exceed 0.4 hectares when taken together with an adjoining site. Holmside is not among the listed settlements
22. *Policy TR2 – Development and Highway Safety* – relates to the provision of safe vehicular access, adequate provision for service vehicle maneuvering, etc.

*Policies considered most relevant in the Development Plan the full text, criteria, and justifications of each may be accessed at <http://www.cartoplus.co.uk/durham/text/00cont.htm>.*

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## **CONSULTATION AND PUBLICITY RESPONSES**

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### **STATUTORY RESPONSES:**

23. *Highways Officers* have no objection to the scheme in principle, but require a kerbed footway to adoptable standards be constructed along the front of the site, that will need to be subject to an adoption agreement. It is noted that the Highway Authority would only be prepared to adopt the turning 'hammerhead' within the scheme.
24. *The Coal Authority* confirm they have no objection to the scheme subject to the imposition of a standard condition to ensure that the further investigation suggested in the Coal mining Risk Assessment is undertaken, and that any additional remedial works identified are carried out.
25. *Northumbrian Water* confirm that the drainage arrangements for the site are acceptable, and they offer no objections to the proposal.

### **INTERNAL CONSULTEE RESPONSES:**

26. *The Spatial Policy Team* notes the proposals represent an increase of development on the site. They interpret the pub as outside the village and therefore contend that the development would be isolated housing in the countryside which is contrary to policy. In this instance, reuse and conversion of redundant buildings can be considered - however this should be for economic purposes with consideration only given for residential when it can be demonstrated that economic uses are unviable. Provision is

not made for rebuilds which change the use to residential however it is common practice to limit the scale and amount of development so that there is no material increase in the impact of the scheme. Planning policy at the national level - as encapsulated in the National Planning Policy Framework (2012) - promotes sustainable development in rural areas. Conversely new isolated homes in the countryside ought to be avoided unless there are special circumstances (including amongst other matters the essential need for a rural worker to live permanently at or near their place of work in the countryside; or where the development would re-use redundant or disused buildings and lead to an enhancement to the immediate setting).

27. *Conservation Officers* note the history of the site is unknown to them, confirming the date of the building from the OS records. The architectural features are noted, along with the modern extensions and introduction of uPvc, concluding the building is what is termed a 'non-designated heritage asset'. Conservation Officers are not convinced a case has been made for the loss of the asset or alternate options considered, with the proposed design not providing this justification per se. Whilst structural issues with the building have been identified, repairs to the existing are considered possible and have not been costed as a justification for demolition. The current building makes a positive visual contribution to the area and its loss would be of detriment. Notwithstanding this, the layout and appearance of the proposed buildings is considered broadly acceptable. Comments are made on the proposed materials palette and detailing, with the use of traditional timber doors and sliding sash windows welcomed. The sustainability credentials of the scheme are questioned.
28. *The County Archaeologist* concurs with Conservation Officers, asking further that if demolition is agreed the site be recorded.
29. *The County Ecologist* has no objection to the scheme, but had some concerns as to the effect of the summer huts on the Ancient Woodland. The summer huts have subsequently been deleted from the proposals.
30. *The County Sustainability Officer* notes that the imposition of the standard condition will ensure the development integrates the sustainable building techniques and technologies required of modern development. The wider sustainable credentials of the scheme are however questioned in terms of its relationship to services and the inevitable effect on increased vehicular movements.
31. *The Footpaths Officer* notes the relationship to the nearby footpath, which appears unaffected by the development, noting that boundary treatment on the site will be critical.
32. *Landscape Officers* do not feel the proposals are sympathetic to the 'recognised and vulnerable' landscape quality of the valley.

#### **PUBLIC RESPONSES:**

33. *The Parish Council* wish careful consideration to be given to the loss of the only community facility in the village, raising concern on the scale of the proposals, its effect on adjacent properties. The scheme is contended to destroy the appearance of the village and to destroy local wildlife habitats.
34. The proposals have generated much dissent from the village, with 50 objections from 22 households, mainly in the village, to the scheme as originally submitted. Many of these correspondents have added to or reconfirmed their objection to the revised proposals. In support of the application, 4 households and two businesses have written, and a petition of 250 signatures has been submitted, albeit as objectors point

out, these are from mainly outside the village (the village consisting less than 50 dwellings overall).

35. Objectors contend the pub is a landmark building representing the history of the village, with the pub representing the heart of the village as a community asset. The Development is described as ripping the heart from the village. An alternative use as a community meeting place is proposed. The pub is described as the only potential facility for the village and surrounding settlements. The NPPF requires planning decisions to guard against the unnecessary loss of valued facilities and services, particularly where it would reduce the community's ability to meet its day to day needs. Note is made that the Council supports the retention of existing community facilities including public houses in rural areas. Evidence that keeping the public house trading must be fully investigated, with the standard pro forma letter used by many objectors contending that any trading accounts submitted are unlikely to be truthful, and it is queried as to whether the pub has been properly marketed. Planning policies are quoted to reflect this argument. A critique of assessing the attractiveness of the pub as a commercial venture is presented of the potential business model operated by the current occupants. The distance to the nearest functioning public house is a dangerous walk of about a mile distance. An argument over Christmas lunch arrangements at the pub and banning patrons are mentioned.
36. The pro forma argues that the site is within the village boundary, exception is taken to the term 'former public house'. It is argued that if the existing building has been subject to movement, then any proposed dwellings will be built on an unsafe site, asking that an independent survey be carried out on the safety of the site. The proposals are contended 'overdevelopment', and inappropriate in scale, character, materials and vernacular to the existing settlement. The adjacent dwellings will lose privacy and amenity from the development, being overshadowed and losing established views. The proposed access onto a 40mph roadway is noted, along with an objection by the applicants to a barn conversion on this issue in the past. The agent's qualifications are questioned. The car parking is contended to have a significant visual impact on the environment. The lack of current public transport links is raised in relation to the paucity of local facilities, with a worry of increase in Council Tax if school buses are needed to service the site.
37. One resident states that the local authority has given assurances that no further housing would be allowed in the village due to unsatisfactory sewage disposal arrangements, with this issue being raised in a number of letters. Another objects to loss of green belt. The development is contended to increase the number of houses and the population of the village by nearly 50%.
38. Detailed references of defunct local and national policies are extensively referred to in many of the letters. These are not summarised in detail, although the topic areas are summarised above. Likewise, where objectors have made reference to concerns relating to the summer houses – since deleted from the scheme, these have been omitted, but are of course available for full inspection at request on the application file.
39. Letters indicated a divide within the community on the proposals.
40. The consultation response to the revised scheme indicates objectors have not modified their stance. Some have picked up and repeated Conservation Officers views asking for additional information on the significance of the heritage asset, and the lack of over-riding public benefit to the proposed demolition. It is contended the applicants should have discussed their options for the site with the villagers.

41. Supporters contend the development would provide housing attractive to potential workers in the area, that it would improve the appearance of the village, noting that the public house has traditionally lacked support in the village. A polarisation of groups within the village is discussed.

#### **APPLICANTS STATEMENT:**

42. The applicant's agents have provided a statement reflecting the progress of the application, detailing elements of the redesign and reflecting on the issues raised and the responses to the consultation exercise.
43. Engagement with County Highways Officers, with amendment to the site access visibility splay has achieved agreement and overcome initial concerns on highways grounds. Acknowledging the existing building is potentially of some historic interest, with construction dating back to 1860, the features of note have been detailed, but details of the social contribution of the building are less obvious. The building has no statutory protective designation. Acknowledged as within the Area of High Landscape Value, the effect on the trees, now surveyed in detail could be conditioned – the scheme has been well designed and would not unduly impact on the character of the village, with the site reduced in size and the originally proposed summer huts omitted from the scheme to reduce potential conflict with the designation.
44. That the Policy comments start from the standpoint that the public house is not part of the settlement of Holmside is countered, the agents having formed a different opinion on the basis that it is set within dwellings, and is 'the village pub'. This is further reflected by the positioning of the County Council village sign and Highway's restrictive speed signs. The site is contended a brownfield windfall site within the village, and with the dearth of housing delivery in England – at its lowest rate since the 1920's – development sites such as this are considered essential to 'get the economy moving again'. In terms of sustainability issues on the site, the usual standard condition to ensure the energy efficiency of the scheme is accepted as a given. The submitted ecology and arboricultural information meet the requirements of County Ecologists, subject to a standard informative, and the omission of the summer huts from the scheme distance the development from the trees now shown in additional detail as requested by the planning officer. The reduced effect of the scheme on the nearby footpath is also referenced. Northumbrian Water are noted as having offered no objection to the detailed drainage proposals contained in either the original or reduced schemes. As an additional justification for the scheme the applicants have agreed to enter into a formal agreement to provide an affordable unit on the site, despite the scheme being below the threshold where this is a requirement to add to the scheme's sustainability credentials. Whilst there is no requirement for play space given the size of the site, a large area of open space is available.
45. A critique of the objection letters is provided contending an organised campaign against the proposals is evident. The objection to the loss of the pub as a community facility and contention that the business has been actively mismanaged against the potential viability of the establishment are refuted. A national backdrop of pub closures and failures is set against a contended lack of support from the village. A number of specific factors, national and local are offered for the failure of a business that provided the sole income for the applicants, who have invested considerable reserves in trying to support it. The suggested alternative community uses offered by objectors are non-commercial and not the responsibility of the applicants.

46. Confusion over whether the premises are a part of the village or not is noted. Privacy distances to the adjacent dwelling are exceeded.

*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 Chester-le-Street Civic Centre.*

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## **PLANNING CONSIDERATIONS AND ASSESSMENT**

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47. Having regard to the requirements of Section 38(6) of the Planning and Compulsory Purchase Act 2004 the relevant Development Plan policies, relevant guidance and all other material planning considerations, including representations received, it is considered that the main planning issues in this instance relate ultimately to whether the scheme represents sustainable development. This term encompasses the principle of development in terms of the location of the development, as much as sustainable energy technologies in addition to the loss of a community facility and the protected status of the adjacent land. Other issues include highway safety, drainage and ecology.
48. The Planning Act requires that planning applications must be determined in the first place in accordance with adopted policies in a development plan, against the backdrop of national policy advice. The policy context against which the application must be considered is at a difficult point, adopted planning policies being at a hiatus between the existing District local plans, and the slowly emerging County Plan. The latter document is not at a stage where it can be given any real degree of material 'weight' in determining planning applications. The existing District Local Plans policies weight will depend upon the degree of consistency with the NPPF. The greater the consistency with the NPPF the greater the weight that can be attributed to them. If a policy is absent, or conflicts with the NPPF, determination reverts back to the advice in the NPPF. Unfortunately in that respect that document is both lacking in detail and is heavily weighted towards advice on plan preparation rather than decision making. It is then advised that where a development plan is absent, silent or relevant policies are out-of-date this requires making a decision assessed against the Policies in the Planning Framework when taken as a whole. This ultimately leads back to a basic presumption in favour of 'sustainable' development, the three strands of this being defined in the introduction to the Framework and a requirement to proactively support sustainable economic development to deliver homes, business and industry.

### Principle of Development

49. The Council have planning policies to address the various types of housing development it is asked to assess. Of the 23 'housing' chapter policies adopted in 1997, nine were 'saved' when the local plan was reviewed in 2009. Policy HO5 allows for development of small sites in a list of identified villages, subject to a number of criteria, reflecting the existing pattern of the settlement and the size of the site. Holmside is not one of the listed settlements. Other policies refer to specified settlements, subdivision of existing buildings, conversions and extensions. Other than HO5 the local plan therefore has no directly relevant policies to consider the principle of housing development on this site in particular.
50. It could be argued that the underpinnings of Policy HO5, in seeking to target development on small sites, sought in identifying villages where development was considered appropriate was a forerunner, and comparable, with identifying sustainable settlements for development, and that that policy has a degree of compliance with the NPPF. In not being included on the list of settlements where development on small



sites was considered appropriate an interpretation could be made that the settlement may not be a sustainable location for development.

51. In the emerging local plan a hierarchy of settlements is identified, aimed at concentrating development proposals to the larger settlements where facilities are available, or in other words, where settlements are considered sustainable and self sustaining, having access to shops, post offices, pubs and the like either within their bounds, or at least including access to public transport to access nearby settlements in adjacent settlements. In line with the NPPF, proving sustainability will be a key determinant included within the emerging development plan policies.
52. Sustainability has many dimensions and is the 'golden thread' that runs through all the advice in the Planning Framework, is required to run through all the new policies in the emerging local plan, and is the test against which all existing policies are compared to determine the degree of weight they should be accorded. Whilst obvious elements of sustainable development include the solar panels, ground source heat pumps and wind turbines that are an obvious visual representation of the approach, other elements can include easy access to public transport and cycle routes, minimising effects on the natural environment, providing land for housing supply in places requiring economic growth and ensuring local services reflect local communities' needs.
53. At present all goods and services required by villagers will necessitate car journeys – the three bus stops in the village, two directly outside the Wardles Bridge and one 50 m towards the crossroads are not serviced. The nearest pub is less than a mile from the proposed development site, 0.64 miles from the village centre. The nearest store – the post office at Edmondsley is 1.3 miles from the village road junction. The nearest major food-store is the large supermarket at Stanley, where the commercial centre has a large range of goods and services available, servicing many of the surrounding small settlements. Whilst of a similar relationship to local services to surrounding settlements, Holmside cannot be considered a sustainable development location.
54. A basic and relevant assessment has also to be made as to whether the site is isolated within the countryside, or within the village. Advice from Spatial Planning Officers, as noted above has been offered on the basis that the site is within the countryside. The majority of correspondents seem to agree that the inn is within the village 'envelope'. Holmside does not have a defined village envelope or 'settlement boundary' on the Local Plan Proposals Map so this is a matter of interpretation. The Case Officer is of the opinion that, as described in the introduction to this report, the loose group of buildings within which the inn sits is part of the extended village. To this end, policies in the 'environment' chapter of the current Local Plan, designed to restrict development on open countryside locations, restricting such to special justifications relating to countryside employment uses, are likewise not considered relevant, and in effect the development plan is again silent.
55. Overarching the local plan policy, this matter of principle reverts back to the Planning Framework. The housing advice begins with the statement that to significantly boost the supply of housing local authorities must use their evidence base to ensure their local plan meets the full, objectively assessed needs for the housing market and affordable housing in the housing market area, identifying 5 years worth of housing (+ a 5% buffer) in their area – reviewed annually. This requirement is in the process of being addressed in the new Local Plan, but is not yet in place, exposing any refusal of housing schemes to challenge on this basis. Members will be aware from the media that the supply of new housing is a key aim of government's requirement of the planning process – this reflected in appeal decisions where supply of housing land has often been seen as of determining weight in Planning Inspectorate decisions.

56. The Framework suggests that to promote sustainable development in rural areas housing should be located where it will enhance or maintain the vitality of rural communities. In qualifying this it is pertinent to note that in relation to smaller settlements, it is advised that housing development in one village may support services in a nearby village. This ties back into the definitions of 'sustainable' development set out in the introduction to the Planning Framework, the three strand of which are; economic – ensuring land of the right type is available in the right place, social – supporting communities by providing a supply of housing land, and environmental – contributing to the natural built and historic landscape whilst mitigating and adapting to climate change.
57. That the build process and subsequent energy supply will be 'sustainable' is taken as a given, a standard condition requiring that the sustainable energy elements proposal proposed by the scheme and required by the building regulations process. In a countryside location there is a reasonable expectation of having to potentially travel further for goods and services and that such access may be less convenient than in urban areas. This approach is also acknowledged for example in a document offered by objectors; CAMRA's 'public house viability test – advice for planners', with existence of pubs in urban areas being defined as competition within walking distance, whereas in rural areas competition is defined and assessed within a one and five mile radius.
58. Whilst this element of the sustainability credentials of the scheme are therefore comparable with what could be expected in a small rural village, it must lead to the conclusion that at the current point in time, the village is not a sustainable location for new development – all residents are reliant on non sustainable transport methods – i.e. the private motor car, for the majority of day to day requirements for goods and services.

#### Community facility

59. In being required – in the absence of local policy – to assess the sustainability of the scheme against the overall requirements of the framework, another important dimension to the proposals is the role of the pub as a community focal point. Since its take over, and up until its closure in 2009, the relationship of the pub and the community deteriorated apparently quickly to the point where the business was unviable and the community was left without a facility, as evidenced by the submitted accounts. It appears from the agent that some of the difficulties may have predated the current occupants, with a case also made that the global trading environment for drinking establishments – particularly remote ones - is as much to blame for the business' failure as locals' antipathy to the landlords and their operation. The applicants provided an additional 'Financial Status Statement' during the course of the application, in response to criticism of a lack of such in the initial documentation, which includes a summary of the independently audited accounts for the business, as taken over by the applicants in 2002. A series of trading losses and minimal net profits, in hundreds of pounds cover the time until the establishment closed in 2009, with the business closed, admitted unviable. These accounts are personal information, provided to the Council to assist in the application's assessment, and have been given restricted access on the file. This has however led to suspicion and criticism in the response to the re-consultation exercise carried out during the application process.
60. Again, there is an absence of policies within the District Local Plan on this matter. Relevant plan policies were deleted at a time when the government sought to reduce conflict with the then national policies – the Planning Policy Statements (PPS) – by

requiring Local Planning Authorities to remove policies at a local level that duplicated national ones. With a change of Government and a different approach to planning, the detailed national policies were replaced with the vastly reduced National Planning Policy Framework, requiring focus on Local Plan policies, many of which had of course been previously deleted. Objectors extensively quote from the now redundant Planning Policy Statement 7, which is now not relevant. The NPPF does however have a section 'promoting healthy communities', which includes that planning decisions should guard against the unnecessary loss of valued community facilities and services, particularly where this would reduce the community's ability to meet its day-to-day need. In its current ownership it appears the pub has not been used as a community facility for some time.

61. While the loss of a rural community facility forming an important local service is regrettable refusal of the application on this basis could not be justified given the lack of relevant planning policies, and to a degree, the history of the loss of the business.

#### Heritage asset

62. Members will note objection from Conservation Officers, including a criticism of the information available. The application was submitted without a 'heritage statement', required where historic buildings are considered. As the applicants point out, The Wardles Bridge has no formal or statutory status as a historic building, nor is it in a Conservation Area. The building is what is termed a 'non-designated heritage asset', or a building of potentially historic interest where a judgement can be made on the need for a 'heritage statement'. Where one is submitted, the level of detail should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance. The applicants have however provided such when the scheme was redesigned during the application process. Within an overview of the history of the village and its name, dating to 1183, an inn was present on the site by the 1850, although this was not the current building. Both the traditional elements of the building and the modern additions are described in the statement, and a photographic record has been provided.
63. There is no suggestion from Conservation Officers that the building is of a quality or historical association suitable for listing. Neither is there an argument from the applicants that the building represents a tangible association with the history of the village. Again, unfortunately the existing local plan is silent, demolition of non-listed buildings only controlled in Conservation Areas, as the concept of 'heritage assets' post-dates the plan.
64. In determining planning applications, local planning authorities should take account of the following; the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation, the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality, and the desirability of new development making a positive contribution to local character and distinctiveness. Where a proposed development will lead to substantial harm to or total loss of significance of a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss, or all of the following apply: the nature of the heritage asset prevents all reasonable uses of the site and no viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation, and 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.

65. A structural survey has been provided by the applicant that concludes that the original parts of the property have been subject to progressive foundation movement, however this has been alleviated by the modern extensions. Whilst the historic structure can be argued to have structural issues, the overall structure is sound, but may deteriorate if underlying issues of surface run-off from the adjacent highway are not addressed. Objectors contend the issues that have led to these problems preclude new development on the site. Concerns from objectors to the stability of the site relate not to the drainage issues alleged to have undermined the existing structure, but to shallow informal mine-workings that may be on or nearby the site. This potential is countered further on in the report, and any development on the site would have to meet full building regulation standards. There should be no intrinsic problems that would prevent a stable new development.
66. The applicants have supplied a statement from a specialist estate agent for public houses and licenced premises that sold the Wardle's Bridge to the current owners in 2002, and was instructed to offer the pub for sale in 2011. They state 'due to adverse market conditions within the licenced trade and in general, both at the time of instruction, and to date, no sale has been achieved. These conditions, which have had a dramatic effect since 2007/8 continue, and will do so for some time to come'.
67. It is considered that the proposed development could provide housing land, and of especial weight, that that development includes an element of affordable housing. In terms of this issue alone and notwithstanding sustainability arguments, officers consider the substantial public benefit of a housing development with an affordable element to outweigh the harm of the demolition of the current building.

#### Scale character and residential amenity

68. Ten dwellings are proposed in a 'U' shaped form, six of which would be arranged across the front of the site in a terraced form. Elevational treatment has been revised to incorporate vertically proportioned openings with traditional heads and cills, appropriate to the local vernacular. Windows would be timber sliding sash, and doors timber features. A mix of natural stone and rendered elevations, with tile and slate roofs edged with water-tabling, and feature quoins and roof kneelers and chimneys would achieve an attractive, appropriately historically referenced design. The terrace would 'fall' with the road it fronts, and likewise step down with the slope to the rear towards the burn. It is considered that the form of development – a stand-alone terrace either detached or on the periphery of a village is a feature in the local area, the nearest settlements to the north and west being of similar form. To this end, in terms of character the development could be considered acceptable in terms of both the locale and the Area of High Landscape Value designation – local plan policy EN6.
69. There is one immediately adjacent neighbour to the development – Oak Cottage – a successful guest house and residential dwelling, set a slight angle to the site. That property has terraced upper gardens and patio, well screened, leading to lower gardens which are used as a wildlife area for guest's enjoyment. Plots 9 and 10 are adjacent these gardens. Plot 10 has been arranged to face down the slope, parallel to the boundary, with only the side access door to the utility room facing the boundary – the garden and all windows of that dwelling face away from the neighbour. In plot 9, the main lounge and two of the three bedroom windows have been placed on the other side of the building – the windows facing the neighbour across a garden 10m in length consisting kitchen and utility windows at the ground floor, and a bedroom and (obscure glazed) window on the first floor. These are considered acceptable relationships, meeting the Council's usual guidelines of 21m for directly facing living room windows,

and 13m window to gable, which are used to inform assessment of the impact on residential amenity required by policy GDP1. There are no other direct residential relationships to consider, with the relative relationships of the dwellings proposed within the scheme acceptable. Given the terraced nature of the scheme a condition to remove permitted development rights would be required in the event of an approval – not necessarily to prevent extensions, but to give the Council control over them so they do not undermine reasonable residential expectations of amenity.

70. The scheme is considered acceptable in terms of issues of scale and character, and of the immediate effects there would be on adjacent and nearby residents and their businesses.

## Highways

71. Following objection to the scheme as originally submitted, revisions to provide a footway along the front of the site have satisfied County Highways Engineers. Any approval would have this footway conditioned, along with the removal of permitted development rights to allow openings to be formed in the front boundary wall of the development that could tempt delivery drivers and visitors to stop on the main road in front of the development instead of using the off-road car parking available to the side and rear of the scheme. With the acceptance of the County Engineer, the scheme is considered compliant with Policy TR2 of the local plan, and a refusal on highways grounds unsustainable.

## Wildlife

72. The County Ecologist has inspected the submitted Ecology report assessing the potential for the scheme to detrimentally affect species protected by law, recommending that a standard 'informative' be attached to any approval. The local plan has no relevant policy for this subject area, and the requirements of the planning framework are not considered compromised on the basis of the Ecologist's response.

## Drainage

73. Northumbrian Water confirmed they have no objection to the proposals to either the originally submitted scheme or the amended proposals.

## Other issues

74. Where small villages such as Holmside have traditionally had restricted and constrained development opportunities for housing opportunities for affordable housing are obviously restricted. Whilst the 'sustainability credentials' of the location of the site and the village are discussed above, the application does offer an affordable housing unit that would give low cost housing of a type to be agreed within a village where such would not usually be available. This element of the scheme, which is of a size where affordable development is not a requirement, is considered a significant sustainable positive element of the proposals. In the event that the application were to be approved a section 106 agreement would be required to secure the affordable unit.
75. Following criticism on a lack of information on the impact on trees, a full Arboricultural Impact Assessment has been submitted showing the principle trees on the edge of the site adjacent the burn should not be affected. Details of a full tree protection scheme and mitigation strategy would be conditioned in the case of an approval along with a

requirement for additional planting to mitigate the potential loss of smaller trees in one group adjacent the vehicular access retaining wall. These measures are considered to meet the requirements of policy EN11 (trees and development) and further ensure the effect on the woodland to the rear, protected within the Area of High Landscape Value is respected (policy EN6).

76. Many objectors contend that the social make-up of the village would be upset by the number and type of people who would live in the development, with reference made to disturbance from the development of 2no. holiday chalets at the nearby North East Autistic Society facility. Officers do not consider the influx of new people into the existing village a negative in planning terms.
77. The basic proposed levels on the site have been provided and appear acceptable, with the removal of the previously proposed summer huts reducing the formal footprint of the development, also reducing the relationship to the burn and woodland to the rear. It is critical however that the detail of the proposed levels and retaining structures are formally agree – a condition is proposed to ensure such.

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## **CONCLUSION**

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78. As discussed above, in lieu of the usual local plan policies that would be expected to assist in the consideration and determination of the application, much of the assessment of these proposals revert to broad assessment against the broad intent of the National Planning Policy Framework.
79. Whilst Conservation Officers contend supporting information has not been provided to allow assessment of the significance of the existing building, the applicant contends that the information available is slight. The building is an attractive representation of part of the history of the village, built one that of late the village appears to have abandoned as a social focal point. Against a national backdrop of struggling public houses, particularly in rural locations the business has become wholly unviable, and has not achieved a buyer when offered for sale. The structural issues with the main building will not have helped this attempted reuse, albeit do not justify demolition in their own right. The effect on the landscape setting is a judgement, officers considering the scheme attractive in its own right, and an appropriate form of development to the locale.
80. That the inn has not been a viable community facility for some time is accepted, both in terms of the specifics of the operation and its relationship to parts of the community, and in the context of the viability of such businesses nationally.
81. With another public house available within a short distance, and facilities within comparable distance to other similar settlements the proposals are considered in no less sustainable a location than surrounding villages. The framework sets sustainable housing delivery as a key driver of economic recovery, and the proposed affordable element of the proposals is considered to provide a sustainability justification for the scheme. The affordable unit proposed provided within the scheme, counts in favour towards in what is considered an attractive and appropriately designed development for the site, its landscape setting and the village as a whole. Unfortunately, despite the many elements of the scheme the applicant has worked hard to address, officers are concerned that with the absence of facilities within the village, and with no access to public transport, the location cannot be defined as sustainable, and in the absence of this ultimately critical element of the requirements of the NPPF, the scheme cannot be supported.

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## **RECOMMENDATION**

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That the application be **REFUSED** for the following reason -

82. The proposed development site and the surrounding village are not considered a sustainable location for new residential development as required by the National Planning Policy Framework and Policy HO5 of the Derwentside District Local Plan 1997 (saved 2009).

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## **STATEMENT OF PROACTIVE ENGAGEMENT**

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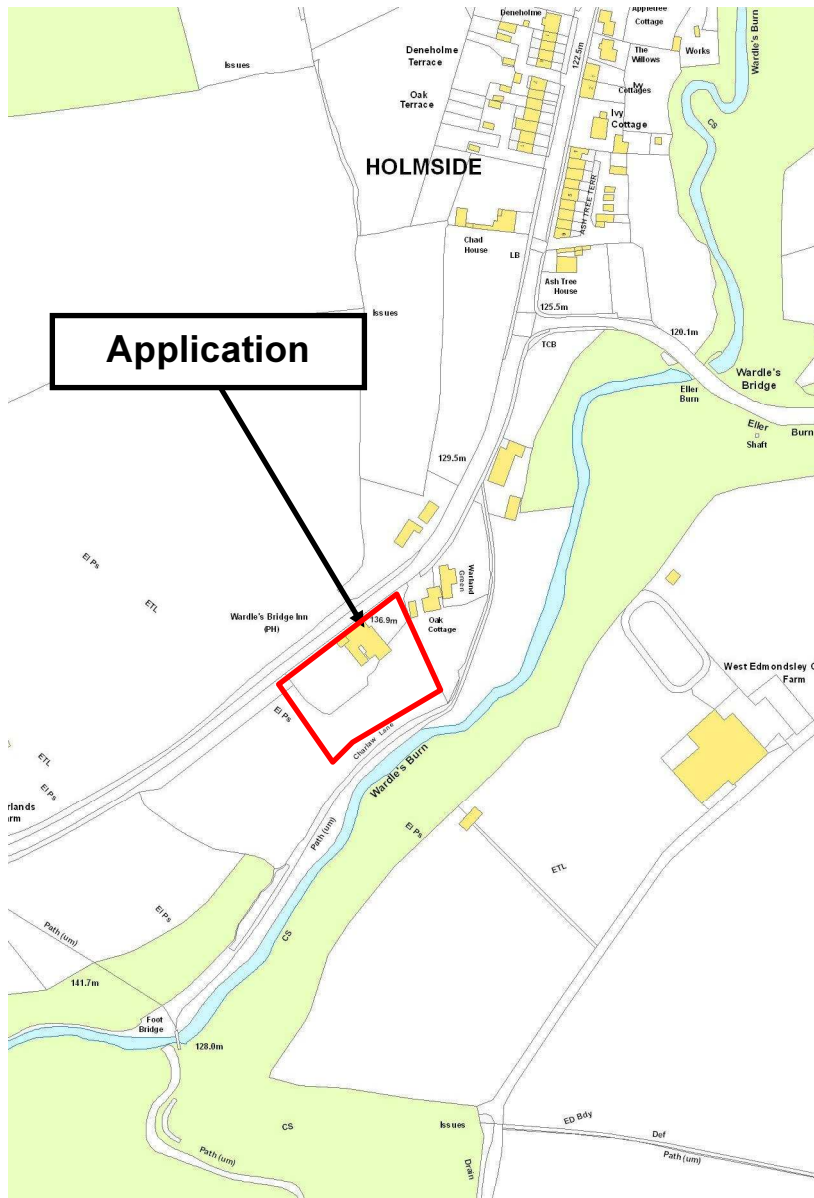
83. The Local Planning Authority in arriving at the recommendation to refuse the application has sought to actively engage as appropriate with the applicant to secure a positive outcome in accordance with the NPPF in discussing the shortcomings of the previously withdrawn scheme and the validation requirements of the site, identifying those elements of the proposals which could be agreed, and in giving the applicants the best chance of an approval.

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## **BACKGROUND PAPERS**

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Submitted forms and plans  
Design & Access Statement Mar. 2013-06-14  
Supplementary Planning & Sustainability Statement Mar. 2013  
Various consultation responses



**Planning Services**

Demolition of existing redundant public house and erection of 10 No. terraced dwellings with summer huts at Wardles Bridge Inn, Holmside  
Application Number 1/2012/0062/DMPF

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**Comments**

**Date** June 2013

**Scale** 1:1250





## Planning Services

# COMMITTEE REPORT

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### APPLICATION DETAILS

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<b>APPLICATION NO:</b>	2/13/00068/FUL
<b>FULL APPLICATION DESCRIPTION:</b>	Upgrade of sports pitch to a full sized hockey pitch with synthetic grass with associated perimeter fencing, floodlighting and equipment
<b>NAME OF APPLICANT:</b>	The Hermitage Academy
<b>ADDRESS:</b>	Hermitage School, Waldrige Lane, Waldrige, Chester-le-Street, Durham, DH2 3AD
<b>ELECTORAL DIVISION:</b>	Chester West
<b>CASE OFFICER:</b>	Louisa Ollivere Planning Officer 0191 387 2009 <a href="mailto:louisa.ollivere@durham.gov.uk">louisa.ollivere@durham.gov.uk</a>

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### DESCRIPTION OF THE SITE AND PROPOSALS

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#### The Site

1. The application site is a rectangular surfaced sports pitch that lies within the curtilage of and to the east of Hermitage Academy. The Academy is situated to the North of Waldrige Road, Chester-le-Street. To the south of the site are the residential property boundaries of Waldrige Road (46m distant) and to the east of the site are residential property boundaries of Yetholm Avenue (51m distant). The complex of buildings for the Hermitage School lies to the West. To the north of the site is the college sports field. The site itself is fairly flat but is on higher land than the land to the north, south and east. There are no planning designations associated with the site.

#### The Proposal

2. Full planning permission is sought for the upgrading and refurbishment of a 101m by 63m section of the existing redgra sports pitch. This would involve the remodelling of the existing ground topography and the resurfacing of the pitch with an International Hockey Federation compliant synthetic turf pitch. Surrounding the perimeter of the pitch would be 3m high green wire mesh fencing above a timber kickboard. Four floodlights are being proposed adjacent to the perimeter fencing

along the northern and southern boundary of the pitch. Each metal floodlight would be situated on a 13m high static steel column. The facility would have a full compliment of access gates around the pitch footprint to allow access and egress and a new macadam path/standing area running along the length of the pitch. Banking and mounds would also be formed around the perimeter of the pitch no greater than 0.6m in height in order to marry the pitch in to the surrounding ground.

3. The application has been advanced by the Academy on the basis that the existing sports pitch is unsuitable for most of the year and the Hermitage requires an all weather sports pitch to meet the aims of providing the current requirements of Physical Education and Sport to its pupils. It is intended that the pitch will be multi activity and will support a variety of sporting uses ranging from hockey, football, tennis, netball and ball games and athletics. The intention is to also offer the use of the pitch to the external community and coaching groups during weekends and evenings. It is therefore proposed that the usage would be between 08.30 to 21.00 Monday to Friday and 09.00 to 17.00 Saturdays, Sundays and Bank Holidays.

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## **PLANNING HISTORY**

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4. Planning Permission was granted for an extension to the sports hall in 2005.

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## **PLANNING POLICY**

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### **NATIONAL POLICY**

#### **NATIONAL PLANNING FRAMEWORK**

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. The NPPF outlines in paragraph 19 that significant weight should be placed on the need to support economic growth through the planning system. Paragraph 6 of the NPPF sets out that the purpose of the planning system is to contribute to the achievement of sustainable development. Paragraph 7 goes on to set out the three dimensions to sustainable development: economic, social and environmental. The economic role is to contribute to building a strong, responsive and competitive economy, by ensuring that sufficient land of the right type is available in the right places and at the right time to support growth and innovation; and by identifying and coordinating development requirements, including the provision of infrastructure.
8. *NPPF Part 1 – Building a Strong, Competitive Economy* – reinforces the Government’s commitment to securing economic growth to create jobs and prosperity, ensuring the planning system supports this aim – ‘significant weight’ is to be placed on this aim. Planning policies should seek to address potential barriers to investment, setting out clear economic vision and strategy which proactively encourages sustainable economic growth, identifies sites and inward investment, and identifies priority areas for economic regeneration. There is no specific advice on decision making.
9. *NPPF 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. Planning policies and decisions must aim to ensure developments; function well and add to the overall quality of an area over the lifetime of the development, establish a strong sense of place, create and sustain an appropriate mix of uses, respond to local character and history, create safe and accessible environments and be visually attractive.
10. *NPPF Part 8 – Promoting Healthy Communities*- Recognises the part the planning system can play in facilitating social interaction and creating healthy and inclusive communities. This includes accessible developments and active street frontages, and the development and modernisation of shops, facilities and services.
11. *NPPF Part 11 – Conserving and Enhancing the Natural Environment*-. The planning system should contribute to, and enhance the natural environment by; protecting and enhancing valued landscapes, recognizing the benefits of ecosystem services, minimising impacts on biodiversity and providing net gains in biodiversity where possible, preventing new and existing development being put at risk from unacceptable levels of soil, air, water or noise pollution or land instability, and remediating contaminated and unstable land.

**LOCAL PLAN POLICY:**

## **Chester-le-Street Local Plan (CLSLP) (2003)**

12. *Policy RL1 – Sport and Leisure Opportunities: General-* The area aims to achieve high standards in sport and leisure by protecting existing leisure facilities, open spaces and rights of way, supporting improvements to and the creation of such facilities providing that there be no damage to the character and appearance of the locality or the amenity of neighbouring land uses and that compliance with other Local Plan Policy is achieved.
13. *Policy RL3 – Protection of Outdoor Recreational and Sporting Facilities-* Development that results in the loss of recreational land and sporting facilities will not be allowed unless it is for improved facilities on the land, alternative provision is made of equal or higher standard or where there is an excess of such facilities.
14. *Policy T15 – Access and Safety consideration in design –* Developments are required to have safe accesses to road network, to not create excessive levels of traffic, to have good links to public transport, to have consideration to other road users and provision for access for service and emergency vehicles.

*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://www.durham.gov.uk/Pages/Service.aspx?ServiceId=494>*

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## **CONSULTATION AND PUBLICITY RESPONSES**

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### **STATUTORY RESPONSES:**

15. Highways Authority – The Officer notes that this is not a new development but an upgrade to existing facilities and does not consider that the use of the facilities during school hours would result in any significant change in traffic at these times. In terms of the community usage the Officer considers the existing car parking provision is acceptable to also serve the community. Given the size of the facilities the Officer considers it unlikely that any external/community use would be significantly less than the level of traffic generated by the school however he considers that the existing highways are adequate and that any traffic associated with the community use would occur off-peak. Therefore the Officer considers the proposal to be acceptable in highway terms and that a traffic assessment is unnecessary.
16. Sport England – Does not wish to raise an objection to this application, subject to conditions being attached relating to the submission of and agreement of a community use agreement prior the site being brought into use.

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

17. Environmental Health- Has assessed the proposal for the environmental impacts in terms of light pollution and has no adverse comments to make provided any measures detailed in the application documents are implemented as stated. In terms of noise the Officer has no objection and notes that the playing surface is sited on an area which is already in use as a playing field, so, whilst the proposed hours of operation may be different the Officer considers that the nature and extent of any noise being received by the nearest residents would be, essentially, the same. The Officer does not consider the hours of operation being proposed to be unreasonable and makes reference to the times being similar to the times the Environmental Health Department have recommended to be adopted in similar developments in other parts of the County. In terms of complaints from the current site the Officer details only one about the use of the playing field which related to spectators and parents attending sports events on the site. However the Officer notes that the School Management have adopted a strict policy of controlling potential noise from spectators and that breaches of which can result in teams playing on the pitch being refused future access if they cause any disturbance. This is considered by the Officer to be both reasonable and practicable and the Officer considers that this affords any local resident who is concerned about noise from the playing field a ready means of reporting any problems to the school and anticipating a positive outcome. The Officer advises however that these comments provided only relate to the potential of the development to cause a statutory nuisance and that the Planning Authority needs to consider whether there is a loss of amenity.
18. Drainage Team – Have not commented to date
19. Ecology Team- Have no comments.

#### **PUBLIC RESPONSES:**

20. The application was advertised through the siting of a public notice adjacent the site and letters were sent to neighbouring residents. Seven letters of objection have been received from 8 local residents and ten letters of support have been received from 11 local residents.

The seven letter of objection are summarised as follows:

- The development would result in harm to privacy.
- The development would lead to disturbance in the evenings from noise and light.
- Foul language and Anti-Social behaviour may be caused from the out of school hours usage.
- The existing pitch has never been heavily used.

- The gap between the proposed fencing and fence line of the rear gardens would result in a 'no mans land' of litter and misbehaviour.
- The lighting supports are obtrusive.
- The lighting itself would be intrusive.
- Concerns over drainage as nearby properties have been flooded following the raising of the eastern section of the field to facilitate the running track and concerns that the new formation could create similar problems.
- Lapwings nest on the field so the development would result in a loss of a breeding ground.
- The site is only a few feet away from properties.
- The school grounds are raised and already allow clear view into properties.
- The Code of conduct would be unlikely to be enforced given that it will be used by community who are out of the control or disciplinary scope of the school.
- It will increase the likelihood of people taking a short cut across the school fence into amenities and increase the likelihood of damage to neighbouring fencing and trespass into residential properties.
- The proposal will damage residential property values.
- Current uninterrupted views from rear of residential properties would be harmed.
- Lack of details of management or supervision.
- There has been no canvassing of local opinion as to the need for such a development.
- There are other facilities within the Town Centre that cater adequately for these sports.
- The landscaping bund surrounding the pitch will allow persons more of a view into gardens and rooms which will affect privacy.
- The proposal is purely a money making venture for the school.
- The facility will have a harmful visual impact on the area.
- There is a lack of parking to serve the facility.
- The development would adversely affect the privacy of first floor windows to the rear of Yetholm Avenue.
- The development should only be approved on condition that it is used within school hours.
- In creating a floodlit facility the level of activity at this part of the school site will clearly intensify and the type of activities carried out will alter, this will result in increased noise levels and the duration of noise.
- PPG24 'Planning and Noise' states that in assessing such proposals, the frequency of the noise and how disturbing it will be must be taken into account.
- Regard must be had to saved Local Plan Policies which seek to control potentially noise generating uses in the vicinity of noise sensitive developments.

- The ambient noise level is approx 30 Db(a) and the background noise levels are below those encountered near the other school MUGA where the noise levels of 50+ Db(a) tend to be present.
- WHO guidelines states that to protect the majority of people from being seriously annoyed during daytime and evening the noise should not exceed 50db(a).
- Summer evening and weekend use of the MUGA remain the period it is most likely to lead to noise disturbance and it is considered that the siting of the MUGA is unsuitable on noise grounds and it is likely that 15 Waldrige Road could experience some increase in noise if the application were approved.
- The application is contrary to Chester-le-Street District Local Plan Saved Local Plan RL1 on amenity.
- The Lux levels shown on the drawing are challenged and the light impact is underestimated. Light Spillage from a MUGA is typically 3 lux from 8m high columns. This would illuminate the garden of 15 Waldrige Road. This is exacerbated by the proposed hours of use to later times on darker nights. Para 19 of PPG17 Planning for Open Space and Recreation states that in considering applications for floodlighting local authorities should ensure that local amenity is protected. PPS23 also seeks to limit the impact of light pollution.
- These nuisances would increase just at the time when residents wish to enjoy their gardens such as weekends, bank holidays and summer evenings.
- PPG17 requires developers to consult the local community and demonstrate their proposals have wider support. Clearly these do not.
- Residents have not seen a Traffic Assessment in order to assess the parking and vehicle movements based on the number of teams using the pitch.
- MUGAs are multi use and a similar facility at the Riverside is in use for football and creates shouting and the use of obscenities by players and supporters not consistent with a residential area.
- This will create fear of crime.
- There is no evidence of need.
- There is no evidence of suitability submitted for commercial use. A sequential test should be submitted.
- Disturbance from the use of the car park at the rear of properties until late at night.
- Indirect light pollution carries a significant distance.
- Floodlight stanchions and fencing would be an eyesore.
- This is a residential area and thus an entirely different location to the facility currently in use at Riverside.
- The proposed site is only 10 yards from the rear of people's homes.
- The all weather pitch is above the level of some of the houses of Waldrige Road and all the affected houses in Yetholm Avenue, thus increasing the level of intrusion.

The ten letters of support of the application are summarised as follows:

- The proposal will be of benefit to the children who attend the Hermitage and the local community.
- This development will strengthen opportunities for boys and girls in the District as well as in the longer term providing the resources to create a new Hockey Club for the town.
- The new pitch is much needed following the loss of two hockey playing surfaces in the town and County.
- Lights are essential to allow weekend afternoon games to take place in the darker winter months and to allow mid week training in the winter evenings.
- The proposal is on the site of an existing pitch.
- The facility will allow the EHB Single System Coaching strategy to flourish in Chester-le-Street.
- This will provide much needed astro pitch for the Waldrige area and be a great addition to the school.
- For an Academy of this size the current area of sports facilities available for use in the dark or during inclement weather is minimal.
- The Sports Hall is rarely available for Clubs that need to be indoors, often booked by organisations that would be better serviced by a bigger outdoor all-weather surface.
- The current pitch is unusable and undesirable.
- A state of the art synthetic pitch, equal or better to those provided as 'standard' in other European Countries and the USA is no less than our children and the local community deserve.
- The availability of suitable, all weather pitches in the Chester-le-Street area is very limited and demand invariably outstrips supply.
- There is currently a backlog of football matches that could be prevented.
- At the moment people from Chester-le-Street are having to travel to Soccarena near Durham City for games.
- The current area is an eyesore.
- The existing sports hall is an excellent facility but has limited size and is always well booked up.
- This is a worthwhile project to the whole surrounding community.
- The facilities will be an excellent multi use facility for the school, local community and local sporting clubs who already have strong partnership arrangements with the school.
- The proposal will allow Hockey to become a new sport within the region which at present has a low profile.
- Overall if managed correctly it could reduce the anti social behaviour within the community.

#### **APPLICANTS STATEMENT:**

21. This redevelopment is of paramount importance to the Academy as they are currently using an out of date sports pitch that is unusable



during the majority of the year, as well as being commercially unattractive to prospective families and pupils. The Academy intends to use the facility for mainly internal Academy activities but, crucially, also wishes to make the high quality sports facility available for external affiliates and local community groups should lighting be permitted, thus promoting local partnerships and generally opening opportunities for the improvement of local wellbeing and healthy lifestyles.

22. We believe the standards we are designing against will ensure that the new pitch adds to the range of facilities in the area and will support the local requirement for additional facilities for hockey as noted in the local plans.

*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 Chester-le-Street*

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## **PLANNING CONSIDERATIONS AND ASSESSMENT**

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23. Having regard to the requirements of Section 38(6) of the Planning and Compulsory Purchase Act 2004, the relevant Development Plan policies, relevant guidance and all other material planning considerations, including representations received, it is considered that the main planning issues in this instance relate to the principle of developing the sports facility, the impacts upon neighbouring residential amenity, whether the design is appropriate and whether the proposal is acceptable in terms of visual amenity, local ecology, drainage and highways safety.

### Principle of Development

24. The NPPF is an important material consideration in the determination of this application. The NPPF requires Local Authorities to give great weight to the need to expand or alter existing schools. It seeks to facilitate social interaction and create healthy, inclusive communities. It also seeks to protect existing playing fields from development unless it would be replaced by equivalent or better provision. Chester-le-Street Local Plan Policies RL1 and RL3 generally support the creation of new or improved sporting facilities.
25. The Hermitage Academy currently has no acceptable standard 'all weather' sports pitch. This is affecting the quality of sporting provision it can support and offer. Such facilities are the standard expected by prospective parents and are essential in order to provide the current requirements of Physical Education and Sport for the pupils. Not only would the development improve existing facilities for pupils but it would also create a new sporting facility in the area for the local community and for hockey, football and rugby coaching groups during weekends and evenings. This development will be sustainable as this is an accessible site with good links to the Town Centre and it will negate the

need for the local community to travel out of the Chester-le-Street area for training. This proposal will promote local partnerships and generally open opportunities for the improvement of social wellbeing and healthy lifestyles.

26. Objectors have made reference to other facilities within the Town Centre that they consider cater adequately for these sports. Whilst there is one such facility at The Riverside Sports Complex, this does not have a hockey compliant pitch and it is understood from the letters of support to this proposal that the other pitches are heavily subscribed. There are two known Multi use game areas that are available for community use at schools in the Chester-le-Street area, however these are not centrally located and one is not suitable for Hockey. Furthermore Members should note that the main purpose of the MUGA is to serve the Academy with the community use element being an additional ancillary use.
27. Reference has been made by an objector to the need for the Local Planning Authority to apply a sequential test to this proposal. Section 2 of the NPPF requires Local Planning Authorities to apply a sequential test to planning applications for main town centre uses that are not in an existing centre and are not in accordance with an up to date local plan. This is of no relevance given the proposal would not be regarded as a 'main town centre use'. Nonetheless if the sequential test is applied to this proposal it is evident that the development cannot be sited in the Town Centre as its main purpose is to serve the Academy. The location of the Hermitage whilst not being in the Town Centre is an edge of centre location which is the next preferential area that such developments should be directed to and is easily accessible on foot or by public transport and is well connected to Chester-le-Street Town Centre. The location is therefore a suitable site for such a development in terms of the NPPF.
28. There is a clear need for this development in terms of the school curriculum and a local need in terms of the lack of available synthetic turf and Hockey pitches in the local area. It is noted that this facility in the main is for the school with the commercial benefits from the community usage being ancillary to its main purposes. As detailed above the proposed development cannot be accommodated elsewhere as it needs to be within the school grounds. Nonetheless it is noted that the school grounds are within the defined settlement boundary of Chester-le-Street therefore the use of this site for a sports facility for the school and the public would be in an area where such development would be encouraged.
29. Given the general compliance with the NPPF and the policies of the Local Plan it is considered that the development is acceptable in principle.

## Residential Amenity

30. Policy RL1 of the Chester-le-Street Local Plan requires new sporting facilities to not harm local amenity. In terms of this development the harm could be to residential privacy and resident's enjoyment of their properties and garden areas.
31. Lack of privacy is a significant concern for local residents. In terms of privacy it is noted that the proposal would have a slightly greater impact than the current use of the sports fields as it will involve a significant intensification of use in terms of the days and hours of use compared to the present. It should however be noted that the existing playing fields could be used more intensively than at present without the need for planning permission. The proposal would also entail works which would raise the ground level of the pitch between 0.3m and 0.6m. Although existing levels are higher than the neighbouring properties the increased height of the pitch is not considered to be significant. The site itself is some 46m distant from the rear garden boundaries of Waldrige Road and 51m to the rear of garden boundaries of Yetholm Avenue and the closest rear windows are some 66m away at Yetholm Avenue. Whilst it is recognised that spectators may stand closer than these distances being located outside of the fencing it is considered likely that spectators would stand close to the pitch and be watching the action on the pitch for the majority of the time. Furthermore consideration has been given to the fact that the existing school grounds extend right up to the rear garden boundaries and can currently be used for recreational purposes by the school children. It is therefore considered that the proposal would not be detrimental to neighbouring privacy.
32. Another amenity consideration is noise and disturbance from comings and goings to the site. Given that the existing site and its surroundings are used recreationally by pupils it is not considered that the use of the new development for the purposes of the school would have a significantly greater impact upon the neighbouring residents than currently experienced. However the proposed use of the site over the weekend and on weeknights will introduce a new period of noise and disturbance to the surrounding residential properties and neighbouring residents have raised this as a concern.
33. Section 11 of the NPPF requires Local Authorities to avoid making decisions where development would result in noise that gives rise to significant adverse impacts on health and quality of life. The upgrading of the existing pitch has the potential for greater impacts to neighbours. The impact is not considered to be from the levels of noise themselves but from the longer times that the pitch would be used which the Environmental Health Officer considers would not be dissimilar to the noise levels currently experienced from the use of the adjacent outdoor playing fields. It is therefore considered that a noise survey is not necessary in this instance. The impacts would be from the extended

time that the neighbours would experience the level of noise outside of the current school days and hours.

34. In terms of noise disturbance it is noted that the facility will be only 46m from the closest residential gardens and approximately 50m to closest neighbouring properties. It is also noted that the parking area is 34m from neighbouring properties.
35. At these distances it is likely that residents will experience a degree of disturbance from ball games, players, spectators and vehicles during the school day, the weekends and evenings. However given the hours of operation that are being proposed it is not considered that the noise disturbance would constitute a statutory nuisance nor would the noise disturbance significantly impact upon the amenity of local residents either in their gardens or within their properties sufficient to justify refusal of the application. Nonetheless it is considered that to control the use it is appropriate to attach a condition restricting the hours of operation to the hours detailed in the application (08.30 to 21.00 Monday – Friday and 09.00 to 17.00 Weekends).
36. Another area of great concern to local residents would appear to be the audibility of inappropriate language in rear gardens of Waldrige Road and Yetholm Avenue during times when gardens are likely to be occupied such as summer afternoons and evenings. However in the event of such language being used, at these distances it is unlikely to be highly audible. Furthermore in the event that such language is used the applicants have confirmed that measures are to be put in place to ensure the perpetrators are disciplined/banned. Given the concerns over noise and foul language it is considered appropriate to attach a condition to ensure a Code of Conduct and Complaints Procedure is detailed within a Management Plan to be submitted to the Council for agreement and which is to be subsequently adhered to.
37. Section 11 of the NPPF requires Local Authorities to limit the impacts of light pollution from artificial light on local amenity. In terms of light impacts the applicants have detailed the light spill from the proposed floodlights which would reach a distance approximately 15m distant of the rear garden boundaries of the properties of Waldrige Road and 32m distant from the rear gardens of Yetholm Avenue. It is understood that this is based on using lighting with a Lux level of 2. The Environmental Health Officer is satisfied that the lighting would not pose a statutory nuisance. However, it is necessary for the Council to assess whether there is an impact on residential amenity. It is noted that objectors are concerned that a higher lux level would be required and that if a higher level were used then this lightspill would encroach into the rear garden areas of these properties. However the recommended minimum Lighting level for playing sports in accordance with EN 12193:2007 on the type of sports pitch being proposed is Lux level 2 for playing football, hockey, and rugby etc. Therefore the lighting being proposed is suitable for purpose. However in order to

ensure the lightspill remains at the level detailed it is considered suitable to attach a condition that the floodlights be no greater than Lux level 2.

38. It is noted that it is not simply the light spill but their outlook onto a large previously unlit area that concerns local residents. The lit area would be screened from the gardens and the ground floor of the neighbouring properties due to changes in land levels and fencing. It is noted that first floor areas would have an outlook to the lit area however any perceived light pollution which might occur would be on a temporary basis. Conditions can ensure that the floodlights would only be in operation when required and would not be on if there were no bookings or if there was sufficient natural light to allow the MUGA to be used safely. In the event that light pollution is found to be a problem measures could be investigated for reducing light spread through the use of baffles or hoods. Complaints to this effect could be made through the complaints procedure which would have to be included in a Management Plan for the MUGA. Provision for this could be made via condition. With such conditions it is considered that the proposed lighting would not have a significant detrimental impact upon residential amenity.
39. Whilst the development would result in an intensification of the use of the site it should be noted that the site could be used at a significantly greater level than at present without requiring planning permission. The impacts of which would be similar and beyond the control of the Council. The development would introduce greater impacts than at present in terms of light and noise but it is considered that these impacts can be controlled to an acceptable level with conditions restricting lighting levels and operational hours. The impacts are not considered of a significant level to refuse this application on residential amenity grounds particularly when weighed against the benefits of the development for the school and local community.

#### Design and Impact upon the character of the area

40. Section 7 of the NPPF requires developments to be of a high standard of design. This type of MUGA is installed in schools, leisure centres, sports clubs and colleges throughout the UK. The design and specification is set out to suit the sports required and the floodlighting is required to allow safe play of the sports. The design is therefore considered acceptable.
41. Chester-le-Street Local Plan Policy RL1 requires such developments to respect the character and appearance of the locality. The development will have an impact on the openness of an area that has until now been open playing fields, because of the additional built elements. The impact on the openness is however considered to be limited given that floodlights are tall narrow structures and as the fencing will allow views through and given the muted colouring of the fencing which will allow it

to blend in with the surroundings. Furthermore the proposed MUGA is accessible only via the school, which constitutes a substantial development to the west of the proposed pitch and which the development will be seen in context with. The site also benefits from being surrounded by high garden fencing and hedging. These features would serve to obstruct views into and out of the site from gardens and ground floor rooms. It is noted however that the site would be visible from and allow long distance views to the first floor level rear windows of Waldrige Road and Yetholm Avenue. In terms of visual impact during the evening the proposed floodlighting is expected to create a visible glow, which will appear more prominently against the night sky. However, the lighting would only be on during the evening until 09.00pm, creating a temporary impact.

42. Taking into account the characteristics of the site, the overall visual impact is limited and any impacts which may be caused by the floodlighting can be mitigated against through condition.

#### Drainage

43. Drainage is a concern that has been raised by local residents who have experienced drainage problems from the eastern part of the school site. The proposed drainage is to a soakaway and to the existing drainage system. This is in line with sustainable urban drainage requirements. It is also noted that the existing drainage system is to be cleared of debris during the construction works which may help alleviate problems experienced from elsewhere on the site.

#### Highways and Accessibility

44. Chester-le-Street Local Plan Policy T15 is of relevance in terms of highways issues such as parking and access. Objectors have commented that there is a lack of parking to serve the facility and mentioned the need for a traffic assessment. It is not considered that such an assessment is necessary for an application of this nature at an existing school site. It is evident that there there is sufficient parking at the site to serve the external users when the school is closed as well as cycle sheds and good public transport link to promote travelling to the site by alternative means. The Highways Officer is therefore satisfied that the proposal is acceptable in terms of Highways Safety in accordance with Policy T15.

#### Crime and Anti Social behaviour

45. A number of concerns have been raised regarding the proposed MUGA giving rise to crime and anti-social behaviour. The applicant has outlined that there will be a Code of Conduct to which users of the MUGA will be expected to adhere. It is considered that with a management plan in place which will include a code of conduct, a complaints procedure and which outlines the details of staff responsible

for the management of the pitch that appropriate measures would be in place to ensure that those who neighbour the site are not adversely affected by those using the MUGA. This can be ensured via condition.

## Ecology

46. The NPPF Section 11 seeks to minimise impacts upon biodiversity and advises that where significant harm to biodiversity cannot be avoided then planning permission should be refused. A local resident has raised the issue that Lapwings nest on the field and that the development would result in a loss of a breeding ground. A Phase 1 Habitat Survey was submitted to support the application which concluded that due to disturbance from pupils using the surroundings and the lack of suitable habitat for nesting birds that there is an extremely low potential for the Lapwing species to nest on site. Nevertheless in order to ensure that there would be no harming of birds from the development the survey recommended that site clearance works should not take place within the main bird breeding season and if this is not possible that a survey be undertaken by a suitably qualified ecologist and that if any active nests are found that these be protected with an appropriate buffer zone until the nesting is complete. This can be ensured through condition and is considered adequate in terms of protecting this species.

## Other Issues

47. How the site is to be managed has been raised as an issue by objectors. The Hermitage have confirmed that they have always had site supervisory staff on site when community activities take place and that it is their intention to appoint a person specifically responsible for community related activities and facilities and ensuring compliance with regulations should the new facility go ahead.
48. Objectors have referred to the negative affect the proposal may have on property values, however Members will be aware that impacts upon property values are not a material planning consideration in the determination of planning applications.
49. Objectors comments that there has been no canvassing of local opinion as to the need for such a development are noted, however the developers have detailed the need for such a facility for the school and have completed a public consultation exercise with local residents.
50. Reference has been made to several Policy Documents (PPG'S and PPS's) by objectors; however Members should note that all these Planning Policy Guidance Notes and Statements have now been replaced by the NPPF.
51. Comments have been raised by objectors that the proposal is purely a money making venture for the school. According to the applicant the

main driving force behind the application is the sporting benefits an all weather pitch will bring to its pupils. Whilst it is the case that the school would benefit financially from the community use such community use would also bring benefits in terms of social interaction between the community and between the community and the school and would assist in creating a healthy, inclusive community in accordance with the NPPF.

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## **CONCLUSION**

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52. The provision of outdoor sport and recreation facility within this site is an acceptable use in accordance with the NPPF and Chester-le-Street Local Plan Policies as they encourage the creation of new and improved sporting facilities in sustainable locations.
53. In terms of residential amenity, whilst the local residents will be affected to some extent by noise from the site the hours being proposed are reasonable and can be adequately controlled via condition. Conditions can ensure that measures are in place to address any problems reported in terms of instances of excessive noise, foul language or anti-social behaviour. With such conditions it is not considered that the impacts from noise and disturbance would be significant on local amenity and the application could not be refused on these grounds. It is not considered that the proposed lighting would give rise to light spill into any neighbouring gardens or properties and this can be ensured via condition.
54. The built elements of the development retain the open character of the site in accordance with Chester-le-Street Local Plan Policy. The impact of the lighting on the visual amenity of the area is material, however it is temporary not being used after 9pm at night or required all year round.
55. Impacts upon ecology can be adequately controlled via condition and the proposed drainage and parking for the site are considered acceptable and in general accordance with Local Plan Policy.
56. On balance, it is considered that the benefits of the creation of this facility will bring to children and young people and the wider benefits to the health of the local community are such that a refusal on harm to local neighbouring amenity grounds could not be justified. Whilst the amenity of local residents would be affected it would not be significantly harmed with the restrictions and controls that can be put in place and ensured by condition.

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## **RECOMMENDATION**

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That the application be **APPROVED** subject to the following conditions:



1. The development hereby approved must be begun no later than the expiration of three years from the date of this permission.

*Reason: Required to be imposed pursuant to Section 51 and 92 of the Planning & Compulsory Purchase Act 2004.*

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

*NSHA004 2/04/2013  
NSHA005 2/04/2013  
NSHA005b 2/04/2013  
Lighting Plan 2/04/2013  
Drainage Plan 2/04/2013  
Plan View, Fence elevation, Cross Profile and Cage Elevations  
2/04/2013*

*Reason: To define the consent and ensure that a satisfactory form of development is obtained in accordance with policy RL1 of the Chester-le-Street Local Plan.*

3. The MUGA shall not be used outside the following hours:  
08.30 – 21.00 Mondays – Fridays  
09.00 – 17.00 Saturdays, Sundays and Bank Holidays

*Reason: In the interests of residential amenity in accordance with Chester-le-Street Local Plan Policy RL1.*

4. The floodlights shall only operate in accordance with the hours specified in condition 3, and shall be switched off no later than 20 minutes after the closure time or when the pitch is not in use.

*Reason: In the interests of residential amenity in accordance with Chester-le-Street Local Plan Policy RL1.*

5. The floodlights shall only be operated in accordance with the approved lighting plan and specified Lux values.

*Reason: In the interests of residential amenity in accordance with Chester-le-Street Local Plan Policy RL1.*

6. Prior to the commencement of the development the precise detail of Management Plan including a Code of Conduct, conditions of use and complaints procedure for the MUGA shall be submitted to and agreed in writing by the Local Planning Authority. Use of the MUGA shall then take place in accordance with the terms of and details specified within this/these documents.

*Reason: In the interests of residential amenity in accordance with Chester-le-Street Local Plan Policy RL1.*

7. Use of the development shall not commence until a community use agreement has been submitted to and approved in writing by the Local Planning Authority, and a copy of the completed approved agreement has been provided to the Local Planning Authority. The agreement shall apply to the Synthetic Grass Pitch and ancillary facilities and include details of pricing policy, hours of use, access by non-educational establishment users, management responsibilities and a mechanism for review. The development shall not be used at any other time than in strict compliance with the approved agreement.

*Reason:* In the interests of the local community and residential amenity in accordance with Chester-le-Street Local Plan Policy RL1.

8. A pitch booking register shall be maintained at all times, and be available for inspection by the Council as Local Planning Authority between 09.00 – 17.00 Monday to Friday with 48 hours written notice. Records of entries on the register shall be retained for a minimum period of two years.

*Reason:* In the interests of residential amenity in accordance with Chester-le-Street Local Plan Policy RL1.

9. No development shall take place unless in accordance with the mitigation detailed within the Phase 1 Habitat Survey entire by Ecosurv Ecological Consultants dated March 2013 including, but not restricted to undertaking site clearance works outside of the main bird breeding season or commissioning a suitably qualified ecologist to survey the site for active nests and if nests found that the nests be identified and protected by an appropriate buffer zone until nesting is complete.

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

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## **REASONS FOR THE RECOMMENDATION**

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The development was considered acceptable having regard to the National Planning Policy Framework and Chester-le-Street Local Plan Policies R1, RL1, RL3 and T15.

In particular the development was considered acceptable having regard to consideration of issues of principle, residential amenity, design and impact upon the character of the area, the impact upon ecology and in terms of drainage and highway safety.

The stated grounds of objections concerning harm to residential amenity, harm to visual amenity, the lack of need, potential crime and anti-social behaviour, impacts upon drainage, impacts upon ecology, lack of details

regarding management, financial motives, lack of public consultation, lack of Traffic Assessment and Sequential Test were not considered sufficient to lead to reasons to refuse the application and other objections concerned issues which are not material planning considerations.

Approval is recommended on the basis that on balance, these objections do not outweigh the benefits that the creation of this facility will bring to children and young people and the wider benefits to the health of the local community. Whilst the amenity of local residents would be affected it would not be significantly harmed with the restrictions and controls that can be put in place and ensured by condition.

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## **STATEMENT OF POSITIVE ENGAGEMENT**

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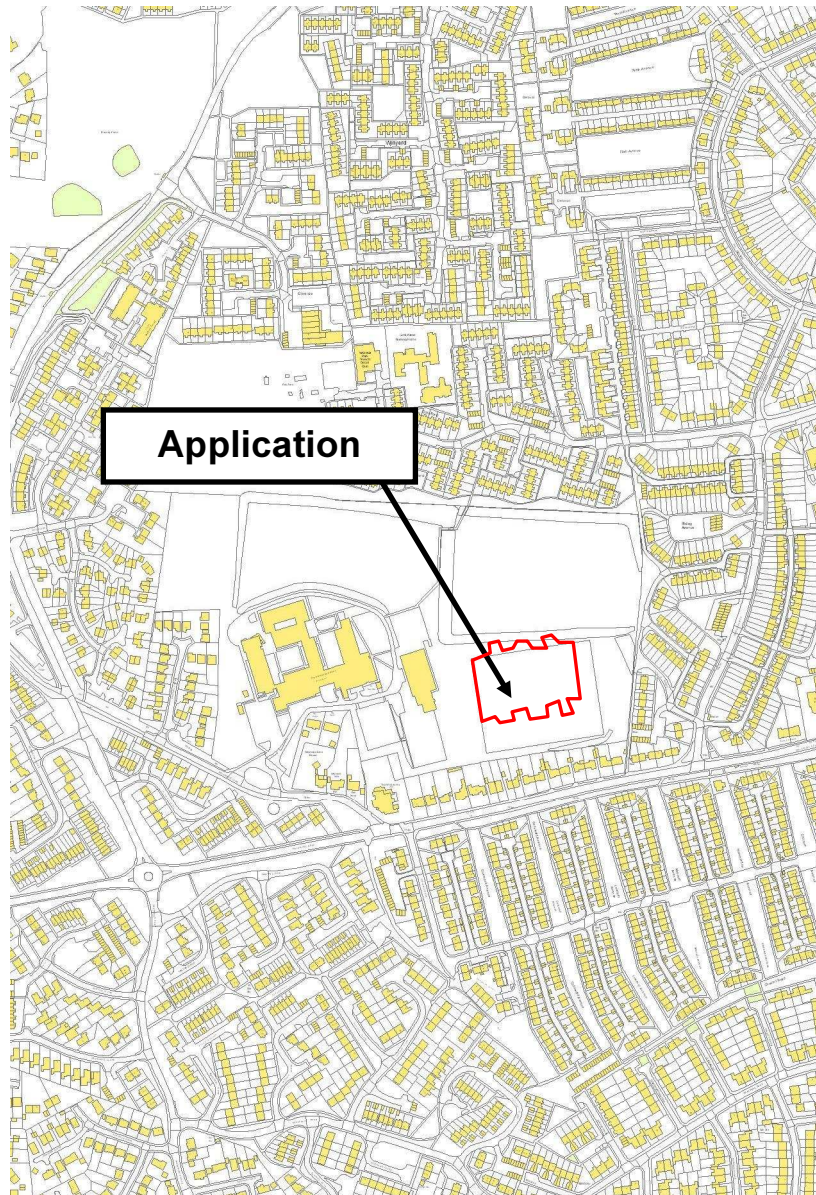
The Local Planning Authority in arriving at the recommendation to approve the application has sought to actively engage as appropriate with the applicant to secure a positive outcome in accordance with the NPPF.

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## **BACKGROUND PAPERS**

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- Submitted Application Forms and Plans
- Planning, Design and Access Statement
- Phase 1 Habitat Survey by Ecosurv Ecological Consultants March 2013
- National Planning Policy Framework
- Chester-le-Street Local Plan
- Durham County Council Sport and Leisure Service Strategy 2011-2014
- Responses from Sport England, County Highways Authority, Environmental Health Officer, Ecology Officer.



**Planning Services**

Upgrade of sports pitch to a full sized hockey pitch with synthetic grass with associated perimeter fencing, floodlighting and equipment at The Hermitage School, Waldrige Lane  
Application Number 1/2013/0112/DMPF

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**Comments**

**Date** June 2013

**Scale** 1:5000

## Planning Services

# COMMITTEE REPORT

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### APPLICATION DETAILS

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<b>APPLICATION NO:</b>	1/2013/0137
<b>FULL APPLICATION DESCRIPTION:</b>	Resubmitted outline consent for four dwellings and alterations to existing school fence and gates, with approval of access sought, and all other matters reserved
<b>NAME OF APPLICANT:</b>	Speed 8767 Ltd
<b>ADDRESS:</b>	Land south east of Beechdale Nursery School Beechdale Road Consett Co. Durham
<b>ELECTORAL DIVISION:</b>	Consett North Steve France Senior Planning Officer
<b>CASE OFFICER:</b>	Telephone: 0191 3872263 <a href="mailto:steve.france@durham.gov.uk">steve.france@durham.gov.uk</a>

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### DESCRIPTION OF THE SITE AND PROPOSALS

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#### Site Description

1. The application site is a rectangular area of land, 0.26ha in area, south east of the school campus containing Consett Junior School and Beechdale Nursery School. The site is unmaintained unimproved grassland, separated from the modern residential properties that bound the land on three sides by the garden fences of those properties, and from 'The Hub' (an Education Centre) and the schools access roads by wooden fencing. The base of a removed electricity sub-station is apparent on the eastern edge of the site. Maturing hedging separates the proposed development site from the school playing fields to the north-west, with a small area of poor tree specimens on the south east part of the land.

#### Description of application

2. This is an 'outline' application, seeking approval for the principle of a type and volume of development. Approval is sought in detail for the access arrangements, but despite the fact that the application contains drawings showing a site layout, and elevational detail of dwellings, these are provided for indicative purposes only, and in the event of an approval, would form no part of the approved details. Approval of these elements would require submission of a further application, subject to a further consultation exercise, within an agreed time period.

3. In this instance approval is sought in principle for the erection of up to four detached two storey dwelling houses. Those elements requested approved in detail at this stage are the alterations to the existing school fence and gates, and the main access to the site.
4. The application is reported to Committee at the request of a local Ward Member.

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## **PLANNING HISTORY**

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5. The development site was subject to a similar application earlier this year, but with different pedestrian access arrangements. That application was withdrawn on threat of refusal on this issue, and resubmitted in modified form and with additional supporting information.
6. The housing estates to the south and east were constructed after applications for them in 2000 and 2003.
7. The adjacent nursery school was extended after application in 2011.
8. The Hub Education Centre, west of the development site is of recent, modern construction by the County Council. This is set on a partially raised mound of land which overlaps into the site.

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## **PLANNING POLICY**

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### **NATIONAL POLICY**

9. In March 2012 the Government consolidated all planning policy statements, circulars and guidance into a single policy statement, termed the draft National Planning Policy Framework (NPPF). The overriding message from the Framework is that planning authorities should plan positively for new development, and approve all individual proposals wherever possible. It defines the role of planning in achieving sustainable development under three topic headings – economic, social and environmental, each mutually dependant. There is a presumption in favour of sustainable development. It requires local planning authorities to approach development management decisions positively, utilising twelve ‘core principles’ that should underpin both plan-making and decision taking, these being; empowering local people to shape their surroundings, proactively drive and support economic development, ensure a high standard of design, respect existing roles and character, support a low carbon future, conserve the natural environment, encourage re-use of previously developed land, promote mixed use developments, conserve heritage assets, manage future patterns of growth and take account of and support local strategies relating to health, social and cultural well-being.
10. *NPPF Part 1 – Building a Strong, Competitive Economy* – reinforces the Government’s commitment to securing economic growth to create jobs and prosperity, ensuring the planning system supports this aim – ‘significant weight’ is to be placed on this aim. Planning policies should seek to address potential barriers to investment, setting out clear economic vision and strategy which proactively encourages sustainable economic growth, identifies sites and inward investment, and identifies priority areas for economic regeneration. There is no specific advice on decision making.

11. *NPPF Part 4 – Promoting Sustainable Transport* - notes the importance of transport policies in facilitating sustainable development and contributing to wider sustainability and health issues. Local parking standards should take account of the accessibility of the development, its type, mix and use, the availability of public transport, levels of local car ownership and the need to reduce the use of high-emission vehicles.
12. *NPPF Part 6 – Delivering a wide choice of high quality homes*. Housing applications should be considered in the context of a presumption in favour of sustainable development. Local Planning Authorities should seek to deliver a wide choice of high quality homes, widen opportunities for home ownership and create inclusive and mixed communities. Policies should be put in place to resist the inappropriate development of residential of residential gardens where development would cause harm to the local area.
13. *NPPF 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. Planning policies and decisions must aim to ensure developments; function well and add to the overall quality of an area over the lifetime of the development, establish a strong sense of place, create and sustain an appropriate mix of uses, respond to local character and history, create safe and accessible environments and be visually attractive.
14. In accordance with paragraph 215 of the National Planning Policy Framework, the weight to be attached to relevant saved local plan policy 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 below.

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

15. *Policy GDP1 – General Development Principles* – outlines the requirements that new development proposals should meet, requiring high standards of design, protection of landscape and historic features, protection of open land with amenity value, respecting residential privacy and amenity, taking into account ‘designing out crime’ and consideration of drainage.
16. *Policy EN11 – Trees and Development* – states that throughout the district existing trees should be retained where possible. Consideration will be given to the effect of development on any affected trees, taking into account; landscape diversity, the setting of existing or proposed buildings, wildlife habitat and visual amenity.
17. *Policy HO5 – Housing Development on Small Sites* – Consett is one of the listed settlements where housing development will be permitted on small sites. Development must be appropriate to the existing pattern and form of development; must not extend beyond the existing built up area; represents acceptable backland or tandem development; and should not exceed 0.4 hectares when taken together with an adjoining site.
18. *Policy TR2 – Development and Highway Safety* – relates to the provision of safe vehicular access, adequate provision for service vehicle manoeuvring, etc.

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## **CONSULTATION AND PUBLICITY RESPONSES**

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### **STATUTORY RESPONSES:**

19. *County Highways Engineers* acknowledge the alterations to the access arrangements involving the removal of the existing school gates, and providing for a new 1.8m footpath link to the site. No objection is offered, subject to the access improvements being carried out prior to the commencement of any other work on site.
20. *Northumbrian Water* note that a public sewer crosses the site. Development over or close to Northumbrian Water's apparatus will not be permitted, and any diversion or relocation of apparatus must be at the developer's full cost. Northumbrian Water suggest that the developer contact them directly with regard to this, with the Council asked to note the issue in considering the application.
21. *The Coal Authority* raise no objection to the proposal subject to the imposition of a standard condition to ensure the further investigation works recommended within the Coal Mining Risk Assessment are undertaken prior to the commencement of any development and any remedial works identified and any other required mitigation works are properly undertaken.

### **INTERNAL CONSULTEE RESPONSES:**

22. *The County Ecologist* considers there are no ecological issues on this site, with the submitted report containing sufficient information for assessment and determination.
23. *The County Tree Officer* does not consider the trees on site are worthy of formal protection, but is keen to ensure the hedge separating the site from the school playing field is protected and maintained.

### **PUBLIC RESPONSES:**

24. There have been two letters of objection from local residents – one of which represents four other neighbours too. Messages to one of the local Ward Members from the Manager of 'The Hub' Education centre and Headmistress of the Nursery School have been forwarded, expressing concerns, along with correspondence between the two councillors as school governors.
25. Concerns relate to the safety of the access arrangements, both in terms of construction traffic and general vehicular and pedestrian movements associated with the schools and The Hub building, in particular at the beginning and end of the school day.
26. Local residents are concerned at the detrimental effect on their properties, in terms of loss of light to gardens, loss of view, devaluation of property and the effect on the privacy of overlooked gardens, taking particular account of the different levels of the site and the surrounding dwellings. Correspondents are further concerned at the loss of amenity and wildlife value of the open land, having been under the impression that the land was covenanted to prevent development as an SSSI (Site of Special Scientific Interest). It is noted the land is poorly drained.



## APPLICANTS STATEMENT:

27. The applicants describe the site as rough grassland to the south of the two schools, historically fenced to separate it from the adjacent fields that were developed into housing. The access road to the site, owned by the applicant, was fenced off within the schools grounds. This is a feature proposed to be rectified as part of the development. Elevations and layout of potential development have been provided for information only. These plans show up to four good sized family dwellings with parking, gardens and double garages could be accommodated, of a size appropriate to the recent surrounding residential developments. Landscaping and appearance would be left for reserved matters approval at a later date, and parking will be provided to required County Council standards.

*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 Chester-le-Street Civic Centre.*

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## PLANNING CONSIDERATIONS AND ASSESSMENT

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28. Having regard to the requirements of Section 38(6) of the Planning and Compulsory Purchase Act 2004 the relevant Development Plan policies, relevant guidance and all other material planning considerations, including representations received, it is considered that the main planning issues in this instance relate to the principle of development, potential effects on highway safety at the entrance to the schools and Hub campus, and the effect on residential amenity.

### Principle of Development and Residential Amenity

29. In terms of principle, this is a small site within an established urban area, surrounded by existing residential development and urban form. This means that facilities and transport links are already close at hand and the site is therefore highly sustainable. The NPPF is clear in setting out a presumption in favour of sustainable development. In terms of the Policy context, Policies GDP1 and HO5 combined allow for the development of small sites within existing urban areas providing they are in scale and character with their surroundings and do not undermine the amenities of existing neighbouring occupiers and land users. The drawings of a potential layout, provided for indicative purposes, show that the site is capable of accommodating four detached dwellings with proportionate gardens and required servicing, whilst maintaining required separation distances to ensure amenity – 21m is the usual expectation for facing two storey property's living room windows – the indicative layout shows 25m/30m. The site is set lower than those to the rear and the south, to the benefit of existing dwellings, with the relationships between both the dwellings and gardens what would be reasonably expected on a modern residential estate. Resident's objections on the grounds of loss of privacy and amenity are considered wholly unsustainable. The principle of development of a small site within the heart of an existing urban area considered wholly compliant with the Local Plan Policy context, and the national requirements of the NPPF.

### Highways Issues

30. The main area of concern to the proposals is the implications to highways issues – these being essentially two-fold; the effects of construction traffic, and the effects of additional traffic once the development is complete. It is of critical material weight here that the County Highways Engineers raise no objection to the proposals. The access

road, which is noted as in the ownership of the applicant is full highway width, with a footpath along its entire length. The footpath is positioned at one side of the road only, to avoid potential pedestrian conflict with the parking laid out for the recently constructed Hub building. Whilst raising concern at the potential traffic movements, the correspondence from the Head of the Nursery school acknowledges some benefits from the relocation of the access gates and the school securing fencing. It would be unreasonable and unsustainable to refuse the application on the basis of the effects of construction traffic, although it is acknowledged that there are safety concerns to be considered. It is proposed that these concerns could be reasonably be addressed by a condition restricting vehicle movements to and from the site, both for plant and deliveries.

31. The County Highways Engineers have assessed both the traffic implications of the proposed scheme, and the cumulative effects of the traffic generated by the recently constructed Hub building in addition to the cars using the shared car park serving both of the schools. As noted no objection is raised by this statutory consultee. It is likely that the majority of vehicle movements associated with the new dwellings would take place away from the peak times of access to the schools, and that residences around schools routinely have to take account of both the pedestrian traffic associated with the beginning and end of the school day, and the associated 'parent parking'. The proposals are considered in accordance with the requirements of Policy TR2 and therefore in the absence of objection from the Highway Authority, refusal on this issue would be subject to obvious challenge.

#### Other Issues

32. Taking into account Northumbrian Water's lack of objection to the proposals, and the conclusions of the specialist drainage report, it appears that any drainage issues on the site can be readily addressed. The Environment Agency confirmed in the withdrawn application that they did not wish to comment on the proposals. An 'informative' as requested by the Statutory Consultee is proposed attached to any approval.
33. The County Ecologist is satisfied with the ecology report appended to the application, with the site of no obvious value to species protected by law. The site has not been designated SSSI status. The land is completely fenced and has had no public access amenity value. The trees adjacent to the flats are in a poor state, and appear to have grown out of a masonry wall. Whilst they have been confirmed as not worthy of a Preservation Order, they are still shown on the approved plans and will need to be assessed in detail as part of any reserved matters application. The hedge separating the site from the school playing field, which incorporates a fence is considered worthy of retention, and will be conditioned retained.
34. A condition as suggested by the Coal Authority can address the coal mining legacy issues that may affect the site.
35. Arguments of devaluation of property are given little if any weight in the planning process. Some consultees have referred to a covenant on the land that they contend may have prevented it's development. If this does exist, it would be a separate legal matter the applicant would have to address separately from the planning process.
36. The site is of a size where the removal of permitted development rights is not considered justified.

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## CONCLUSION

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37. The application proposes approval in principle for a development of up to four residential dwellings on the site, the details of which in terms of layout, appearance and siting would be subject to a further application. The principle of development is considered supported both by the Local Plan and the NPPF, the former being noted at the head of the previous section as the determining factor on consideration of the application.
38. The highways elements of the scheme have been revised following withdrawal of the original scheme, with amendments to the positioning of fences and gates, and the provision of a footpath the full length of the access road to the site and serving The Hub and shared school car park. It is considered the highways implications in so far as they relate to the schools' safety and construction traffic can be conditioned.
39. The privacy and amenity relationships have been shown to be capable of meeting and exceeding those that could be reasonably expected in a modern residential environment.
40. There are no other issues raised that are considered could be presented as defensible objections to approval of the scheme.

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## RECOMMENDATION

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That the application be **APPROVED** subject to the following conditions;

1. Application for approval of reserved matters 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 final approval of the reserved matters, or in the case of approval on different dates, the date of approval of the last of the reserved matters 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.*

2. Formal approval of the details of appearance, landscaping, layout and scale (hereinafter called "the reserved matters") shall be obtained from the local planning authority before the development is commenced, with the development thereafter completed in full accordance with said approval.

*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 development hereby approved, in so far as it relates to access to the site by pedestrian and vehicular highways shall be carried out in strict accordance with the following approved plans: proposed site layout plan Rev A, received 26 March 2013.

*Reason: In the interests of public and highway safety at the school's campus entrance and in accordance with Policy TR2 of the Derwentside District Local Plan 1997 (saved 2009).*

4. Notwithstanding the details submitted within the application, no development shall commence on site until the new access, fencing and gates are completed in full in accordance with the layout details contained within the proposed site layout plan Rev A, received 26 March 2013 and in accordance with a detailed specification for the access surfaces, kerbing, fencing and gates to be submitted to and agreed in writing by the local planning authority. Said specification must include elevational drawings of all fencing and gates along with detailed finishes.

*Reason: In the interests of public and highway safety at the school's campus entrance and in accordance with Policy TR2 of the Derwentside District Local Plan 1997 (saved 2009).*

5. No development shall commence on the site, or on any individual plot until details of the make, colour and texture of all walling and roofing materials, fenestration, rainwater goods, garage doors and external hardstanding materials have been submitted to and approved in writing by the local planning authority. The development shall be constructed in accordance with the approved details.

*Reason: In the interests of the appearance of the area and to comply with Policies GDP1(A), (H), HO5 and TR2 of the Derwentside District Local Plan 1997 (saved 2009).*

6. Prior to the commencement of the development, details of a standard specification means of enclosure including a site layout plan shall be submitted to and approved in writing by the local planning authority. The enclosures shall be constructed in accordance with the approved details prior to the occupation of the dwelling to which they relate.

*Reason: In the interests of the appearance of the area and to comply with Policies GDP1(A), (G), (H), HO5 and TR2 of the Derwentside District Local Plan 1997 (saved 2009).*

7. The existing hedge shown on the north-west boundary of the site, separating the site from the school playing fields must be protected during the course of development, including the advance fencing / highways works required at condition 4, by a scheme of protective fencing, the details of which must be submitted to and approved in writing by the local planning authority in advance of any works within the defined site boundary. No storage of materials etc. shall be placed within the fenced area. Said fencing must be retained on the site for the course of construction in so far as it affects the site access road, the adjacent school gates and fencing, any shared drive adjacent the hedge and any form of residential development within 5m of the landscape feature.

*Reason: In the interests of the character and visual amenity of the area in accordance with Policy GDP1(A), (C), (D), of the Derwentside District Local Plan 1997 (saved 2009).*

8. Development must be carried out in line with the recommendations of the 'C5235 Mining Risk Assessment', 12 Feb. 2013, prepared by Sirius Geotechnical and Environmental Ltd., requiring a further site investigation prior to the commencement of development. In the event that these investigations identify the need for remedial works to treat identified areas of shallow mine workings and/or other mitigation

measures to ensure the safety and stability of the proposed development, these works must also be undertaken prior to the commencement of development.

*Reason: To protect the development against potential Coal Mining legacy issues that may affect the site.*

9. Notwithstanding the details submitted within the application, the drainage shall be carried out in accordance with the specifications and recommendations of the drainage assessment dated 7th February 2013 carried out by Queensberry Design Limited submitted with the application.

*Reason: To protect the amenity of the area in accordance with Policy GDP1(I) of the Derwentside District Local Plan 1997 (saved 2009).*

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## **REASONS FOR THE RECOMMENDATION**

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- i. The development is considered acceptable having regard Policies GDP1, EN11, HO5 and TR2 of the Derwentside District Local Plan 1997 (saved April 2009), with particular regard to consideration of issues of in terms of the principle of development and highways issues.
- ii. Ojections received were fully considered but were not considered on balance sufficient to lead to reasons to refuse the application.

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## **STATEMENT OF PROACTIVE ENGAGEMENT**

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The Local Planning Authority in arriving at the recommendation to approve the application has sought to actively engage as appropriate with the applicant to secure a positive outcome in accordance with the NPPF in discussing the shortcomings of the previously withdrawn scheme and the validation requirements of the site.

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## **BACKGROUND PAPERS**

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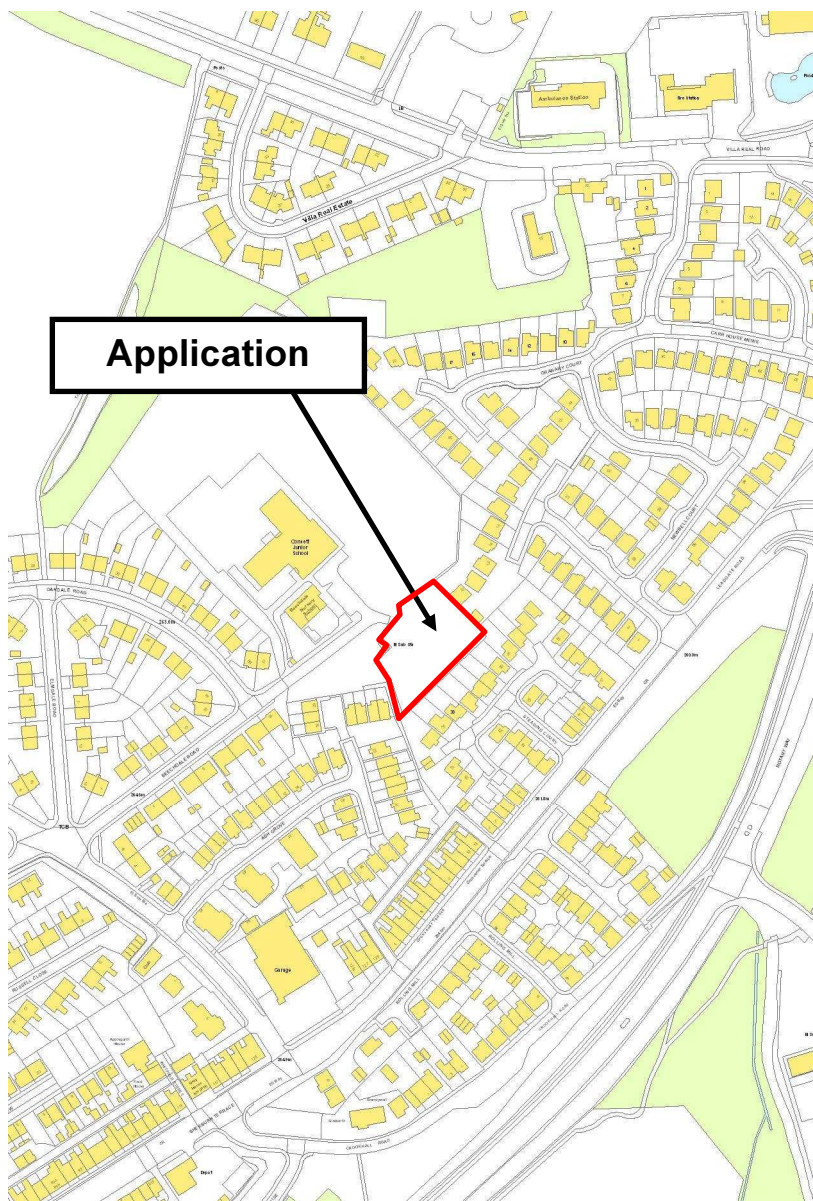
Submitted forms and plans

Ecological Report and Site Assessment, V Howard, Feb. 2013

Drainage Assessment, Queensberry Design, Feb. 2013

Coal Mining Risk Assessment, Sirius, 12 Feb. 2013

Design & Access Statement, Jan. 2013



**Application**



**Planning Services**

Resubmitted outline consent for four dwellings and alterations to existing school fence and gates, with approval of access sought, and all other matters reserved at Beechdale Nursery School, Beechdale Road, Consett  
 Application Number 1/2013/0137/DMPF

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**Comments**

**Date** June 2013

**Scale** 1:2500

## Planning Services

# COMMITTEE REPORT

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### APPLICATION DETAILS

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APPLICATION NO:	1/2013/0112
FULL APPLICATION DESCRIPTION:	Erection of two storey side extension and single storey rear extension
NAME OF APPLICANT:	Mr R Forster
ADDRESS:	Leazes Lodge, Burnopfield
ELECTORAL DIVISION:	Burnopfield Tracey Outhwaite Assistant Planning Officer
CASE OFFICER:	Telephone: 0191 3872145 <a href="mailto:tracey.outhwaite@durham.gov.uk">tracey.outhwaite@durham.gov.uk</a>

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### DESCRIPTION OF THE SITE AND PROPOSALS

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#### The Site

1. The host property is a former farm building which, within a scheme for the larger farm group, was converted to a dwelling in the 1990's. The application site is situated next to the large traditional farmhouse which forms the dominant focal point of the group, around which a hierarchy of subservient structures are set.
2. The dwelling is a mix of brick and stone, with a central two storey detached element, supported at either side by a lean-to garage with accommodation above and a long range of single storey buildings. The dwelling is located within and serviced from the rear from a vehicular circulation courtyard along with several other converted properties of varying lower heights. The courtyard leads further to a separate development of two large detached modern dwellings. The property benefits from a large main garden with patio and raised lawn area; this garden area is enclosed by a high stone and brick built boundary wall and high timber fence and includes an additional detached timber garage with a driveway and gated vehicle access. The access to the property is open plan with a block paved area for off-street parking; there is currently a double garage to the western gable of the property.

#### The Proposal

3. The application proposes the erection of a two and a half storey side extension and single storey extension into the garden area. The single storey rear extension would be to provide a garden room, while this is shown on the plans planning permission was granted for this element of the development in 2012 although this has not been constructed. The two and a half storey extension would provide a large replacement garage to the ground floor, a master bedroom with en-suite to the first floor and a small mezzanine gallery accessed via a circular stair from the first floor master bedroom as a nominal second floor atop the en-suite.

4. The existing lean-to garage to the side elevation has a maximum roof-height of 5.3m. The proposed replacement side extension would have a height of 8.5 metres, the same height as the existing main roof line of the property. This extension would also project 1.2m from the existing garden elevation building line. An asymmetrical roof with projecting gable features windows and a door to the garage, main bedroom windows and a large, decorative porthole feature window on the elevation facing the garden, has a blank gable, and a large, horizontally proportioned garage door under windows serving the main bedroom and it's en-suite, with a bar of clerestory partially overlapping the gallery, overlooking the access courtyard.
5. The single storey garden room projects 4.2m into the garden, served by feature windows on the gable end, folding French doors facing across the frontage of the existing building the a tall feature chimney at it's end.
6. This application is reported to Committee at the request of a local ward member.

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## **PLANNING HISTORY**

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7. Conversion of Farm Buildings to Five Dwellings - approved 23/3/94.
8. Two bungalows and restoration of existing house (Outline) - approved 4/2/91.
9. Approval of Reserved Matters for one dwelling - approved 11/11/94.
10. Erection of two storey side extension and single storey rear extension. Withdrawn 2012.
11. Erection of sun room to rear elevation, installation of roof lights to front and rear elevation of existing two storey element and alterations to garage door - approved 28/11/12.

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## **PLANNING POLICY**

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### **NATIONAL POLICY**

12. In March 2012 the Government consolidated all planning policy statements, circulars and guidance into a single policy statement, termed the draft National Planning Policy Framework (NPPF). The overriding message from the Framework is that planning authorities should plan positively for new development, and approve all individual proposals wherever possible. It defines the role of planning in achieving sustainable development under three topic headings – economic, social and environmental, each mutually dependant. There is a presumption in favour of sustainable development. It requires local planning authorities to approach development management decisions positively, utilising twelve 'core principles' that should underpin both plan-making and decision taking, these being; empowering local people to shape their surroundings, proactively drive and support economic development, ensure a high standard of design, respect existing roles and character, support a low carbon future, conserve the natural environment, encourage re-use of previously developed land, promote mixed use developments, conserve heritage assets, manage future patterns of growth and take account of and support local strategies relating to health, social and cultural well-being.



13. *NPPF 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. Planning policies and decisions must aim to ensure developments; function well and add to the overall quality of an area over the lifetime of the development, establish a strong sense of place, create and sustain an appropriate mix of uses, respond to local character and history, create safe and accessible environments and be visually attractive.
14. *NPPF Part 12 – Conserving and Enhancing the Historic Environment*. Working from Local Plans that set out a positive strategy for the conservation and enjoyment of the historic environment, Local Planning Authorities should require applicants to describe the significance of the heritage asset affected to allow an understanding of the impact of a proposal on its significance. In determining applications LPAs should take account of; the desirability of sustaining and enhancing the significance of the asset and putting them to viable uses consistent with their conservation, the positive contribution conservation of heritage assets can make to sustainable communities and economic viability, and the desirability of new development making a positive contribution to local character. Opportunities for new development within Conservation Areas that enhance or better reveal their significance should be treated favourably, acknowledging that not all elements of a Conservation Area contribute to its significance.

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

##### The Derwentside District Local Plan

15. *Policy GDP1 – General Development Principles* – outlines the requirements that new development proposals should meet, requiring high standards of design, protection of landscape and historic features, protection of open land with amenity value, respecting residential privacy and amenity, taking into account ‘designing out crime’ and consideration of drainage.
16. *Policy HO19* –Sets out a number of criteria that house extensions should meet in order to ensure they respect the scale and character of the dwelling and its surroundings and blend in well with the locality.
17. *Supplementary Planning Guidance Note 2 – House Extensions*. – gives guidance upon the types of householder extensions that are considered acceptable in connection with Policy HO19. The policy offers specific quantitative thresholds as well as design queues for extensions described by property type.
18. *Policy TR2 – Development and Highway Safety* – relates to the provision of safe vehicular access, adequate provision for service vehicle manoeuvring, etc.

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## **CONSULTATION AND PUBLICITY RESPONSES**

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#### **STATUTORY RESPONSES:**

19. Northumbrian Water - No comments.

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

20. The County Highways Authority have raised no objections.

21. Design and Conservation Officer comments as follows:

A building is shown in this location on the first edition 1860 OS Map as part of the former Leazes Farm complex, the converted building is of historic agricultural character and appearance and parts of it would seem to be consistent with a building of this age and function. It was converted to residential use during the 1990's and lies within a residential development comprising of converted buildings and new dwellings.

The significance of the site relates to its historic agricultural character and appearance, which is resonated across the whole development. It is important that this agricultural character is retained by any proposed development on the site. The impact of the proposal on visual amenity is also an important consideration.

The proposed two storey extension would have a detrimental impact on local visual amenity and on the historic, agricultural character and appearance of the existing building. The proposed single storey extension would relate acceptably in terms of scale, massing and appearance to that of the existing dwelling.

**PUBLIC RESPONSES:**

22. One letter of objection has been received from the nearest affected neighbouring resident whose concerns are summarised as follows:

- The proposed two storey side extension would be very overbearing and will have an oppressive impact on this neighbouring property.
- The erection of this extension would create a solid brick gable wall which at its tallest will be 8.5 metres and 7.3 metres wide, with a very large pitched roof, extending out from the original roof line. This pitched roof also includes a velux window which will overlook this neighbouring property and present a loss of privacy.
- The height, additional width and proximity of the proposed side extension would be such that unreasonable overshadowing of the neighbouring property will occur, invade their natural light and considerably reduce open spaces.
- The side extension would also appear to be out-of character with its surroundings. Although the Leazes Farm enclave is not in a conservation or listed area, it is an exclusive development of Farmhouse and sympathetically converted farm buildings that offer character and space. This side extension should be deemed as over development of this site as the proposed extension will be of a similar size to the existing two storey farm building.
- The objector would like a more favourable design that reduced the height and width of the gable wall which will abut their property. They feel that the current design will be intrusive, overbearing and result in a loss of natural light, overshadowing to their property and loss of privacy.

23. Two letters of support have been received from neighbouring residents who have made the following comments:

- The extension would have no adverse or detrimental impact on either residential amenity or visual impact.
- They would be happy to live adjacent to the proposed extension and would have no problems with it.
- The design, siting and size ensures it would neither be over dominant nor over bearing and also not out of scale or out of keeping.

- The proposed extension is perfectly acceptable and personally likes the design features and layout.

#### APPLICANTS STATEMENT:

24. The applicant has submitted the following statement –

‘The applicant’s intention is to design a development that sits comfortably and appropriately in its setting.

The applicant and his architect have undertaken a detailed analysis of the application site and its surroundings that has informed the design process. They consider that the resulting proposals accord with the relevant national, regional and local planning policies and local guidance that would allow the Committee to grant planning permission for the proposed development.

He agrees that the most relevant policies of the local plan are GDP1 and HO19 and that SPG Note 2, House Extensions, is of relevance as a guide that carries some weight.

The proposed extensions, like the host property, are of a high standard of design and in keeping with the character and appearance of the area. The materials to be used in the erection of the proposed extension will match the local vernacular.

The separation distances between the three new habitable room windows and those of neighbouring properties have been carefully considered to ensure the amenities of neighbouring occupiers are not adversely affected by these proposals. The amenity of the occupiers of Leazes Farm [*the Farm*] and 33 The Copse is further protected by mature trees, shrubs and hedges on the west and southern boundaries of the application site.

In accordance with Policy HO19, the proposed two-storey extension will introduce a favourable pitched roof that will replace the hipped roof of that part of the existing building. Therefore, the resulting form will reflect the pitched roof of the Farm to the west. The width of the resulting main part of the building will be very similar to that of the Farm while the single-storey elements to the east will retain a subordinate appearance and step down to the road. The resulting roofline will therefore be more harmonious in the street scene, particularly when viewed from the south, than the existing jagged roofline of the property. The applicant appreciates that there will not be a significant distance between the western gable and the east gable of the Farm. However, the resulting footprint is the same as existing, there is no further encroachment and the existing gap will be retained. Accordingly, it will not introduce any terracing effect.

The orientation of the property, being the same as that of the Farm, and the location of its habitable room windows, means the proposed two-storey extension will not lead to a significant loss of light to the Farm.

Given the separation distances, the location of habitable room windows on adjacent properties and the presence of mature trees, shrubs and hedges on shared boundaries with neighbouring properties it is not considered that the proposed extensions would lead to a discernible loss of outlook or privacy of adjacent occupiers.

For the aforementioned reasons the applicant considers that the development fully accords with local planning policy and guidance and he respectfully requests that the Committee grant planning permission for these proposals.'

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## **PLANNING CONSIDERATIONS AND ASSESSMENT**

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25. 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, the main considerations are the character and appearance of the extensions in relation to the host building and farm conversion development, along with the impact upon the residential amenity of local residents.
26. The application comprises two components, a single storey rear extension which will form a garden room and a two and a half storey side extension. As these are two distinctly separate parts of the development each is considered separately below. Relevant to both components are saved policies GDP1 and HO19 of the Derwentside District Local Plan. They require that new development and extensions to existing dwellings should respect the scale of the original dwelling and it is usually expected that such extensions would be subservient to the host property. In addition this policy requires that extensions/alterations to residential properties should not cause an unacceptable loss of privacy or light to adjacent properties, or significantly affect the level of amenity provided. National Planning Policy Framework requires a high standard of design (Chapter 7 Requiring Good Design) and at chapter 12 deals with Conserving and Enhancing the Historic Environment. It should be noted that the single storey rear extension already benefits from planning permission granted in 2012 however it has not been constructed. As it is shown on the submitted plans consideration must be given to this element of the proposal.

### Proposed single storey rear extension

27. The proposed single storey extension, which will form a garden room, will measure 5.7 by 4.2 with a height of 4.2 metres to the ridge, set as an offshot, lower than the existing building it attaches to. It has been designed as a simple, logical, linear addition to the existing range of buildings. It is considered appropriate in terms of scale and massing both to the host property, and to the wider farm group. It would be constructed from brick, stone and slate to match the existing and is considered, with the modern form of fenestration proposed screened from the public domain by its orientation and the high garden wall, being therefore considered acceptable in design terms. The proposed garden room would not adversely affect residential amenity being set adjacent to the boundary with the access road in a position where overlooking would not result.

### Two storey side extension

28. The proposed side extension would be extended over the footprint of the existing lean-to side extension with the ground floor area being increased by 1.2m to 7.2m in length. The height of the side extension would be increased to the full height of the main residential element of the building. The extension has been designed to use the open internal roofspace as a feature, hence the proposal has been described as being two and a half storeys in height.
29. In terms of the design of the two storey extension it is noted that although the history of the building to which the application relates generally remains unknown, its

traditional agricultural character can be defined in two parts; first derived from its massing as an individual series of attached buildings, and also how this massing fits as an integral, logical form within the recognisable hierarchy of the wider farm group.

30. Within a scheme of converted agricultural buildings such as this, it is reasonably expected that any development would be sympathetic to their intrinsic agricultural character and appearance. The proposed 2.5 storey extension is not subservient to the host dwelling, projecting forward with a prominent gable, emphasised by the feature porthole, it becomes the dominant visual feature of an oversized building that challenges the visual and historic dominance of the traditional main farm-house adjacent by virtue of its increased bulk, the loss of the current visual separation between the two buildings, and the proposed projection forward of an already staggered building line. The height and bulk of this overall structure would be excessive and would have an adverse impact on visual amenity within the locality and would detract from the agricultural character and appearance of both the existing dwelling and wider estate. Facing the courtyard the extension would introduce an unnecessarily wide double garage door of modern appearance, linear clerestory window arrangement to raised eaves serving the gallery feature. Within the scheme these features are considered to again detract from the agricultural character and appearance of the building and wider estate.
31. Overall the proposed 2.5 storey extension would have a significant adverse impact on local visual amenity and the intrinsic character and appearance of the existing dwelling the traditional conversion development within which it sits, designed as it was to retain an historic, agricultural character and appearance, appropriate to reflect the history of the non-designated heritage asset, visible in its current layout from the 1898 Ordnance Survey map.
32. The existing building is already a substantial four bedroomed dwelling with a large amount of habitable living space. As the proposal demonstrates it is possible to accommodate a fifth bedroom within the loft space of the existing 2.5 storey section. The dwelling already has a double garage and there is space for off street parking in front of the dwelling. There may be some scope for a two storey extension to the western gable, however this should be of significantly smaller scale, height and massing than that currently proposed and appear subservient to the existing 2.5 storey section. Detailing to any extension could also be improved, removing any domestic style features, removing incongruous features such as the port-hole and sub-dividing the garage entrance, thereby retaining the historic agricultural character and appearance of the building.
33. It is considered that the proposal is contrary to the aims and objectives of the National Planning Policy Framework in particular Chapters 7 Requiring Good Design and 12 Conserving and Enhancing the Historic Environment and to saved policies GDP1 and HO19 of the Derwentside District Local Plan.
34. It is noted that the applicants were advised to withdraw the original application for the same works as proposed within this application to allow them the opportunity to amend the proposal to address the issues, however, they have resubmitted the application requesting that it is considered as originally submitted, with the intention of progressing to appeal in the event of a refusal..

#### Residential Amenity

35. Given the location of the host property within the site, there are two direct neighbours affected by the two storey element of the proposals. The first property is The

Farmhouse which sits directly to the west and shares a boundary with the host. There are no windows proposed within the side elevation of the two storey extension. Concerns have been expressed regarding overlooking of the garden area. Similarly, while overlooking could occur from first floor windows over a part of the garden this is not an uncommon situation and would not justify withholding consent for the development.

36. There are small windows proposed within the third floor of the northern elevation of the side extension which can be viewed from a gallery internally. The privacy distance from the neighbouring property to the north (The Long Barn) is less than 16 metres away which is less than the 21 metre privacy distance specified in SPG2 for facing principal room windows. However, the proposed windows would serve a small gallery area which is not considered to be a principal room as the use of this would be limited. As such it is not considered that overlooking would occur as a result of these windows.
37. The massing of the side extension although large is not such that it is considered to adversely affect the amenity of the neighbouring occupiers through loss of light or being unduly overbearing.

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## **CONCLUSION**

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38. It is considered that the proposal is contrary to the aims and objectives of the National Planning Policy Framework in particular Chapters 7 Requiring Good Design and 12 Conserving and Enhancing the Historic Environment, and contrary to saved policies GDP1 and HO19 of the Derwentside District Local Plan.
39. Overall the proposed side extension would have a significant adverse impact on local visual amenity and the intrinsic character and appearance of the existing dwelling and wider estate, particularly in the context that the overall development has been designed to have an historic, agricultural character and appearance, by virtue of the finish to the converted buildings and the design of the new build elements.

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## **RECOMMENDATION AND REASONS**

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That the application be REFUSED for the following reason:

1. The proposal by virtue of the design, scale and massing of the side extension would have a significant detrimental impact on the character of the various non-designated heritage assets on the site of the converted farm group and in particular the adjacent farmhouse. Furthermore it would be out of keeping with the scale, character and massing of the host property contrary to policies GGP1, HO19 and NPPF paragraphs 7 and 12.

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## **STATEMENT OF POSITIVE ENGAGEMENT**

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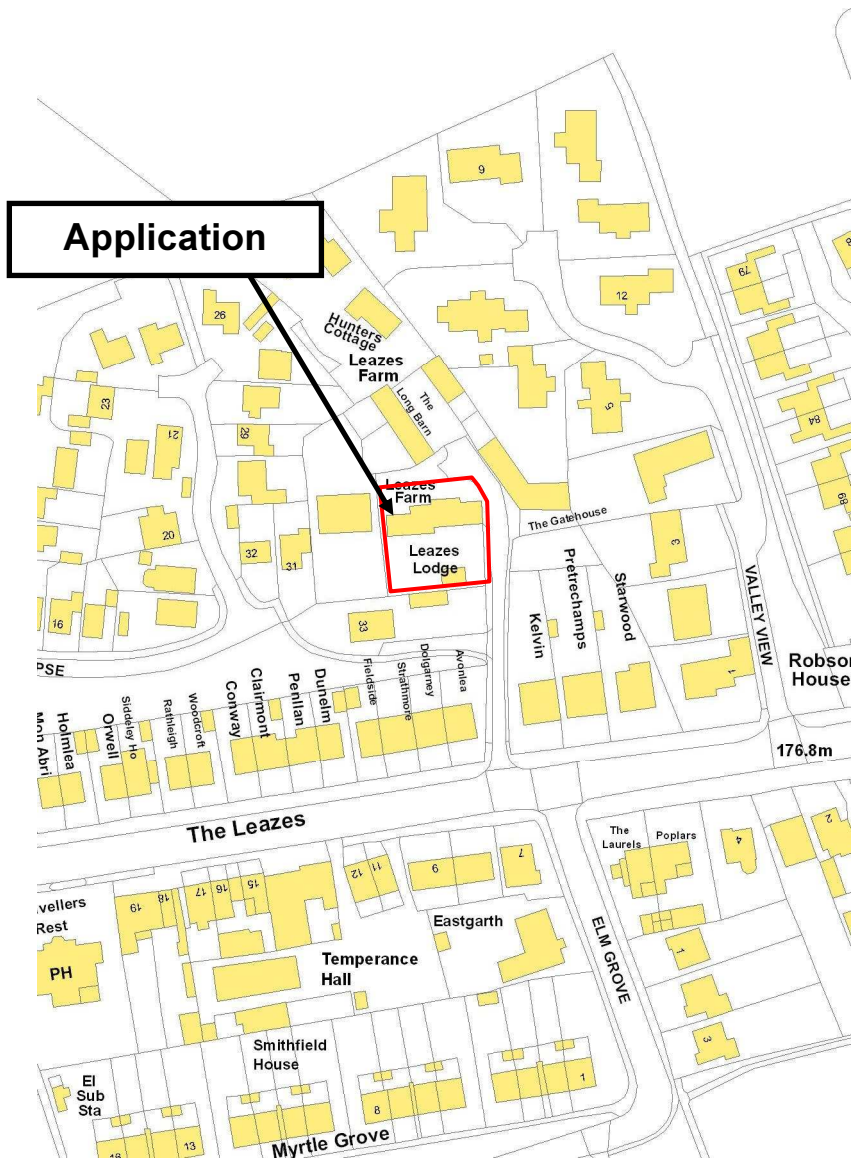
The Local Planning Authority in arriving at the recommendation to refuse the application has sought to actively engage as appropriate with the applicant to secure a positive outcome in accordance with the NPPF.

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## **BACKGROUND PAPERS**

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Submitted Application Forms and Plans  
Planning Policy Statements HO19 and SPG2  
Response from County Highway Authority  
Response from County Design and Conservation Team  
National Policy Framework  
Derwentside District Local Plan



**Planning Services**

Erection of two-storey side extension and single-storey rear extension at Leazes Lodge, Burnopfield  
Application Number 1/2013/0112/DMPF

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**Comments**

**Date** June 2013

**Scale** 1:1250





## Planning Services

# COMMITTEE REPORT

### AGENDA ITEM NUMBER:

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#### APPEAL UPDATE REPORT

#### APPEALS RECEIVED

No appeals have been received in the Northern Area since the last update.

#### APPEAL DECISIONS

**Appeal against the refusal of planning permission for amendment to previously approved planning permission 2/12/00039/FUL for erection of a pair of semi-detached dwellings to allow for alteration to front door and side lights to double door.**

Planning permission was refused for the amendment to previously approved planning permission 2/12/00039/FUL for erection of a pair of semi-detached dwellings to allow for alteration to front door and side lights to double door on 10 December 2012 under delegated powers. The application was refused on design grounds as it was considered that the glazed patio doors were inappropriate on the front elevation of the properties contrary to local and national planning policy which seek to secure good design.

The subsequent appeal was dealt with by written representations. Following consideration of the scheme the Planning Inspector allowed the appeal.

Whilst the Inspector acknowledged the views of the Council that the properties should benefit from 'front doors' those installed were not considered to be out of keeping with the host properties or those on either side. He felt that they were considered to be compatible in design and proportion with the windows of the new houses. In addition to this, the adjoining properties Ash House and Berry House do not have traditional front doors with Pinedale on the opposite side having doors akin to the new houses.

The Inspector went on to consider that as the appeal properties are behind houses that front the main road in a short narrow lane, the doors are only readily seen from immediately outside and their design therefore, has only a very limited impact on the streetscene.

The Inspector therefore, concluded that that the doors do not unacceptably harm the character and appearance of either the buildings concerned or their surroundings and the proposal is therefore, considered acceptable in terms of Policy HP9 of the Local Plan and the NPPF.

The appeal was therefore allowed.

## RECOMMENDATION

That this report be noted.

Report prepared by Lisa Morina, Planning Assistant