Area Planning Committee (North)

Date        Thursday 25 June 2015
Time        2.00 pm
Venue       Council Chamber, County Hall, Durham

Business

Part A

1. Apologies for Absence

2. Substitute Members

3. Minutes of the Meetings held on 30 April and 13 May 2015 (Pages 1 - 10)

4. Declarations of Interest (if any)

5. Applications to be determined by the Area Planning Committee (North Durham)
   a) DM/14/00355/FPA - Raven Hotel, Ebchester Hill, Ebchester, Durham, DH8 6RY (Pages 11 - 26)
      Erection of eight dwellings.

6. Appeal Update  (Pages 27 - 28)

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

County Hall
Durham
17 June 2015
To: The Members of the Area Planning Committee (North)

Councillor C Marshall (Chairman)
Councillor I Jewell (Vice-Chairman)

Councillors B Armstrong, H Bennett, P Brookes, J Cordon, 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 Area Planning Committee (North) held in Council Chamber, County Hall, Durham on Thursday 30 April 2015 at 2.00 pm

Present:

Councillor C Marshall (Chairman)

Members of the Committee:
Councillors B Armstrong, H Bennett, P Brookes, J Cordon, I Jewell, J Maitland, K Shaw, L Taylor, O Temple, K Thompson, S Wilson

1 Apologies for Absence

Apologies for absence were received from Councillors O Milburn, J Robinson, A Shield and S Zair.

2 Substitute Members

There were no substitute Members.

3 Minutes

The Minutes of the meeting held on 26 March 2015 were confirmed as a correct record and signed by the Chairman.

4 Declarations of Interest

There were no declarations of interest.

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

5a DM/15/00808/FPA – Durham County Cricket Club, Riverside, Chester le Street

Prior to the main presentation on the application the Principal Planning Officer presented an addendum report which had been distributed to members and interested parties prior to the commencement of the meeting. The Committee then considered a report of the Principal Planning Officer regarding the erection of 6 permanent floodlights and associated infrastructure at Durham County Cricket Club, Riverside, Chester le Street (for copy see file of Minutes).
The Principal Planning Officer provided the Committee with a detailed presentation which included photographs and a plan of the proposed layout. Members had visited the site the previous day and were familiar with the location and setting. Attention was drawn to an addendum report which had been circulated for Members attention (for copy see file of Minutes).

Members were advised that since the officers report had been published, comments had been received from the Spatial Policy Team, which noted the economic gains of the application together with the proposed mitigating measures. In relation to development in the greenbelt, Spatial Policy was satisfied that such development was balanced against the merits of the proposals. The Principal Planning Officer reported the views of the CPRE who had stated that the structures would tower over existing structures in the area and the impact would be greater than stated. They had noted the impact on Lumley Castle, the green belt and residential amenity.

Members were advised that the number of objection letters had now risen to 113. Furthermore, 15 letters of support had now been received and an overview of all recent submissions was provided.

In terms of impact on the Historic Environment the Principal Planning Officer advised members that the application had been considered with reference to section 66 of the Planning and Listed Buildings Act.

Mr R Sullivan, Holmlands Residents Association, addressed the Committee to speak in objection to the application. Members were advised that the residents association represented 167 properties, all of whom had been unaware of the proposals until late March 2015 when they were notified by a neighbouring Residents Association. Mr Sullivan advised that there had been a distinct lack of consultation in relation to the application and expressed concerns regarding the significant impact the proposals would have on the surrounding area. In particular, concerns were caused regarding the impact on match days when issues such as parking and anti-social behaviour would potentially be prevalent. Furthermore, the visual impact of the floodlights raised great cause for concern.

In relation to the consultation on the proposals, Members were advised that although a public meeting had been held, it was convened on a weekday during working hours and with no advanced notice to local residents.

Mr Sullivan suggested that the British Standards for Sports Lighting had not been considered when the proposals had been submitted and Members were advised that the application was of a retrospective nature as work had already commenced on site.

Mr Rostran, local resident, addressed the Committee to speak in objection to the application. Mr Rostran highlighted that the report advised that there would be harm from light spill, visual impact and heritage impact and as such the Committee were being asked to accept that the harm was outweighed by the economic benefits to the community. However, he warned that no such economic benefits existed.
He suggested that the report was missing key material facts. In referring to page 15 of the Planning Statement, Mr Rostran suggested that Durham County Cricket Club had failed to achieve its target of match attendances by 30%, yet exaggerated figures were being used in the application and the officers report.

Members were advised that the economic benefits quoted were at least overstated by 30% and predicted growth, yet the facts showed decline.

Those facts alone meant the economic case had not been made and the methodology supporting the recommendations was flawed.

Mr Rostran advised that the applicant and the planning officers stated that the additional 17,500 spectators would spend £100 each, which would be a major contribution to the local economy. Mr Rostran questioned how many of those 17,500 would be children and furthermore how many children would spend such sums at a cricket match. He further highlighted that a family of 4 would be unlikely to spend £400 when attending a match.

Members were advised that the Cricket Club had handed back a T20 and a one day international match as it had not been financially viable for them to host the games. Furthermore, recent games against Sri Lanka and South Africa had not sold out, Mr Rostran therefore questioned how the figures and future projections could be so aspirational when the facts told a different story.

In referring to page 45 of the report, Mr Rostran advised that economic growth did not present a balanced view. The figures and economic benefit in the conclusion of the report were considered overstated, unrealistic and unachievable.

Mr A Brown, Riverside Residents Association, addressed the Committee to speak in objection to the application. He represented 145 homes and began by advising that the application would have a detrimental impact upon the visual amenity of the local area, an area which was of Heritage and High Landscape value and adjacent and visible to the green belt.

Slides were shown to illustrate the visual impact the floodlights would have and Mr Brown stated that Members were being asked to balance the weight of public benefits to be achieved against the detrimental impacts of the proposal.

Members were advised that the only information provided upon which the Committee could base a decision, had come from the applicant and was over optimistic, unachievable and unsubstantiated from any source unconnected with the bid.

Mr Brown felt that the Committee was being asked to believe that the floodlights would produce 17,000 additional attendees, each spending £100 and that 136 additional full time equivalent jobs would be created, all based solely on the figures provided by the applicant. Mr Brown questioned the validity of those assertions advising that many spectators would take their own refreshments with them on match days.
Members were advised that the World Cup, towards which the application was aimed, only came to the UK every 20-24 years and in 2019 Durham had been allocated 3 early round games. While those matches might bring prestige to the local area, it was unlikely that it would create a raft of new cricket watchers who did not previously attend the cricket ground. Furthermore the Club had handed back some allocated games due to potential non profitability and had also failed to sell out a previous 20/20 International Match.

Mr Brown felt the whole application hung on a financial hook. The Club, by their own admission, could only afford the single option currently before the Committee and would suggest that there were no alternative viable options. This assertion had been backed up by the fact that installation of the foundations for the floodlights had already commenced prior to planning approval.

Members were advised that other grounds had managed to find solutions to ensure that their schemes fitted with the environment, such as retractable and demountable heads.

Mr Brown advised that it was not felt a satisfactory case had been made by the applicant in relation to the wider public benefits. Consultation had been very poor and the applicant had failed to bring any independent or supporting evidence to give rigour to its claims. Furthermore the applicant had neglected to openly explore all available and practical solutions, instead opting for the only affordable option and in turn, using optimistic and unrealistic financial and economic outcomes as supporting evidence.

Members were advised that the long term impact on the area of high landscape value would be absolutely detrimental and not in the interests of the public. Mr Brown urged the Committee to refuse the application or at the very least, defer until more robust evidence could be provided.

Mr C Limpach, Musco Lighting, addressed the Committee. Members were advised that Musco Lighting was the global leader in sports floodlighting and worked on over 2500 sports lighting projects annually. Musco had installed over 1,000,000 floodlights on sports pitches and stadiums worldwide in the last decade and had been specialising in sports lighting for nearly 40 years, operating in the UK for over 20 years. The company had installed floodlights in venues such as Twickenham Stadium, Wimbledon Centre Court and it was currently installing a new system at the Emirates Stadium for Arsenal FC. In relation to cricket lighting, Musco had installed floodlights at over 40 grounds worldwide and at 10 grounds in the UK.

Mr Limpach advised that the Musco systems ability to control light, reduce spill and glare and its engineers’ design efforts to minimise the impact of artificial light on the night sky, had been recognised by the International Dark Sky Association for a number of years. In 2011 Musco was given the organisations Lighting Design Award and such experience had been applied to the design for Durham County Cricket Ground.

Members were advised that Musco had been working with the Cricket Club on plans for the floodlighting system since 2008. During that time Musco, the Club and
the Project Design Team had worked through various design options in an effort to
determine the best lighting solution. As part of the design evaluation, considerations
were made for the club’s requirements, the perspectives of the local residents and
surrounding area, the ECB and ICC and for television broadcast requirements.
Musco had completed 12 full design proposals with variations in the number of
masts, location and type of masts and light level requirements in accordance with
the ECB and ICC lighting specifications.

The best solution arrived at was that which was before the Committee for
consideration, which incorporated tilted heads and visors to control the floodlights.
The number of masts proposed was actually less than the 8 which would have been
considered preferable by the ECB. 4 masts could have been an option, however
would not be compliant in relation to the uniformity of lighting during televised
broadcasts.

The Committee was advised that the floodlights would mainly be used during
daylight hours in order to extend the ambient light. Beyond 10:30pm, the lights
would be reduced to less than 10% of their full level to allow safe egress and de-
rigging for all spectators and stakeholders involved in the match.

Mr Limpach concluded by advising that all light spill calculations given in the report
had allowed for no blockage from buildings, trees, walls or other obstructions and
as such the light spill would likely be reduced from the levels shown. Musco would
ensure that if approved, the system would be installed in accordance with the
designs and drawings presented in the application and would also perform testing
of the system to ensure both the light levels on and off the pitch were in accordance
with the proposed design.

Mr D Harker, Durham County Cricket Club, addressed the Committee. He began by
addressing the commencement of the works in advance of planning approval being
granted. Members were advised that the works programme had been developed at
the end of 2014 when it was anticipated that the application would be considered
during February 2015. The programme was developed to maximise the opportunity
in 2015, originally targeting the Yorkshire T20 match at the end of May. As the
planning timetable slipped, the Club was faced with the option of abandoning the
programme and forgetting any opportunity to have lights operational in 2015, or
taking advantage of the available funding to complete the groundworks element.
That work would be out of season and thereby retained the possibility of lights
being available in 2015.

Members were advised that the club opted to commence the groundworks, though
in no way was it pre-empting the decision of the Committee.

In relation to the lights, Mr Harker advised that the Club had a clear economic vision
and was pursuing a development master plan to secure a sustainable future for the
Club and economic growth and employment for Chester le Street. Fundamental to
that plan and the future business viability of the existing Club was the income from
international cricket and the status of an international venue.
Mr Harker advised that the venue was developed as an international venue and had staged international cricket every year since 1999. Without the income from such matches and in particular the marquee events such as The Ashes in 2013 and the 2019 World Cup, the business would not be sustainable in its current form.

The Committee was advised that the trend in recent years had been towards more floodlit events with this year 8 out of 12 limited over matches being floodlit and the Durham Club being the only international venue without permanent lights. Mr Harker advised that the club was exposed to significant risks if no lights were developed. An example of such had already occurred in 2012. The Club had to hand back the T20’s Final Day because of the lighting issue. That alone had cost the Club approximately £500,000 and the county £1.5-2m of economic benefit. To miss out on the 2019 World Cup and future similar events would mean a greater loss to the economy.

Mr Harker stressed the greatest economic benefit of floodlights was in securing the staging of major events and the future of the club and safeguarding current employment. The Club was the largest private sector employer in Chester le Street with 69 average monthly employees, 12 permanent catering staff and another 50 for a match day and 500 for an international event, with all staff being recruited locally.

Mr Harker concluded by advising that the Club explored fully a number of options including a tender exercise to design a floodlighting scheme that would meet its functional purpose to a high design standard and to minimise the impact on local residents. The scheme selected had not been the cheapest option available to the club. It was acknowledged that the scheme would cause limited visual harm but it was believed that was far outweighed by the proportional benefit of retaining and expanding world class sport in the county.

Mr A Nelson, Chester le Street Business Association, addressed the Committee. Members were advised that the option of installing retractable lighting had been explored however was determined to be an unsatisfactory solution.

The economic benefits for the town with the events that the club could attract would be very important, as would the prestige that would be associated with the towns’ reputation. Members were advised that the Chester le Street Business Association fully supported the proposals.

The Principal Planning Officer addressed points raised as follows:-

- Consultation – A public meeting had been arranged by the Cricket Club in advance of the application being submitted. The Planning Authority had consulted 150 properties, meeting its statutory requirements, and had posted 15 notices in the vicinity of the application site. An Advert had also been published in the local press. The application had also received considerable press coverage.
- The benefits to the local community were considered to be the economic benefits which the proposals would bring to the local area;
Attendances at matches – even if the attendances less than anticipated, the economic benefits would still be significant.

£100 spend at matches – That was an average figure and it was noted that some attendees would spend more money while others would spend less. If attendances were to rise then it would be likely that more children would attend matches but this would be proportionate taking into account all additional attendees. Members were advised that the merchandise purchased from children was quite high and that expenditure had to be balanced against that from high spenders.

It was anticipated, based on changes at other grounds that had installed floodlights such as Hampshire, that the club would receive 17,500 extra attendees;

Attention was drawn to paragraph 19 of the NPPF which advised that significant weight should be given to the prospect of economic growth.

Councillor J Cordon commended all the information provided from officers, supports and objectors of the application. He had found the site visit particularly useful as Members had good opportunity to consider all the potential impacts.

Councillor Cordon was proud of the international sporting venue which had a worldwide reputation, was economically beneficial to the area and was also a large employer. He further noted the overriding message of the NPPF, that sustainable development should proceed without delay.

The economic benefits to the local area and the employment generated made the club a big contributor to the local area and Councillor Cordon moved that the application be approved.

Councillor S Wilson seconded the motion for approval. Whilst acknowledging the concerns expressed by local residents, he believed that it was important to maximise the club’s potential. There was little point in having an international facility if it was not able to fully facilitate all matches. The Club had carried the banner of Chester le Street on both a national and international level and though he had concerns about the retrospective nature of the application, Councillor Wilson was in full support of the proposals.

Councillor B Armstrong commented that the Cricket Club was a great success story for the county and its future potential should not be prohibited.

Resolved: “That the application be approved subject to the conditions outlined in the report”.
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At a Meeting of Area Planning Committee (North) held in Council Chamber, County Hall, Durham on Wednesday 13 May 2015 at 1.00 pm

Present:

Councillor B Armstrong (Chairman)

Members of the Committee:
Councillors H Bennett, P Brookes, J Cordon, I Jewell, J Maitland, K Shaw, A Shield, L Taylor, O Temple and S Zair

1 Apologies for Absence

Apologies for absence were received from Councillors K Thompson and S Wilson.

2 Substitute Members

There were no substitute Members.

3 Declarations of Interest

There were no declarations of interest.

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

4a DM/14/03874/FPA – 11 Trafalgar Street, Consett, DH8 5AP

The Committee considered a report of the Planning Officer regarding internal alterations to the ground floor from 3 shop units to 9 shop units and change of use to the first floor from commercial space to 11 residential dwellings at 11 Trafalgar Street, Consett, DH8 5AP (for copy see file of Minutes).

The Principal Planning Officer provided the Committee with a detailed presentation which included photographs and a plan of the proposed layout.

Councillor I Jewell moved that the application be approved, satisfied with the amendments which had been made to the design and layout of the proposed scheme since the matter had last been considered by the Committee.

In response to a query from Councillor P Brookes, the Principal Planning Officer clarified that while bicycle storage had been a consideration, it would not be viable in the proposed scheme. Floor space had already been taken from the proposed shop units in order to provide a bin storage area. It was unfortunate that when
converting existing premises, there was not always the space and scope to incorporate different areas into the design.

Councillor O Temple thanked the Committee for taking the decision to defer the application earlier in the year. In doing so, the applicant had been able to address the Committee’s concerns and amend the proposals accordingly. Councillor Temple seconded the motion to approve the application.

In response to a query from Councillor A Shield, the Principal Planning Officer highlighted the ground floor layout of the proposed development on a map and indicated how the bin store arrangements would operate.

Resolved:
That the application be approved subject to the conditions detailed within the report.

5 Appeal Update

Consideration was given to 1 appeal update which had been received by the North Team (for copy see file of Minutes).

Appeal against the refusal of planning application DM/14/01442/TPO for the felling of three Sycamores and one Ash tree which are covered by Tree Preservation Order 57 and sited at The Cottage, Commercial Street, Cornsay Colliery.

The Inspector dismissed the appeal.

Resolved:
That the report be noted.
APPLICATION DETAILS

APPLICATION NO: DM/14/00355/FPA
FULL APPLICATION DESCRIPTION: Erection of eight dwellings
NAME OF APPLICANT: Mr G Sahota
Raven Hotel
Ebchester Hill
ADDRESS: Ebchester
Durham
DH8 6RY
ELECTORAL DIVISION: Leadgate and Medomsley
Steve France
Senior Planning Officer
Telephone: 03000 264871
steve.france@durham.gov.uk

DESCRIPTION OF THE SITE AND PROPOSALS

The Site

1. The site of the former Raven Hotel occupies 0.6ha of land adjacent the B6309 between Medomsley crossroads and Ebchester, 2.2 miles north of Consett. That highway follows the line of Dere Street Roman Road on a very steep bank as it drops towards the village. The site entrance is 900m from the staggered crossroads junction of the B6309 and the A693, the main street in Ebchester Village, which is 69m lower than the site in elevation. The hotel was a modern construction, having replaced a public house that had been in existence since the 19th Century. The Derwent Walk Railway Path runs beneath the site, some 350m distant. In character, Ebchester Bank is, and traditionally has been formed of sporadic and intermittent development variously related to agriculture, small quarries and mining, separate from the settlement of Ebchester in the low valley floor to the north.

2. The buildings of the former 28 bed hotel have been long demolished, and the site part cleared, with building materials and rubble remaining across the site, being of significant blight to the local area for an extended period of time. The site itself follows the landform, being sloping with the terraced parking areas of the former use still evident.

3. The site is within open countryside which at the moment is without designation, but proposed included in Green Belt in the emerging County Plan, the relevance of which is explained below. Existing dwellings frame the site on the road, one within the ownership of the applicant, but is not included within the site, the other having been recently demolished, with a replacement dwelling currently under construction.
4. The application was submitted proposing erection of 9 detached dwellings, having been revised to 8 during the course of the application to increase curtilage and mitigate the relationship to the adjacent site. Two dwellings proposed constructed of traditional materials, and with vernacular detailing front onto the main road. The remaining six, of wholly modern appearance are arranged around a looped shared access road, most facing north, to take advantage of the expansive views across the Derwent Valley, and so that those on the lower site boundary can add some ‘drama’ to the appearance of the site. The applicant describes the proposal as focussed on providing high quality sustainable housing of an innovative design.

5. The application is presented to Committee at the request of a local Ward Member.

PLANNING HISTORY

6. In 2009 planning permission was granted for the demolition of the hotel and erection of 17 dwellings, subject to conditions. The hotel was subsequently demolished, the conditions however not being discharged, and the applicant has effectively allowed that consent to lapse. A subsequent application to extend that consent was withdrawn before determination following indication of a potentially a negative response from the Local Planning Authority, as the permission it sought to extend had already lapsed.

7. The current application has now been with the Council for 16 months as the applicant’s agents first struggled to provide sufficiently accurate information to validate it. Members may then recall that the application was included on the January 2015 agenda, recommended for refusal. The applicants requested it be deferred to allow changes to address the concerns raised. There have been detailed alterations to the two units facing the B6309 and an update to the supporting statement, but the majority of the scheme remains unchanged.

PLANNING POLICY

National Policy:

8. In March 2012 the Government consolidated all planning policy statements, circulars and guidance into a single policy statement, termed the 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 dependent. 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.

9. **NPPF Part 3 – Supporting a Rural Economy** – Requires planning policies to support economic growth in rural areas in order to create jobs and prosperity by taking a positive approach to sustainable new development, supporting all types of business and enterprise, promoting development and diversification of agricultural and rural business and supporting tourism and leisure activities that benefit rural businesses, communities and visitors whilst respecting the character of the countryside.

10. **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.

11. **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.

12. **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.

13. **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. This part also includes that planning policies and decisions should encourage the effective use of land by reusing land that has previously been developed, providing it is not of high environmental value.

**NATIONAL PLANNING PRACTICE GUIDANCE:**

14. The newly introduced National Planning Practice Guidance (NPPG) both supports the core government guidance set out in the NPPF, and represents detailed advice, both technical and procedural, having material weight in its own right. The advice is set out in a number of topic headings and is subject to change to reflect the up to date advice of Ministers and Government.

15. **Climate Change** - Addressing climate change is one of the core land use planning principles which the National Planning Policy Framework expects to underpin both plan-making and decision-taking. Planning can also help increase resilience to climate change impact through the location, mix and design of development. Reflecting the ‘golden thread’ of the NPPF, sustainable development is key.
16. **Design** - The importance of good design. Good quality design is an integral part of sustainable development. The National Planning Policy Framework recognises that design quality matters and that planning should drive up standards across all forms of development. As a core planning principle, plan-makers and decision takers should always seek to secure high quality design, it enhancing the quality of buildings and spaces, by considering amongst other things form and function; efficiency and effectiveness and their impact on wellbeing.

**LOCAL PLAN POLICY:**

17. The following are those saved policies in the Derwentside District Local Plan relevant to the consideration of this application. The Council has undertaken an exercise to assess the general compliance of each of the local plan policies with the NPPF in line with para. 215 of that document.

18. **Policy GDP1 – General Development Principles** – is an overarching policy which aims to ensure that all developments incorporate a high standard of design, conserve energy and are energy efficient, protect the existing landscape and natural and historic features, protect and manage the ecology of the area, protect valuable open land, provide adequate landscaping, incorporate crime prevention measures and improve personal safety, protect amenity, provide adequate drainage, protect flood risk areas and protect the water resource from pollution. This policy is considered compatible with the NPPF as the policy sets out criteria that accord with the national advice.

19. **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. For NPPF compliance, this policy is considered slightly too restrictive in relation to permissible land uses but the overall approach is compatible, and can be taken as ‘partially’ compliant.

20. **Policy HO5 – Development on Small Sites** – is quoted in the applicant’s statements. This policy refers to development in specified settlements, and whilst Ebchester is listed, the site is not considered to be within the settlement, policies EN1 (above) and HO5 being mutually exclusive. This policy is not considered relevant by officers, and in NPPF compliance terms has been assessed as generally too inflexible to be fully compatible, concluded as ‘partially’ compliant.

21. **Policy TR2 – Development and Highway Safety** – relates to the provision of safe vehicular access, adequate provision for service vehicle manoeuvring, etc. This policy is considered NPPF compliant.

**EMERGING POLICY:**

22. In considering this proposal due regard should be had to the requirements of Section 38(6) of the Planning and Compulsory Purchase Act (2004) which requires that proposals be determined in accordance with the statutory development plan, unless other material considerations indicate otherwise. Paragraph 216 of the NPPF says that decision-takers may give weight to relevant policies in emerging plans according to: the stage of the emerging plan; the extent to which there are unresolved objections to relevant policies; and, the degree of consistency of the policies in the emerging plan to the policies in the NPPF. The County Durham Plan was submitted.
for Examination in Public in April 2014 and stage 1 of that Examination has been concluded. However, the Inspector’s Interim Report which followed, dated 18 February 2015, has raised issues in relation to the soundness of various elements of the plan. In the light of this, policies that may be relevant to an individual scheme and which are neither the subject of significant objection nor adverse comment in the Interim Report can carry limited weight. Those policies that have been subject to significant objection can carry only very limited weight. Equally, where policy has been amended, as set out in the Interim Report, then such amended policy can carry only very limited weight. Those policies that have been the subject of adverse comment in the interim report can carry no weight in the development management process.

23. In light of the above it is considered appropriate to draw attention to the relevant components of the emerging Plan in this report to which a degree of weight can be attached. However, the weight that can be attributed to these emerging policies is of such a limited level that it should not be the overriding decisive factor in the decision making process.

24. **Policy 1 – Sustainable Development**, sets out a presumption in favour of such through 18 subsections including directing economic growth to existing centres, protecting agricultural land, promoting inclusive and healthy communities, achieving well designed accessible places, making the most effective use of land, and conserving the quality diversity and distinctiveness of the County including the conservation and enhancement of designated and non-designated heritage assets. The degree of weight that can be attached to this policy is limited.

25. **Policy 2 – Spatial Approach**. Sustainable development will be directed to a hierarchy of settlements with allowance made for development to allow smaller communities to become more sustainable. Only very limited weight can be attached to this policy.

26. **Policy 14 – Green Belts** states that the construction of new buildings will be regarded as inappropriate and will not be permitted. Exceptions to this, where they accord with other Plan policies and minimise impact on openness through appropriate landscaping, design scale and appropriate use of material include limited and proportionate extensions or alterations to a building. Limited weight only is advised attached to ‘saved’ Green Belt designations (which this is not) with no weight to County Plan amendments.

27. **Policy 15 – Development on Unallocated Sites** allows development on such where it is appropriate in design and location to the function of the settlement, does not lose the last community facility, is compatible with adjacent land uses and does not involve development in the countryside that does not meet the criteria set out in Policy 35. Only very limited weight can be attached to this policy.

28. **Policy 16 – Sustainable Design in the Built Environment** sets out 17 elements required for development to be permitted, including the need for development to positively contribute to an area’s character, identity, townscape and landscape features and to promote diversity and choice through the delivery of a balanced mix of compatible buildings. In terms of places and spaces, in terms of buildings it requires that new proposals deliver an integrated and sustainable built form that clearly defines public and private spaces, demonstrate efficient use of land and resources by ensuring development is built at appropriate densities, minimise the use of non-renewable and unsustainable resources during both construction and use, prioritising the use of local materials, aim for zero carbon development, utilise renewable and low carbon technologies as the main heating source, achieve BREEAM ‘Very Good’ compliance standard for major non-residential developments, demonstrate sustainability in design and usage in terms of water, materials, waste,
pollution and effective management of drainage from the site, create buildings and spaces that are adaptable to changing conditions, including those resulting from climate change impacts. Post Inspector’s report, this policy has limited weight.

29. **Policy 18 – Local Amenity** states that permission will only be granted for proposals providing it can be shown that a significant adverse impact on amenity would not occur including, for example, loss of light and privacy, visual intrusion, overlooking, noise and odour. In addition to this, permission will not be granted for sensitive land uses where suitable mitigation measures cannot be put in place to rectify the adverse impact on amenity. The policy is attributed only limited weight.

30. **Policy 34 – Type and Mix of Housing** - states that the Council will seek to secure an appropriate mix of dwelling types and sizes, taking account of existing imbalances in the housing stock, site characteristics, viability and market considerations and the opportunity to facilitate self-build schemes. Limited weight may be attributed to this policy.

31. **Policy 35 – Development in the Countryside**, states that this will only be permitted where they accord with other policies in the plan, and with one or more of a number of exceptions including; being necessary for the viable operation of agriculture, where the proposal demonstrates it will directly support the enhancement of local services, community facilities and infrastructure, where environmental or tourism assets are enhanced, or in the case of a change of use of a heritage asset or other disused structure, demonstrates a viable sustainable economic use, does not require substantial rebuilding or extension, is in keeping with and enhances its setting, and has no significant impact on neighbours. Only very limited weight may be attributed to this policy.

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.cartoplus.co.uk/durham/text/00cont.htm.

**CONSULTATION AND PUBLICITY RESPONSES**

**STATUTORY RESPONSES:**

32. **Local Highway Authority** Engineers write that following amendments to the highways layout and the reduction in the number of units proposed, they have no objections to this proposal subject to the proposed estate road being designed and constructed to meet current highway design standards and that no development shall commence until plans showing full engineering details of the proposed estate roads have been submitted to and approved by the Local Planning Authority. The site is assessed taking into account the previous land-use which is likely to have generated more traffic than will the proposed eight dwellings. A 14m long drive and a double garage is more than enough parking and manoeuvring space for the existing property. The late amendments to the scheme do not affect this advice.

33. **Northumbrian Water** comment the planning application does not provide sufficient detail with regards to the management of surface and foul water from the development for them to be able to assess their capacity to treat the flows from the development. They suggest a condition to agree the details.

34. **Coal Authority** records indicate the presence of recorded shallow coal workings below the site and also the potential for historic unrecorded shallow underground
coal workings. The applicant has obtained appropriate and up-to-date coal mining information for the proposed development site; including a Coal Mining Report, BGS geological mapping and Ordnance Survey historical topographic mapping. This information has been used to inform the Mining Risk Assessment Report, which accompanies this planning application. The Mining Risk Assessment Report correctly identifies both the presence of recorded shallow coal workings below the site and the potential for historic unrecorded shallow underground coal workings to be present, which pose a potential risk to the proposed development. The Coal Authority concurs that intrusive site investigation works be carried out to fully assess any implications posed. In the event of any hazards being encountered which may pose a risk to the development, the remediation methods as suggested; including designing and implementing a programme of mine working stabilisation by drilling and pressure grouting are considered satisfactory as a means of safeguarding the development. A condition is suggested.

**INTERNAL CONSULTEE RESPONSES:**

35. *Sustainability* Officers note the applicant makes reference to the distance of the site from Ebchester village centre, being 'approximately 300m', the true distance is triple that distance being 900m to the village centre. Whilst it is appreciated that development has been previously approved on the site, the site is still substantially away from existing services and facilities. A key factor within the application is the fact that the land is brownfield and this, together with the lower number of houses being considered, leads to no major concerns over the development of site as long as sustainability is at the core of the building proposals.

36. *Spatial Policy* Officers concur that the assessment is a balance between the conflicting aims of sustainability and improving damaged or derelict land in a potential Green Belt whilst boosting housing supply. The site is noted as located in the open countryside. The strategy of the County Durham Plan seeks to direct the majority of new development to sustainable locations (i.e. main towns and settlements). The Settlement Study and SHLAA help to inform the location and supply of residential development. The site is regarded as unsuitable for housing in the Strategic Housing Land Availability Assessment (SHLAA – 2013), owing to it being detached from any settlement. While there are benefits to be achieved in the form of making good a brownfield site, the dis-benefits of approving housing in a countryside location must be factored into the balance - as it stands the scheme is finely balanced.

37. *Archaeology Officers* note the site has previously benefitted from a planning consent, that having been subject to a condition for phased archaeological works. Similar conditions, amended to reflect the updated policy context are suggested.

**PUBLIC RESPONSES:**

38. A representation was received from the owner of the site next to the site entrance at Rose Cottage, recently granted consent for demolition of the existing cottage and replacement with a modern dormer bungalow with detached double garage, with these works currently underway. The objection was received to the scheme as originally submitted for 9 units. Noting that the principle of development on the site is welcomed, its current state being detrimental to the appearance of the area, the massing of the properties on the northern elevation, and the relationship to his own property in terms of massing and privacy was considered compromised if intervening screening was ever removed. Commenting on the latest amendments to the scheme,
the respective levels of the sites and properties proposed are considered to impact on privacy and light, Plots 1 and 2 are considered ‘incongruous’.

39. Ebchester Village Trust wrote following the revised layout, describing the site as occupying a highly prominent location, with the proposal’s suburban nature alien to its setting within an area of relatively isolated sporadic development. The impacts of the site are contended not fully represented, with considerable artistic licence used to convey those views presented. The proposed development is considered unsustainable, contrary to a range of national and local policies and guidelines. The previous approval is noted as having been highly controversial. The need is not justified, relying instead on the aspirations of the emerging County Plan. The difference in the quantum of development to that previously approved is disputed, with only six less dwellings on the site than the previous approval. The site is not considered ‘sustainable’. Quoted as 300m from the village and 800m from the nearest bus stop, the closest house within the village envelope is 500m distant and the bus stop 1300m (0.8miles) away down a gradient varying from 1in9 to 1in7. Few residents living closer to the A694 are able to walk the shorter length of the hill – some drive to the bus-stop, leaving cars in the village centre. It is likely proposed residents would rely upon their cars.

40. No details have been provided to support intended drainage arrangements. This should be addressed through the application process. The existing vehicular access, proposed reused is hazardous below the crest of a hill, with some of the proposed visibility splays not within the control of the applicant. The proposed amended driveways arrangement to Garden House involves a steep ramp that could cause manoeuvring difficulties. No screen planting is proposed, with retained planting the highways areas of the site ‘at risk’.

41. Some of the dwellings have been designed to mimic traditional style, but with a wide range of materials. The most prominent plots are described as intrusive and out of character.

42. The Village Trust conclude that whilst they would not oppose appropriate modest development of this brownfield site, the scale and nature of the current proposals are inappropriate to the location.

**APPlicants Statement:**

43. The applicant describes the site as within countryside, but not wholly remote with ribbon development typical alongside the road that encompasses the site, which is surrounded on three sides by existing development. The land is currently underused and an eyesore. The site is 300m south of Ebchester Village, which is identified as a medium village in the Durham County Settlement Study, with a range of facilities including a Primary School, Post Office, Church, Community Centre and pub. There is a regular bus service 800m from the site, with the 12 mile Derwent Railway Path, suitable for walkers, cyclists, horse-riders and wheelchair users 270m south of the site. As a result of the housing opportunity the development provides, there are clear benefits in terms of the impact upon the local community, ensuring vibrancy where the County Plan shows a need for future households and economic growth. It will provide housing for the highly skilled workforce the County wishes to retain and attract, along with helping support local services in Ebchester. Infrastructure associated with the hotel remains on the site and its general appearance blights the local area. Redevelopment will enhance the immediate setting of the site and that of the wider locality.
44. The development will provide construction jobs and demand for building materials, helping stimulate the local economy.

45. The layout of the site responds to the site characteristics; the more steeply sloping rear (northern boundary), the relatively flatter mid-section and the road frontage. The proposed design reflects each element taking into account the site’s natural and built features. Plots 1 and 2 on the northern boundary respond innovatively to the slope of this part of the site; Plots 4 and 5 along the road frontage provide a more traditional design concept; and Plots 6, 7, 8 and 9 take various elements from Plots 1, 2, 4 and 5 and translate these into a more modern design with feature glazing and modern materials. The lower density of scheme proposed compared to that previously approved has enabled a higher quality scheme more in keeping with its surroundings, whilst also providing high quality sustainable homes of an innovative design. Each dwelling is individually designed and will meet the latest sustainability and environmental standards. Proposed materials include natural coursed stone, render, cedar and blue slate roofs with aluminium doors and windows.

The above represents a summary of the comments received on this application. The full written text is available for inspection on the application file which can be viewed at http://publicaccess.durham.gov.uk/online-applications/simpleSearchResults.do;jsessionid=D8703D53C2145BF952EE100F5F280C94?action=firstPage

PLANNING CONSIDERATIONS AND ASSESSMENT

46. As identified in Section 38(6) of the Planning and Compulsory Purchase Act 2004 the key consideration in the determination of a planning application is the development plan. Applications should be determined in accordance with the development plan unless material considerations indicate otherwise. The degree of compliance of policies with the NPPF is such a material consideration. The main issues for consideration with these proposals are the principles of development in terms of sustainability and development in the countryside, with design issues and highways, also prominent assessments.

Principle of Development

47. Sustainability is the ‘golden thread’ that underpins all the advice set out in the NPPF, with all acceptable development required to be able to be shown as sustainable. The definition of the term is broad, with the government advice setting out three subheadings – economic, social and environmental – under which to consider proposals.

48. This leads to what Officers consider the crux of the sustainability arguments, and the application itself - the sustainability ‘credentials’ of the location – or put another way; is the development acceptable in land use terms?. The applicants and Officers fundamentally disagree with the relationship of the development to the settlement of Ebchester. The site must be assessed as in countryside, meaning that Policy HO5 of the Local Plan is not relevant – assessment required against EN1 and EN2 of the Local Plan and Policy 35 of the County Plan with limited weight attributed to this policy. Given the steepness of the bank, the distance to the village, and then further to the facilities and services beyond the village crossroads, this relationship is critical to the assessment. This distance and elevation has obvious implications to the likelihood of residents having to rely on private cars, particularly with large executive
size housing where families are better off, more likely to have older children, and
more likely to require multiple car ownership. Pedestrian, cycle and wheelchair
access to the services offered by the village is significantly physically challenging –
evidenced by the detail of the Village Trust’s letter. Whilst acceptance of less
convenient access to the facilities considered necessary for modern life is intrinsic in
countryside and village life, the actual separation in this instance is such that Officers
cannot recommend approval on sustainability grounds.

49. Neither are the proposals considered to meet the NPPF’s example of small groups of
existing settlements being proportionately extended to mutually support shared
services and facilities.

50. The applicant acknowledges that the site is in the countryside and therefore in
principle contrary to Policy EN1 of the Local Plan. They note the site is brownfield –
‘previously developed land’ (PDL), and has benefitted from planning permission in
the past, and Officers have given some weight to this history in so much as the site is
previously developed land. There are differences between that case and this. At the
time of the previous approval the buildings of the hotel were still in existence. The
approved application was determined against the now historic policy context of
Planning Policy Statements (PPSs) and the Regional Spatial Strategy (RSS). The
report noted the proposals as contrary to Policies EN1 and Policy HO5 (the latter
relating to development within defined settlements is not considered relevant). In
terms of the current application, whilst the site clearly meets the definition of PDL as
set out in the NPPF, Officers are concerned that the blighted and derelict
appearance of the land is being maintained by the applicant to support a case for
redevelopment where it may not usually be granted. To rectify this, the Council has
powers under section 215 of the Town and Country Planning Act to address sites
that result in a loss of amenity and the fact that a site is untidy should not be a
material consideration in the determination of the application. Whilst the NPPF is
clearly supportive of the development of PDL, development must be sustainable.
There is a clear instruction that in rural areas, sustainable housing should be sited
where functionally required or where it will enhance or maintain the vitality of rural
communities. Local planning authorities are advised to avoid new isolated homes in
the countryside unless there are special circumstances. Policies EN1 and EN2
reflect this advice, as does Policy 35 of the submission draft County Durham Plan.
Local planning authorities are charged with being consistent in their decision making.
The previous decision was justified – despite being acknowledged as contrary to
policy – on the basis that approval would ‘avoid the site deteriorating and blighting
the locality and the landscape’. The imperative of ‘sustainability’ required by the
NPPF is ultimately the difference in the two recommendations.

51. The applicants have set out a detailed statement showing how their development
can be considered sustainable against the three topic headings. The statement
includes commitment to meeting standards within the Code for Sustainable Homes in
the building works and the energy efficiency of the homes, including benefits to the
local supply chain and the local construction industry. Whilst these points are
accepted to degree, they are not evidenced in detail. Sustainability Officers consider
the on-site details of thermal efficiency can be subject to a standard condition. The
benefits to the supply chain and construction industry have not been assessed in
detail, with no guarantees of local benefit. The basic point is acknowledged, but little
weight is given to the argument.

52. The applicant argues that the housing requirements of the emerging plan should
weight in favour of the development in helping provide the required number of new
sustainable homes across the County. Whilst some weight is given to those policies
in the emerging County Plan relevant to the development, both the stage of the
adoption process, and the lack of detail in how the development supports this Council aim undermine the argument. Whilst the Inspector at the County Plan’s Examination in Public was unconvinced by the County Plan’s approach to providing the required five year housing supply, considering it too ambitious, the figure he suggested, some 2000 units lower can be demonstrated following the SHLAA and SHMA exercises. The Council is committed to growth and meeting housing targets, but this must be in line with the NPPF’s wider requirement to direct appropriate development to appropriate locations.

53. In terms of the principle of the proposed land-use in the countryside, the isolated application, poorly related to surrounding goods, services and facilities, is considered contrary to the NPPF and the basic tenants of Policies EN1 and EN2 of the Local Plan and Policy 35 of the emerging County Plan.

Scale and Character

54. As noted above planning permission may be granted in the countryside in the special circumstances outlined in para. 55 of the NPPF, these circumstances including the exceptional quality or innovative nature of the design, where helping raise design standards or design generally in rural areas. Following indications after previous applications that any residential development must be of special and innovative quality to attempt to address the presumption against residential development in the countryside, pre-submission discussions had suggested that the site could best achieve this through integrating into the locale by presenting an elevation of traditional character to the passing main road, whilst taking a more innovative approach to the development within the site – with those properties facing the road potentially having a different character to their rear. The design of the two properties facing the B6309 is the only element of the scheme amended following the withdrawal of the report for refusal in January. The amendments proposed two dwellings of traditional materials and vernacular detailing, but of a size that belies their modern design. Of acceptable appearance in their own right, they claim no special flair or innovation against which they may be considered to have special justification against para. 55 of the NPPF.

55. The dwellings within the site have a distinctive modern character, with those prominent on the north boundary in particular, where designed to reflect the topography most being most interesting in appearance. Bold roof shapes and fenestration, and a balanced mix of contemporary materials with traditional or natural referenced materials bring a fresh contemporary appearance to the main part of the development, albeit the appearance of some dwellings is ‘safer’ than others. The Village Trust complains that these dwellings are obtrusive in a prominent site across the Derwent Valley. This is true to a degree. The properties will be visible in long views across the Derwent Valley, and indeed there are similar modern ‘grand’ dwellings visible further down the valley sides to the east. The topography means that in terms of shorter views sight of the site will be restricted to the roadway above the walkway, with an intervening roadside property interrupting this view in part. The view from the walkway itself – a popular leisure route screened by it being in a cutting at this point, and benefitting from established flora. The development has been designed to make a statement and is not proposed screened into the landscape, therefore the light touch proposed on boundaries – with drystone walls and hedges defining the site, consistent with surrounding field markers. Whilst Officers can subscribe to the architectural approach, noting that from the public domain the new dwellings will be seen in longer views and across the one field below, and can make an argument that the mixed vernacular / modern approach to the architecture of the site is not contrary to the requirements of Policy GDP1(a), in
line with the NPPF’s design advice, the design is not of such ‘exceptional quality or innovative nature’ that it would override the presumption against non-sustainable development in the countryside.

56. The prominent location of the site, described by the applicant as, ‘currently an eyesore’ has a number of dimensions. The condition to the site and the continued existence of building debris is the responsibility of the applicant. Local Members are concerned at the detriment the site causes to the local environment, and are keen to resolve this issue.

57. To conclude, officers acknowledge that the bespoke design and appearance of some of the dwellings within the site are of an interesting and exciting appearance, and the proposals represent potential betterment of improving the current appearance of the site, overall the development is not considered so special as to merit the special circumstances, therefore failing the tests of para. 55 of the NPPF, and by default Policy GDP1 of the Local Plan and Policy 35 of the emerging County Plan. The visual improvement of the site through redevelopment, when other avenues to achieve this aim are available to the Council is not considered to outweigh the concerns raised over the principle.

Highways

58. Highways Engineers have considered both the scheme as submitted and commented further following the detailed highways related comments submitted by the Village Trust. Both the previous use and previous approval on the site are considered material to the current decision, the road layout proposed, level of on-site parking and connection to the existing highway being considered acceptable subject to a condition requiring engineering details. Therefore, compared to Policy TR2 of the Local Plan, this aspect of the proposals is considered acceptable.

59. The proposed arrangement and length of drive proposed to serve the existing dwelling in the applicants ownership at the top of the site is likewise considered acceptable.

Residential Amenity

60. The scheme as originally submitted had two areas of concern in terms of residential amenity. The first was the relationship of plot 3, in the north-east corner of the site to the adjacent dwelling at Rose Cottage, plot 3 was proposed significantly higher than the adjacent dwelling, assessment of the likely relationship made harder by the redevelopment of that dwelling, and the reluctance of the applicant to provide accurate levels and landscaping plans. Plot 3 has now been deleted (explaining why a development for 8 units still has a plot 9 proposed), and the distance to that property increased, benefitting the relationship and reducing potential pressure on the existing trees. Parallel with the current application, Rose Cottage has had approval (DM/14/02031) for, ‘erection of two-storey dwelling with detached garage (demolition of existing property and garage)’, with these works now currently underway. That approval moved that residence towards the back of that site – nearer to plot 2 of the proposals, negating some of the benefits of the deletion of plot 3. With both plot 2 and Rose Cottage designed to minimise privacy implications by facing their windows north to take benefit of the expansive views across, this aspect of Policy GDP1(h) is considered acceptable. The developer of Rose Cottage raises concern at the potential overbearing massing of plot 2, accentuated by the landform. Noting that his own proposals were developed in parallel with the current application, the imposition of a detailed landscaping condition would address this to a degree where it could be likewise meet the requirements of GDP1(h).
61. Officers had also indicated concern to the applicants at the usefulness of the residential curtilage of the three plots on the northern boundary of the site. The site falls very steeply to its boundary on its northern part. The three family homes proposed here relied on this for their usable family garden. With the deletion of one of the units on this boundary, plot 3, the available curtilage is extended to a degree that reduces this concern to a level where it is not considered to constitute a defensible refusal reason. Again, the requirements of GDP1(h) being considered met.

Other matters

62. Consistent with the previous approval, issues of archaeology can be dealt with by condition.

63. The site is within an area proposed in the emerging County Plan as Green Belt. Weight in decision making for new policies is determined by the stage the plan has reached and the contention of the individual policy. Whilst the adoption of the plan has reached an advanced stage, as this policy has been challenged, no weight is attached to it for the purpose of this decision.

64. Pre-submission discussions had touched on the potential for the quality and distinctiveness of the scheme to be enhanced through provision of some form of integrated artwork within the fabric of the development or it's layout. The note proposing an undefined add-on ‘element of public art near the site entrance’, if ‘warranted’, shows a lack of understanding of this suggestion. A piece of random, separated ‘artwork’ for its own sake would add nothing to the development.

65. The Coal Authority have indicated they are satisfied with the submitted Risk Assessment and the implications of such for the site can be dealt with by way of condition.

66. Likewise Northumbrian Water as Statutory Drainage Undertaker have indicated their requirements can be dealt with by way of condition, with the Council’s drainage section suggesting flow rates for direction of surface water into the sewer.

CONCLUSION

67. Whilst some sustainability arguments have been made against the requirements for such set out in the NPPF, the locational implications of the site in terms of reliance on car ownership and access to local services is such that officers are unable to support the proposals as contrary to the policy context of Part 6 of the NPPF and policies EN1 and EN2, of the local plan, noting that minimal material weight is attributed in the assessment to the relevant County Plan policy.

68. The dwellings within the scheme are attractive and desirable with some, where reacting to the topography providing genuine design interest. The required standard of ‘exceptional quality or innovative nature’, to provide a defensible argument to justify development in what officers consider an isolated countryside location is not met and is also suggested as a refusal reason.

69. Officers consider residential amenity issues have been overcome with the deletion of one of the proposed units, both in terms of existing and proposed residents, albeit it is noted that the neighbour maintains his objection. Contrary to the opinion of the
Village Trust, highways issues are considered by Durham County Highways engineers to have be capable of approval subject to detail and scheduling. Archaeology, drainage and mining risk issues have all been shown capable of being addressed by condition.

70. Acknowledging the planning history of the site, its brownfield nature and the visual detriment it currently conveys, and despite the pre-application discussions carried out at length pre-submission, officers regret they are unable to recommend the proposals positively.

**RECOMMENDATION**

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

1. The proposals are considered not to be sustainable development, as, situated in an isolated countryside location, are likely to require reliance on private cars, having poor access to local goods, services, facilities and access to sustainable transport opportunities, with the development of previously developed land not considered to outweigh this issue, contrary to Part 6 of the NPPF, Policy EN1 of the Derwentside District Local Plan and Policy 35 of the emerging County Plan.

2. The proposals are considered to not be of sufficiently outstanding of innovative design quality sufficient to justify an argument of special circumstances to mitigate the development of isolated homes in the countryside, contrary to Part 6 of the NPPF and the basic tenants of Policy EN1 of the Derwentside District Local Plan and Policy 35 of the emerging County Plan.

**STATEMENT OF PROACTIVE ENGAGEMENT**

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

**BACKGROUND PAPERS**

Submitted and amended plans, elevations, sections and application forms
Design & Access Statement and updated statements
Derwentside District Local Plan (saved Policies 2009)
County Durham Plan, Pre-Submission Draft Local Plan, 2013
National Planning Policy Framework
National Planning Practice Guidance
AGENDA ITEM NUMBER:

APPEAL UPDATE REPORT

APPEALS RECEIVED

No appeals received.

APPEALS DETERMINED

Appeal against the Council’s decision to Refuse Planning Permission for a sunroom extension onto the existing converted property at Woodlea, Lanchester, Durham

In October 2014 the Council refused planning permission for a sunroom extension to a dwelling known as ‘Woodlea’, adjacent the Five Lane Ends junction between Lanchester and Satley. The sunroom proposal was refused due to concerns that the incremental extensions to the building and additional buildings undermined the original decision to approve a building of direct scale of that demolished.

The Inspector acknowledged that the extensions resulted in a cumulative increase in the development on the site in excess of the 50% set out in the supporting text of saved Policy EN3 of the Local Plan, but nonetheless concluded that the extension would not result in visual harm or an overly dominant addition to the dwelling, taking into account the use of matching materials and existing boundary planting.

RECOMMENDATION

The reports be noted.

Report prepared by Steve France (Senior Planning Officer)
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