



## Area Planning Committee (North)

**Date** Thursday 28 January 2016  
**Time** 2.00 pm  
**Venue** Council Chamber, County Hall, Durham

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### Business

#### Part A

1. Apologies for Absence
2. Substitute Members
3. Minutes of the Meeting held on 26 November 2015 (Pages 1 - 6)
4. Declarations of Interest (if any)
5. Applications to be determined by the Area Planning Committee (North Durham)
  - a) DM/15/02993/FPA - Plawsworth Road Infant School, Sacriston  
(Pages 7 - 20)  
Disused Infant School site; to be redeveloped to provide 21 houses; consisting of 3 and 4 bed detached; semi-detached and terrace units.
  - b) DM/15/03035/FPA - Air Power House, Watling Street Industrial Estate, Leadgate (Pages 21 - 32)  
Change of use of woodland to extend existing caravan storage area.
6. Appeal Update (Pages 33 - 42)
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  
20 January 2016

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 the **Area Planning Committee (North)** held in the Council Chamber, County Hall, Durham on **Thursday 26 November 2015 at 2.00 pm**

**Present:**

**Councillor C Marshall (Chairman)**

**Members of the Committee:**

Councillors H Bennett, P Brookes, J Cordon, I Jewell (Vice-Chairman), J Maitland, O Milburn, A Shield, L Taylor, O Temple and S Wilson

**Apologies:**

Apologies for absence were received from Councillors B Armstrong, J Robinson, K Shaw, K Thompson and S Zair

**1 Apologies for Absence**

Apologies for absence were received from Councillors B Armstrong, J Robinson, K Shaw and S Zair.

**2 Substitute Members**

There were no substitute Members.

**3 Minutes of the Meeting held on 29 October 2015**

The Minutes of the meeting held on 29 October 2015 were confirmed as correct records and signed by the Chairman.

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

Councillor S Wilson advised that in relation to agenda item 5a, he was local Member for the area however had no interest to declare.

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

**5a DM/15/02340/FPA - Land South Of Hawthorn Close, Kimblesworth**

The Committee considered a report of the Planning Officer regarding the erection of 23 two, three and four bedroom 2 storey dwellings with associated works at land south of Hawthorn Close, Kimblesworth (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.

Members were advised of a late representation from the local MP, K Jones, who requested clarification on the legal position regarding access to the allotments.

A further late representation had been received from one of the local divisional Members, Councillor H Liddle. Councillor Liddle had raised concerns regarding a lack of clear proposals in relation to the highway, access issues, drainage problems and concerns regarding shallow coalmining works underneath the site. She had queried whether the foundations of the new properties would be strengthened to take into consideration the mining issue and she had further queried whether the Coal Authority would have a watching brief over the works should the application be approved. Councillor Liddle had highlighted that there was an absence of a contamination report and also that there had been no notice to sell the land. Furthermore she felt that the proposed development was too dense, there was a lack of certain house types such as bungalows, which were greatly needed in the area and the proposed dwellings were too small. Finally, Councillor Liddle had expressed concerns regarding the future of the nearby allotments given that the proposals would see the current access closed off.

Mr D Inman, local resident and Member of Kimblesworth and Plawsworth Parish Council, addressed the Committee to speak in objection to the application.

In relation to the status of the development site, he highlighted that there were two conflicting points of view, the NPPF and the saved Local Plan, and so it was therefore ambiguous as to whether the site was brownfield or greenfield.

Members were advised that Kimblesworth was a small village and so while 17 objections did not appear to be numerous, Mr Inman advised that it equated to a letter from every tenth household and so was therefore a significant expression of local views. Furthermore, Mr Inman believed that sometimes people were put off objecting to applications because they felt there was little point, as such more might have come forward.

Mr Inman felt that the planning report read as though as it was in complete favour of the developer, stating that there were numerous references to the lack of viability to provide sustainable housing. Mr Inman believed that on the contrary there was sufficient reason to provide such housing, particularly as there was a real need for more bungalows in the area.

Members were advised that allotment holders on the site suffered from many serious ailments and to that end it was unacceptable to suggest that they should have to access the allotments from the south of the site. Mr Inman further advised that the allotment holders had made an application for a prospective easement.

Mr C Dodds, representing the applicant, addressed the Committee. He echoed comments as detailed within the planning report, advising that the proposals were sustainable and that there had been no objections from the Highways Authority or

from Design Officers. Members were advised that the applicant had made a number of amendments and adjustments to the proposals in order for the plans to be considered acceptable.

Members were advised that Gleeson Development Ltd specialised in low cost sales which gave some people a real chance to purchase affordable, low cost properties, with costs being as little as £56 per week.

The Solicitor took the opportunity to advise the Committee in relation to the application for an easement. Members were advised that normally, the Planning Committee would not be concerned with rights of way matters, however such matters were relevant for the current application because the potential loss of the allotments was a planning issue.

The Solicitor clarified that officers had concluded the allotments matter was not an issue because there was an alternative access at the south and while it was not necessarily as easily accessible as the current access, it was still a viable option. Furthermore, if the easement application was to be successful, then the design of the scheme could be amended to accommodate the current access to the allotments. As such the proposals would not sterilise the allotments.

The Principal Planning Officer responded to the points raised as follows:-

- Brownfield site – it was clear there was a preference within the NPPF for the development of previously developed land, however the key aim of the NPPF was that of sustainable development;
- Affordable Housing – A Viability Assessment had been undertaken and had concluded that the provision of affordable housing was not possible. However low cost housing need was being addressed as part of the proposals.

Councillor S Wilson raised concerns regarding the application. In relation to parking, he queried how much parking provision there would be per house as there were parking problems already in the area. Councillor Wilson felt that the density of the application was unacceptable, that 23 dwellings was too many for the site. He was concerned that the developer had not undertaken any pre consultation with local residents or Members and he questioned whether Cestria would have sufficient access to maintain the area which would be classed as open space.

The Principal Planning Officer responded to the points raised as follows:-

- Density – 23 dwellings were proposed and while it may appear dense, the proposals did meet privacy requirements and the site had actually been reduced in size from initial proposals;
- Consultation – The Planning Authority did recommend that consultation be undertaken locally however was not able to enforce it;
- Easement – The possibility of introducing an easement had been suggested to the developer, however the developer had chosen not to amend the application.

The Highways Officer responded to the points raised as follows:-

- The internal road which existed would be extended by the developer and a turning point would be developed at the end of it which would accommodate refuse vehicles and so was considered to be an acceptable proposal;
- Parking – This was at an acceptable level in the area. If local residents had become used to parking on adjacent grassland which was now to be developed, this was not something which the Highways Authority could give any consideration to as the grassland could have simply been fenced off.

In relation to the easement, Councillor Cordon felt that the matter could have been dealt with earlier and it was a shame that local residents had to apply for an easement in order for the plans to be changed. However Councillor Cordon supported the proposals overall.

Councillor Shield noted that there were no objections from either statutory or internal consultees, there were numerous conditions attached to mitigate many issues and there was a preference towards sustainable development.

While he had been concerned about the issue with access to the allotments, he advised that the developer had delivered housing in his local area and had endeavoured to accommodate local issues during those developments. Councillor Shield therefore hoped that all relevant parties could work together to address any outstanding matters.

Highlighting that there were no material planning matters which would give reason to object to the proposals, Councillor Shield moved approval of the application, stating however that he would like to think there would be a willingness from the applicant to work with local residents.

Councillor Maitland expressed concerns regarding the approach to affordable housing and hoped that would not be a position which would be adopted by developers in the future.

Councillor Milburn expressed concerns that the allotments would degenerate if there was no feasible means of access, she therefore hoped that all parties could work together to find a suitable resolve.

Councillor Temple also expressed concerns regarding the allotments. It was very clear that the current access was at the north of the site. He noted that in their present condition, the allotments were somewhat unattended, he therefore worried about the future condition should access be made more difficult. He therefore queried whether any condition could be imposed to ensure that the access could be addressed.

The Solicitor advised that, in relation to the current plans, it would not be possible for the Committee to condition the applicant to amend the plans as it was not clear at the present time whether the allotment holders actually had a legal right of way. If they were able to demonstrate that they did, then the applicant could be conditioned to amend the proposals and alter the plans.

The applicant advised there were no legal rights over the land to access the allotments at the present time. He advised that a meeting had been held with the owner who freely admitted there were no such rights, just an informal arrangement between the landowner and the tenants. Gleeson had looked to provide some suitable means of access, but was concerned about who would be responsible for future maintenance of it. It would not be the responsibility of the applicant nor would the land be an adopted right of way. There were also problems in relation to the possibility of creating access effectively to land to the west of the site.

In response to a query from Councillor Jewell, the Planning Officer clarified that no objection had been received from the landowner, however objections had been received from tenants.

Councillor Wilson moved that the application be deferred pending further consultation between all relevant parties. The motion was seconded by Councillor Brookes who felt that any decision would have long term consequences.

The applicant advised that he was unaware of any objections from allotment holders, however an allotment holder was in the meeting audience and advised that he had submitted an objection.

Councillor Shield withdrew his motion and the Chair confirmed that the current motion was for the application to be deferred.

Upon a vote being taken it was;

**Resolved:-** "That the application be Deferred".

#### **5b DM/15/02509/OUT - Land To The West of Croft Close, Greencroft**

The Committee considered a report of the Senior Planning Officer regarding the outline residential development for up to 87 units including site access at land to the west of Croft Close, Greencroft (for copy see file of Minutes).

The Senior 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.

The applicant was in attendance and addressed the Committee. Members were advised that the proposals would boost the delivery of housing in line with Government direction and that the site was in a sustainable location on the edge of a settlement. The proposals would not have any adverse impacts, there had been no objections from statutory consultees and the proposals were largely accepted by internal consultees. Furthermore, it was considered that any local objections were low level given the scale of the surrounding area.

Members were advised that a Flood Risk Assessment had been undertaken and highlighted that the development could improve current conditions on the site.

The applicant had worked closely with officers in developing appropriate proposals which offered a choice of house types, a S106 contribution and open space provision.

Councillor Jewell was familiar with the area and advised that as there had previously been significant development in the Greencroft area in recent years, the current proposals would be a natural extension which would have many benefits to the area. Seconded by Councillor Cordon, Councillor Jewell moved approval of the application.

**Resolved:-** “That the application be approved subject to the conditions detailed within the report”.



# COMMITTEE REPORT

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## APPLICATION DETAILS

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<b>APPLICATION NO:</b>	DM/15/02993/FPA
<b>FULL APPLICATION DESCRIPTION:</b>	Disused Infant School site; to be redeveloped to provide 21 houses; consisting of 3 and 4 bed detached; semi-detached and terrace units.
<b>NAME OF APPLICANT:</b>	Mr Stephen Jackson, Prince Bishop Homes
<b>ADDRESS:</b>	Plawsworth Road Infant School Plawsworth Road Sacriston
<b>ELECTORAL DIVISION:</b>	Sacriston
<b>CASE OFFICER:</b>	<b>Steve France</b> <b>Senior Planning Officer</b> <b>Telephone: 03000 264871</b> <a href="mailto:steve.france@durham.gov.uk">steve.france@durham.gov.uk</a>

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## DESCRIPTION OF THE SITE AND PROPOSALS

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### The Site

1. Plawsworth Road Infant School is a now redundant block of one and two storey buildings of 1960s design, set within a small, square shaped campus that includes hard and soft surfaces and a number of mature trees. The site boundaries are a mix of established hedging and fencing.
2. The site is surrounded by residential development, three sides of which are 1960s and 1970s detached and semi-detached dwellings, with the remaining boundary to properties on Plawsworth Road being immediate post war semis set in generous gardens. Only those dwellings to the north face towards the site, separated by a 17m wide area of grassed public open space. Dwellings across the proposed shared access road back towards the site.
3. The school was accessed via a cul-de-sac serving Rosewood Close, the 4.8m wide vehicular carriageway allowing for on-street parking, with an off street parking bay capable of accommodating around 8 cars also serving the existing dwellings. All dwellings in this street have off-road parking consisting a garage and private drive. The cul-de-sac leg serving the school has a footway on one side only.
4. The site is 0.25 miles east of the crossroads at the village centre which offers a wide range of commercial and community buildings, including a small supermarket and the Community Centre. There are good public transport links to surrounding settlements – Sacriston being only 1.8 miles from the edge of town Arnison Centre/Mercia Retail Parks on the near edge of Durham City, and 3.5 miles from the centre of Chester-le-Street. Sacriston is categorised as a Small Town / Larger Village in the County Durham Settlement Study 2012.

## The Proposals

5. The application proposes a residential development of 21 detached and semi-detached dwellings formed in two rows, mirroring the form of the surrounding estate. The site is 0.52ha in size. A slightly relocated centralised site access serves those dwellings at the rear of the site on an extended cul-de-sac. A footway will be provided along the front of the site along with a new unallocated visitor car parking space. All dwellings have small front and rear gardens and off-street parking. Unallocated visitor parking is also provided within the scheme.
6. Existing boundary hedging on the non-roadside boundaries is to be retained; however the majority of trees on the site are proposed removed, the exception being six mature trees on the south-east boundary.
7. The development is presented by the applicants as a form of affordable housing. The applicants are a subsidiary of Derwentside Homes and set out an 'intermediate model' of affordable housing aimed at households with incomes of £20-£25k who are unable to access the housing ladder. Family housing is proposed. All financial surpluses from the development would be recycled back to Derwentside Homes to invest in the further provision of similar developments or Homes and Communities Agency (HCA) grant funded affordable housing by the parent company. The proposed 'intermediate affordable housing' of Prince Bishop Homes requires no grant input from the HCA.
8. The site is owned by the Council.
9. The application is reported to Committee, being classified as a 'major' development.

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## **PLANNING HISTORY**

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10. None relevant.

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## **PLANNING POLICY**

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### **NATIONAL POLICY**

11. 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.
12. 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'. 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.

The following elements of the NPPF are considered relevant to this proposal;

13. *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.
14. *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. Paragraph 55, within this part of the NPPF seeks to promote sustainable development in rural areas, stating that housing should be located where it enhances or maintains the vitality of rural communities – for example developing within groups of smaller settlements that mutually support each other's services. Local planning authorities are advised to avoid new isolated homes in the countryside unless there are special circumstances, such as a defined functional need, to secure the future of heritage assets, or where a 'truly outstanding or innovative' design of 'exceptional quality' can be argued to; reflect the highest standards of architecture; significantly enhance its immediate setting; and be sensitive to the defining characteristics of the local area.
15. *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.

#### **NATIONAL PLANNING PRACTICE GUIDANCE:**

16. 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.
17. *Natural Environment* – Section 40 of the Natural Environment and Rural Communities Act 2006, which places a duty on all public authorities in England and Wales to have regard, in the exercise of their functions, to the purpose of conserving biodiversity. A key purpose of this duty is to embed consideration of biodiversity as an integral part of policy and decision making throughout the public sector.
18. *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.
19. *Planning obligations* - Planning obligations mitigate the impact of unacceptable development to make it acceptable in planning terms. Obligations should meet the tests that they are necessary to make the development acceptable in planning terms, directly related to the development, and fairly and reasonably related in scale and

kind. These tests are set out as statutory tests in the Community Infrastructure Levy Regulations 2010 and as policy tests in the National Planning Policy Framework.

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

20. The following are those saved policies in the Chester-le-Street District Local Plan relevant to the consideration of this application. They are given weight proportionate to their consistency with the NPPF:
21. *Policy HP6 – Residential within settlement boundaries* – identifies Sacriston as a settlement where residential development will be allowed on non-allocated sites that are previously developed land and meet the criteria of Policy HP9.
22. *Policy HP9 – Residential Design Criteria (General)* – requires new development to; relate well to the surrounding area in character, setting, density and effect on amenity of adjacent property, to provide an attractive, efficient and safe residential environment, to provide adequate privacy and amenity, open space and play provision, safe road access and retain existing landscape features.
23. *Policy HP13 – Affordable Housing* – the Council will seek to negotiate affordable housing within windfall sites, with Chester-le-Street falling within the Northern Delivery Area where a 15% provision is required.
24. *Policy RL5 – Provision in New Developments* – subject to dwelling sizes and types proposed, and the level of local provision, there is a requirement for children’s play space and informal open space to be provided within the site for land developed or redeveloped for residential purposes.
25. *Policy T8 – Car Parking Provision* – States that new development should seek to minimise parking provision other than for cyclists and disabled users, other than in exceptional circumstances.
26. *Policy T15 – Access and Safety provisions in design* – Development should have safe access to classified road, should not create high levels of traffic exceeding capacity, have good links to public transport, make provision for cyclists and service vehicles and have effective access for emergency vehicles.
27. *Policy T17 – General Policy* – All new developments should have regard to and be consistent with the provision of a safe and accessible transport network, in particular through reducing reliance on the private car, encouraging the use of public transport and promoting cycling and walking.

#### **RELEVANT EMERGING POLICY:**

##### The County Durham Plan

28. 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 and a stage 1 Examination concluded. An Interim Report was issued by an Inspector dated 15 February 2015, however that report was quashed by the High Court following a successful Judicial Review challenge by the Council. As part of the High Court

Order, the Council is to withdraw the CDP from examination, forthwith. In the light of this, policies of the CDP can no longer carry any weight.

*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>.*

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## **CONSULTATION AND PUBLICITY RESPONSES**

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### **STATUTORY RESPONSES:**

29. *Highways* – Following accommodation of amendments to the detailed layout and access suggested by County Highways Engineers, they have confirmed no objections to the current access and layout.
30. *Northumbrian Water* – have confirmed no issues with the application, subject to any approval being conditional on the submitted drainage strategy which details agreed discharge points into the public sewer and discharge rates.
31. *Coal Authority* – have no objections.
32. *Sacriston Parish Council* - writes to note they are aware of the objections of local residents and echo the concerns in particular relating to the unsafe access onto Plawsworth Road, and the capacity of the access road.

### **INTERNAL CONSULTEE RESPONSES:**

33. *Spatial Policy Officers (Policy)* – consider the starting point for determining the acceptability of this proposal is the Chester-le-Street Local Plan. They consider that the scheme accords with the overall aims of the Plan as the site is brownfield, within a sustainable main settlement. The site is rated as suitable through the SHLAA owing to its location within an established residential area. The NPPF states that Local Planning Authorities should approve applications that accord with the framework, unless there are material issues that suggest otherwise. The Framework promotes sustainable development which is encapsulated through the key economic, environmental and social measures of sustainability.
34. The NPPF clarifies that housing applications should be considered in the context of this presumption and that policies relating to housing supply cannot be considered up-to-date if there isn't a demonstrable five-year supply of deliverable housing sites. While this places greater weight on approving schemes they must nonetheless be in accordance with Framework taken as a whole. Whilst ideally housing delivery ought to be planned and debated through the plan-making process, the delays associated with the County Plan, and on the balance of other policy considerations, it is considered that any prematurity argument in relation to the County Plan is inappropriate in this case, given the scale of the scheme and its overall conformity with the NPPF.
35. It is concluded that the site is well located in relation to existing services and can be viewed as according in many respects with the delivery of sustainable development, as set out in the NPPF. A potential area of concern relates to the delivery of affordable housing and this issue is addressed separately. Subject to resolution of

this issue, Officers are of the view that the scheme would deliver benefits that would outweigh potential harm, in accordance with the tests set down in the NPPF.

36. The scheme should also address the requirement for Public Art and recreation and leisure requirements.
37. *Spatial Policy Officers (Viability Assessment)* – Following submission of additional detailed financial information, the viability case submitted with the application was considered reasonable and acceptable both on the basis and scope of the information presented and the conclusions of the assessment.
38. *Housing* – The Affordable Housing Team initially objected to the application on the basis that the Prince Bishops Model in its current form was not considered to meet the definition of affordable housing for the purposes of NPPF, noting that proposed changes by the Government that may accommodate it were not yet in place. Whilst the scheme is not accepted as full affordable housing the conclusions of Spatial Policy Officers' assessment of the viability assessments have led to withdrawal of the objection to the proposals.
39. *Environmental Protection Officers (Contamination)* – ask for a condition to deal with detailed contamination issues before the development is commenced.
40. *Drainage and Coastal Protection* – make suggestions for good practice and request detailed reports for approval of drainage and run-off rates.
41. *Education* - The County Education Department has confirmed there are sufficient primary and secondary school places in the area to accommodate pupils from this proposed development therefore no contributions will be required for education.
42. *Sustainability* – noting the locational sustainability of the site in relation to both the village centre and nearby larger settlements, and the proposed 'fabric first' approach to design and materials specification some concern is offered to the regard given to renewable/low carbon technologies, however the application is concluded to be acceptable.

#### **PUBLIC RESPONSES:**

43. Four objections have been received to the proposals from local residents. The principal concern relates to the capacity of the existing roads to accommodate the additional traffic that would be generated.
44. Additional concerns relate to the loss of trees, potential loss of hedgerow, a claimed height difference between the site and existing properties, and disruption during building works both for residents, and one neighbour's pond fish.
45. It is contended by one resident that the site has too many dwellings proposed – a 50% reduction being proposed, benefitting the developer over local residents. One correspondent complains at a lack of consultation by the developer.

#### **APPLICANTS STATEMENT:**

46. The applicant has not provided a Committee Report Statement in support of this application.

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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 to the principle of development in terms of both land-use and affordable housing, highways issues, and the privacy and amenity of existing and new residents.

### Principle

48. In locational terms, the application proposes residential development on a brownfield site in an established urban area, with close access to the village centre and a wide range of facilities. Sustainability officers note easy access to surrounding main settlements with further services and facilities. The site is accepted as a 'sustainable' location for residential development, a factor of prime weight in the planning assessment, according therefore with the requirements of the NPPF and Policy HP6 of the Local Plan in the delivery of sustainable residential development.
49. The proposed form of development is two storey detached and semi-detached family orientated dwellings with 3/4 bedrooms, consistent with the form of the surrounding existing residential environment, if built at a higher density. The proposals are considered in accordance with Policy HP9's requirements for new development to 'relate well to the surrounding area' in character, street pattern, setting and density, in this regard.

### Affordable Housing and Viability

50. The second area of principle to consider is that of the model of affordable housing proposed. The applicant has presented detailed viability assessments to show the usual forms of development with standard expectations of affordable housing provision do not allow the site to be developed in a financially viable manner. They offer their own interpretation of an 'intermediate housing' model as a viable alternative. The basic concept of the housing proposed is a form of rented accommodation that allows the occupants to move tenure into modern home ownership if they wish to do so. The schemes are built and marketed as 'tenure blind', with no identifiable differences between properties sold, rented or rent-to-buy. Residents are provided with stability and support whatever their choice of tenure, whether it be from surety of a consistent and fair landlord, or support to become 'mortgage ready' through a period of renting. Customers who do buy property they rent benefit from 'uplift', sharing 50% of any increase in the value of the property that has occurred in the minimum four year period the occupant has rented it. The applicant claims some principal High Street lenders will accept this discount as part of the mortgage deposit.
51. The housing model proposed does not meet the Council's interpretation of the definition of affordable housing set out in the NPPF – although this is under national review - therefore the applicants have sent a detailed financial viability case that argues that Council should accept this housing delivery model in lieu of the Council's

usual approach of rigid interpretation of Affordable Housing, as the site and the development would be unviable otherwise.

52. The Council has a balance to achieve; as landowner being required to get best value from Council assets through land sales, and as Local Planning Authority to achieve maximum benefit to the surrounding settlement. These benefits may be physical – i.e. the provision of open space / play space, or social i.e. the provision of accessible, low cost housing. These potentially conflicting requirements have implications as to how the financial justification is assessed. The submitted viability assessment would usually be assessed in detail by the Council's Asset Management Department, however with the Council being the landowner, there is a potential conflict of interest. This aspect of the assessment was therefore carried out by an officer with specialist knowledge and experience of the required assessments from the Spatial Policy team – hence the two responses from that team summarised above. The commercially sensitive assessment compared alternate viability scenarios, including the proposed Prince Bishop's Model, another and a standard commercial development approach. Initial assessments led to a requirement for additional detailed financial information which was assessed and the approach and conclusions found reasonable and acceptable.
53. The financial viability issues on site are such therefore that the usual expectations for affordable housing provision meeting the current definition of such in the NPPF are accepted as being likely to compromise the viability of the site for residential development. With the national imperative of providing new houses, this has led Officers to conclude an acceptance of the Prince Bishop's housing model on this site on the basis of the significant test in paragraph 14 of the NPPF; At the heart of the National Planning Policy Framework is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan-making and decision-taking.... For decision-taking this means: where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless: — any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or — specific policies in this Framework indicate development should be restricted. Whilst the Government has indicated their approach to affordable housing will be revised in the very near future (end January 2016), and the Council do not accept the Prince Bishop's model as intermediate Affordable Housing in its own right, the advantages of providing this form of low cost family housing combined with the acceptance of the development viability issues have led to the conclusion that this type of development is acceptable. That the surpluses from the development will be fed back to future developments by Prince Bishops Homes or Derwentside Homes of social housing is material to the conclusion reached.
54. The provision of affordable housing on the site would usually be secured through a s.106 agreement to ensure the provision is in perpetuity. This is not appropriate for the Prince Bishops' model. Ensuring the form of development proposed in terms of this tenure model can be ensured by the Council as landowner in the sale of the land.
55. Another dimension to the viability issues is the requirement for provision of on-site open space and play space, or monies in lieu of such. The requirement is for £1000 per dwelling. This is proposed addressed by the site sale value being reduced by the requisite amount and said monies being transferred to a fund protected for use in the immediate vicinity of the site in line with the usual system of s.106 monies – there being legal difficulties in imposing a s.106 requirement on the land-owner in this instance as it involves the Council effectively imposing a legal agreement on itself for



what amounts to an internal transaction. The recommendation for approval is therefore made subject to Assets resolving to dispose of the land only in a way that secures the open space commuted sum for its intended purpose, and the provision of the Prince Bishops' 'intermediate model' of housing by the purchaser.

## Highways

56. A major contention for local residents is the access to the site from Plawsworth Road using a cul-de-sac of perceived restricted capacity. This view is not shared by Highways Engineers who raise no objection to the proposals. The site in its previous use generated traffic as a school with particular peaks in vehicular movements at specific times of day. The vehicular carriageway of the cul-de-sac is a standard 4.8m width, with the development proposing a new footway along the site frontage and on-street general parking bays improving pedestrian safety. The vehicular highway width onto Plawsworth Road is slightly restricted for a short length as it passes between the older dwellings at the junction, 'Keep Clear' markings on the highway and visibility splay preventing obstruction to vehicles accessing the existing modern estate and the former school site. Parking provision within the development meets the required standards. The existing road layout serves 42 houses accessing onto the B6312 Plawsworth Road. Highways Engineers do not consider there to be a capacity issue. Officers believe the proposals accord with relevant policies T8 and T15 of the Development Plan, and that no viable refusal reason could be sustained on highways grounds.

## Privacy and Amenity

57. The proposed development is of a higher density than its surroundings, but each dwelling benefits from both off-street parking and individual private gardens, giving the necessary level of amenity expected by new residents. The separation distances to existing residents generally meet the supplementary guidance set out in the appendices of the Development Plan, with one short distance to the east where a separation distance of 17m is proposed to one existing dwelling. The Council's exercise to compare the development plan policies with the NPPF found the relevant policy – HP9 - partially consistent with the national document, excepting the appendices which were too prescriptive. An objection has not been received from that dwelling, but has from the house next door which is set a further 3m back. The slight difference in levels in the eastern part of the site is not such that it would lead to an unreasonable height difference, but a condition is proposed applied to any approval that requires the finished floor level in relation to existing site levels to be agreed.

58. Whilst some of the separation distances do not meet the guidance set out in the policy appendix, the status of that policy is such that a more pro-development approach is recommended and the application is concluded acceptable in terms of the proposed privacy and amenity implications.

59. One resident has raised detailed and specific concerns regarding potential effects of development on their pond fish. This correspondent's details will be passed to the developer to allow them the opportunity to discuss any specific implications and mitigations. This level of detail is not one which would be addressed through a formal condition through the planning process – an informative can be attached to any approval to suggest contact between the developer and the relevant party.

60. With the Site Investigation assessed by Environmental Protection Officers, their request for a condition to cover Phase 2 site investigation and completion of any identified mitigation is considered to address potential contaminated land issues that might emerge on the site. The Coal Authority accept the Phase 1 assessment noting that any additional requirements may be have to be addressed through the Building Regulation process.
61. Likewise, securing the details of the drainage scheme is considered capable of resolution by condition by Drainage and coastal Protection Officers. Northumbrian Water ask for the Site Plan Drainage Layout including discharge rates to be conditioned. A condition to meet both their requirements is appended below.
62. The loss of trees on the site is regretted. The trees are disposed around the site setting a backdrop to the school use. Whilst they are of intrinsic and ecological value, they are not protected and do not provide a level of general public amenity where they would be considered suitable for protection through a Tree Preservation Order. A condition is proposed to retain or replace existing hedging around the site boundaries.
63. Potential disruption to local residents during the build process is not a planning refusal reason – any issues in this regard are more appropriately dealt with through Environmental protection or Highways legislation.
64. Former requirements for Public Art are not considered NPPF compliant and would have further implications to the viability of the scheme.

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## **CONCLUSION**

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65. In terms of principle, the application site is considered to be in a sustainable location with the development proposed on previously developed, 'brownfield' land. The viability arguments are accepted. The development delivers much needed residential development that both offers the opportunity of supported flexible low income access onto the housing ladder, and self-sustaining development for Registered Social Landlords. Surpluses from the scheme will benefit future Social Housing provision. The core advice in the NPPF is considered to allow this flexibility of approach, and the recommendation below reflects this.
66. Resident's principal concerns relate to highways issues – the applicant has responded positively to requests for detailed changes to the highways layout proposed on the site, with County Highways Engineers having no objections to the proposed additional traffic on the capacity of the existing roads, and the junction onto Plawsworth Road.
67. The usual requirement for open space / play space provision or monies in lieu of such will be dealt with through a reduction of the required amount to the sale price to the applicants – with said monies being transferred by the Council as landowner into a protected fund, ring-fenced for use in the local area, akin to the more usual s.106 procedure.
68. The housing model proposed by the applicants will be secured through the sale mechanism by the Council as land-owner.

69. The residential amenity issues raised and loss of trees have been assessed and are not felt to be of a degree that could sustain a refusal.

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## RECOMMENDATION

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70. That the application be **APPROVED** subject to (a) the County Council as landowner first making arrangements to secure that the residential development of the land will be subject to the Prince Bishops' intermediate housing model; and that £21,000 of the sales receipt will be apportioned to the provision and/or improvement of public open space or play space within the vicinity of the site; and (b) the following conditions/reasons:

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

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

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

(00)302 Existing Site Plan  
(90)300 Rev.I (Site Layout Plan)  
(00)500 Rev.E 4 Bed House type  
(00)501 Rev.E 4 Bed House type  
(00)511 Rev.C 3 Bed House type  
Drainage Layout Plan 15690/C0002/P1

**Reason:** To define the consent and ensure that a satisfactory form of development is obtained in accordance with the proportionate weight given to saved Policies HP6, HP9, HP13, T8, T15 and T17 of the Chester-le-Street District Local Plan 2009, and the advice set out in the NPPF and NPPG.

3. Notwithstanding any details of materials submitted with the application the construction of the dwellings shall not commence until details of make, colour and specification of the external walling and roofing 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:** To ensure a high quality of design and appropriate visual appearance in the development is obtained in accordance with the proportionate weight given to saved Policies HP6 and HP9, of the Chester-le-Street District Local Plan 2009, and the advice set out in the NPPF and NPPG.

4. Details of means of enclosure shall be submitted to and approved in writing by the Local planning authority before the construction of the unit to which it relates and thereafter constructed in accordance with the approved details prior to the occupation of the dwelling to which they relate.

**Reason:** To ensure both residential amenity and that a high quality of design and appropriate visual appearance in the development is obtained in accordance with the proportionate weight given to saved Policies HP6 and HP9, of the Chester-le-Street District Local Plan 2009, and the advice set out in the NPPF and NPPG.

5. Prior to the commencement of construction of the approved dwellings' foundations, details of existing and proposed finished land levels on the east boundary of the site where shared with Springside shall be submitted to and approved in writing by the Local planning authority. The development shall be carried out in accordance with the approved scheme.

**Reason:** To ensure both residential amenity and that a high quality of design and appropriate visual appearance in the development is obtained in accordance with the proportionate weight given to saved Policies HP6 and HP9, of the Chester-le-Street District Local Plan 2009, and the advice set out in the NPPF and NPPG.

6. In terms of potential contaminated land issues,  
Pre-commencement:

(a) A Phase 2 Site Investigation and Risk Assessment is required and shall be carried out by competent person(s) to fully and effectively characterise the nature and extent of any land and/or groundwater contamination and its implications.

(b) If the Phase 2 identifies any unacceptable risks, remediation is required and a Phase 3 Remediation Strategy detailing the proposed remediation and verification works shall be carried out by competent person(s). No alterations to the remediation proposals shall be carried out without the prior written agreement of the Local Planning Authority. If during the remediation or development works any contamination is identified that has not been considered in the Phase 3, then remediation proposals for this material shall be agreed in writing with the Local Planning Authority and the development completed in accordance with any amended specification of works.

Completion

(c) Upon completion of the remedial works (if required), a Phase 4 Verification Report (Validation Report) confirming the objectives, methods, results and effectiveness of all remediation works detailed in the Phase 3 Remediation Strategy shall be submitted to and agreed in writing with the Local Planning Authority within 2 months of completion of the development.

**Reason:** To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risk to workers, neighbours and other offsite receptors in accordance with NPPF Part 11. (Further information is available under the policy document 'Development on Land Affected by Contamination' and 'Verification Requirements for Cover Systems'.)

7. In terms of drainage issues, the development shall be carried out wholly in accordance with the submitted 'Site Plan Drainage Layout 15690/C0002/P1' and the agreed discharge points into the public sewer & discharge rates contained therein. The floor level of all dwellings must be set a minimum of 150mm above the surrounding topography. Details of all surface water drainage proposals (drawings, calculations, site specific flood risk assessment and requests for consent to connect to or alter a watercourse) for this development should be submitted to the Council as Local planning authority for written approval before the commencement of development. The scheme shall be implemented in full accordance with said approval.

**Reason:** To ensure that flooding and drainage risks are fully identified and mitigated on the land in accordance with the advice in the NPPF

8. Before development operations on the site are commenced a landscaping plan indicating those trees and hedges on the site to be retained, and a scheme of root

protection zones in accordance with the latest British Standard relating to Trees and Development must be submitted to and approved in writing by the Local planning authority. Said approved protective measures must be kept in place throughout the full development process. A full specification must be provided for all proposed new or replacement planting including details of a defined period of future maintenance. At the same time, implemented in the first available planting season in full accordance with said agreement.

**Reason:** To ensure a satisfactory form of development is carried out in accordance with Policy HP9 of the Chester-le-Street District Local Plan 2009, and the advice set out in the NPPF and NPPG.

9. No construction operations, including the use of plant, equipment and deliveries, which are likely to give disturbance to local residents should take place before 0800hrs and continue after 1800hrs Monday to Friday, or commence before 0800hrs and continue after 1300hrs on Saturday. No noisy works should be carried out on a Sunday or a Bank Holiday.

**Reason:** In the interest of residential amenity

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## **STATEMENT OF PROACTIVE ENGAGEMENT**

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71. 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.)

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## **BACKGROUND PAPERS**

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Submitted application form, plans supporting documents and subsequent information provided by the applicant.

The National Planning Policy Framework (2012)

National Planning Practice Guidance Notes

Chester-le-Street District Local Plan 2009

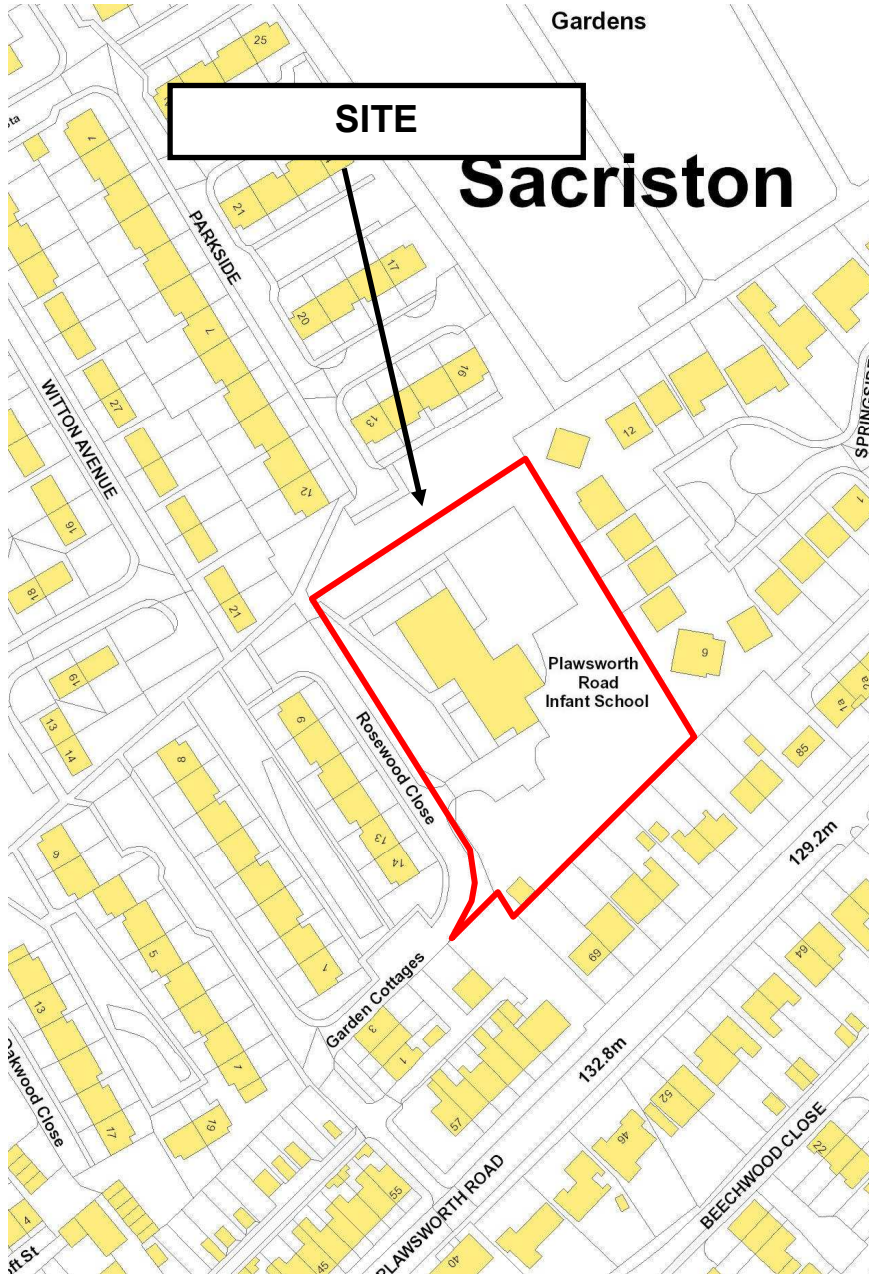
The County Durham Plan (Submission Draft)

The County Durham Strategic Housing Land Assessment

The County Durham Strategic Housing Market Assessment

County Durham Settlement Study 2012

Statutory, internal and public consultation responses



**Planning Services**

Plawsworth Road Infant School  
 Plawsworth Road, Sacriston, Durham  
 DH7 6QH

Application Number DM/15/02993/FPA

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**Comments**

**Date** 28<sup>th</sup> January 2016

**Scale** : 1:1250

# COMMITTEE REPORT

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## APPLICATION DETAILS

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<b>APPLICATION NO:</b>	<b>DM/15/03035/FPA</b>
<b>FULL APPLICATION DESCRIPTION:</b>	<b>Change of use of woodland to extend existing caravan storage area</b>
<b>NAME OF APPLICANT:</b>	<b>Mr Brian Robinson</b>
<b>ADDRESS:</b>	<b>Air Power House Watling Street Industrial Estate Leadgate Consett DH8 6TA</b>
<b>ELECTORAL DIVISION:</b>	<b>Leadgate and Medomsley</b>
<b>CASE OFFICER:</b>	<b>Graham Blakey Planning Officer Telephone: 03000 264865 <a href="mailto:graham.blakey@durham.gov.uk">graham.blakey@durham.gov.uk</a></b>

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## DESCRIPTION OF THE SITE AND PROPOSALS

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### The Site

1. The application site lies to the south of an industrial building 'Air Power House' which is currently used as a furniture shop, with storage (primarily of caravans) to the remaining external areas of the site. The land to which this application relates sits between the existing building and Villa Real Bungalows to the south and features established tree planting that has grown to around 5-6 metres in height at its tallest. The trees were planted as part of a wider planting strategy across the Watling Street Industrial Estate in the 1990s, with the woodland to the North West of the application site having matured significantly. The current boundary of the storage area lies around 70 metres to the north east of the bungalows separated by the aforementioned tree belt forming a visual screen.
2. Land levels are relatively flat at the area subject to this application, with the area forming a small plateau between the Pont Valley to the north and the Stockerley Valley to the south. Two access roads to the terraces of bungalows run up to the site from the south and there is an informal footpath which runs along the periphery of the land in question linking the bungalows to the industrial estate to the north east.

### The Proposal

3. Permission is sought to extend the curtilage of the business premises into the adjacent planted area to create additional external storage space for caravans. The works involve the expansion of the hard core base, new 2.4 metre high perimeter fence (coloured green) and flood lighting to the boundary of site to illuminate the

extended area. There would be an additional nine floodlights positioned to the south western boundary of the site. These would measure 4 metres high and would face north eastward into the site with a power of 80w from an LED bulb.

4. The proposal would result in the removal of trees from within the tree belt but would retain a 15 metre strip, measured from the edge of the vehicle turning areas at the end of Villa Real Bungalows. This would equate to an additional 31 metre strip of land being incorporated within the curtilage of the business for the purposes of additional caravan storage.
5. The application is presented to Committee at the request of a local Ward Member to assess the impact of the proposal upon the woodland and amenity of the residents of Villa Real Bungalows.

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## **PLANNING HISTORY**

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6. In 1995, planning permission was granted for the erection for the factory building seen on site today, with a change of use to the current furniture retail unit in 2006, and a further change of use of the first floor to offices in 2007.
7. In 2012, an application to erect a 2.4 metre high steel palisade fence to the perimeter of the land ownership was granted and erected.
8. Finally, in late 2012, a further change of use to storage and caravan storage within the curtilage was agreed by the Local Planning Authority.

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## **PLANNING POLICY**

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### **NATIONAL POLICY**

9. 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.
10. 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’.
11. 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.
12. The following elements of the NPPF are considered relevant to this proposal;
13. *NPPF Part 1 Building a Strong, Competitive Economy.* The Government is committed to securing economic growth in order to create jobs and prosperity,



building on the country's inherent strengths, and to meeting the twin challenges of global competition and of a low carbon future.

14. *NPPF Part 3 Supporting a Prosperous Rural Economy.* Planning policies should support economic growth in rural areas in order to create jobs and prosperity by taking a positive approach to sustainable new development.
15. *NPPF Part 4 Promoting Sustainable Transport.* Transport policies have an important role to play in facilitating sustainable development but also in contributing to wider sustainability and health objectives. Smarter use of technologies can reduce the need to travel. The transport system needs to be balanced in favour of sustainable transport modes, giving people a real choice about how they travel. However, the Government recognises that different policies and measures will be required in different communities and opportunities to maximise sustainable transport solutions will vary from urban to rural areas.
16. *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.
17. *NPPF Part 11 Conserving and Enhancing the Natural Environment.* The planning system should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes, geological conservation interests and soils; recognising the wider benefits of ecosystem services; minimising impacts on biodiversity and providing net gains in biodiversity where possible, contributing to the Government's commitment to halt the overall decline in biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures; preventing both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels of soil, air, water or noise pollution or land instability; and remediating and mitigating despoiled, degraded, derelict, contaminated and unstable land, where appropriate.

## **NATIONAL PLANNING POLICY GUIDANCE**

18. *Light Pollution.* Artificial light can be a source of annoyance to people, harmful to wildlife, undermine enjoyment of the countryside or detract from enjoyment of the night sky. Some proposals for new development, but not all, may have implications for light pollution. Impacts upon background light levels, impacts from existing lighting, impacts upon protected species and wildlife, dark landscapes and reflection from existing buildings all are important factors to consider. If any of these are affected, then where light shines, when it shines, how much shines and ecological impacts should be investigated.
19. *Natural Environment.* Section 40 of the Natural Environment and Rural Communities Act 2006, which places a duty on all public authorities in England and Wales to have regard, in the exercise of their functions, to the purpose of conserving biodiversity. A key purpose of this duty is to embed consideration of biodiversity as an integral part of policy and decision making throughout the public sector.
20. *Noise.* - Noise needs to be considered when new developments may create additional noise and when new developments would be sensitive to the prevailing acoustic environment. Consideration should be given to whether significant adverse effect or an adverse effect occurs or is likely to occur; or whether a good standard of amenity can be achieved. Paragraph 123 of the NPPF provides policy support to this aspect.

## **LOCAL PLAN POLICY:**

### The Derwentside Local Plan

21. *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.
22. *Policy EN11 – Trees and Development* – states that throughout the district existing trees should be retained where possible.
23. *Policy IN4 – Development within General Industrial Estates* – permission will be only be granted for Business (B1), General Industrial (B2) and Storage and Distribution (B8) within General Industrial Estates. Permission will be granted if units are of a good specification and appearance; prominent and frontage plots are of a higher standard of design; a clean and attractive environment is created; good landscaping and screening is incorporated; and external storage is satisfactorily screened and does not impede surrounding land uses.
24. *Policy TR2 – Development and Highway Safety* – relates to the provision of safe vehicular access, adequate provision for service vehicle manoeuvring, etc.

## **RELEVANT EMERGING POLICY:**

### The County Durham Plan

25. 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 and a stage 1 Examination concluded. An Interim Report was issued by an Inspector dated 15 February 2015, however that report was quashed by the High Court following a successful Judicial Review challenge by the Council. As part of the High Court Order, the Council is to withdraw the CDP from examination, forthwith. In the light of this, policies of the CDP are no longer material to the determination.

*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>.*

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## **CONSULTATION AND PUBLICITY RESPONSES**

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### **STATUTORY RESPONSES:**

26. Highways – No objections to this proposal from the highways aspect.

### **INTERNAL CONSULTEE RESPONSES:**

27. Landscape - The site has no landscape or related designations, however, the visual amenity value of the plantation is generally recognised. The tree and native shrub

cover across the site has developed thus far without evident management beyond the initial establishment period. The growth pattern of the trees should dictate the depth of retained woodland required to effectively and acceptably screen caravans from surrounding public viewpoints.

28. Industrial estates across the County have frequently used a minimum dimension of 15m to screen development. This is in recognition of the seasonal leafless factor, and the natural growth pattern of trees to become clear stemmed at the expense of understorey as an effective screen. Therefore a 15 metre screen should be retained around the development, with additional structure planting to the Werdohl Way elevation.
29. Rights of Way Officer – Although no formal footpaths are registered near the site, the informal footpath has accrued public rights through time and use. The amended plans indicate that the footpath would be unaffected by the proposals, however the PROW team should be informed of any temporary closure of the path.
30. Environmental Protection – The application does not provide specific detail on the intended lighting installation. When a significant light source is installed the potential of impact in relation to intrusive light and glare on residential properties should be considered. Although it is accepted that there is a certain distance and potential barrier between the applicant's site and nearest resident, further details of lighting impacts should be provided to allow assessment of the application.

It is noted that local residents have raised concerns in relation to transfer of noise from the industrial estate due to removal of the tree belt. It does not appear that the intended use of the site would be likely to produce any additional noise, considering the likely existing noise climate. It is therefore assumed the concern relates to the assumption that the tree belt will block out noise from the other potential noise sources. To clarify, trees provide limited noise attenuation and therefore considering the other nearby noise sources it is unlikely that the part removal of the tree belt should be likely to significantly alter the existing noise climate.

31. Ecology – The woodland strip offers limited habitat value in itself, but does form part of the wider linkages or corridor between areas of greater habitat importance. The loss of some of this woodland would be a net habitat loss; however the overall impact would be minimal as the linkage, although reduced in scale, still remains. Opportunity does exist to provide alternative habitat, such as wild flower meadow, in the immediate vicinity which could be explored.

#### **PUBLIC RESPONSES:**

32. Neighbours have been consulted by way of direct notification, and a site notice posted and press notice published. Eight letters of objection have been received together with a petition of around 70 signatures from the residents of Villa Real Bungalows. In summary the comments were as follows: -
  - Removal of the trees would affect the woodland and the amenity of the bungalows.
  - The area is of valued amenity and children and grandchildren of the residents of the bungalows regularly play within the tree belt.
  - NPPF aims to protect and enhance the natural environment. This proposal would be to the detriment of the natural environment to this part of the world.
  - Loss of the habitat would reduce wildlife and diversity in this woodland, including deer, badgers and other wildlife.

- Drainage would be affected as the trees help to use surface water and the impact would be more flooding to the bungalows.
- Floodlighting would intrude in to the nearby residential properties.
- The tree belt forms a barrier that helps protect against the elements in the winter months and reduce lying snow in the streets of the bungalows.
- The woodland reduces noise from the industrial businesses beyond.
- Ample industrial land available elsewhere in the vicinity.
- No jobs would be created by the development, only the loss of a community asset.
- Negative impact upon house prices.
- Caravan alarms would be heard 24 hours a day as a result of bring the development closer to the properties, and storage of canisters of fuel so close to domestic properties would be dangerous.

#### **APPLICANTS STATEMENT:**

33. Here is a summary as to why it is believed planning consent should be given.
34. The land in question originally formed part of the same land purchased from Derwentside District Council in 1995. Although trees had been planted six months prior to the purchase, preference was given to our plans to build a factory because the land was originally set aside for industrial purposes as part of the old Bradley Workshops Estate.
35. This policy was never changed and therefore plans to utilise the land for industrial purposes should still take preference. Caravans have been stored on our site for nearly three years and have been awarded the Cassoa Gold standard seal of approval because of the high standards of our site.
36. We are aware some people frown upon caravan storage areas believing them to be unsightly. With this in mind we have designed the extra storage area so it will not be visible from anyone using Werdhol Way or more importantly the residents of Villa Real Bungalows.
37. The proposed lighting would be at right angles to the bungalows, facing into the site away from the dwellings, and would not shine over anyone's property regardless of the type used.
38. Finally it is important to point out that this application is actually fulfilling a need for in the area as there is a lack of storage space available for caravan owners. We alone are turning away on average 6 people per week looking for storage space.

I therefore respectfully request that members view the application favourably as a result.

*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 <https://publicaccess.durham.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=NVKYEAGD0A500>*

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## **PLANNING CONSIDERATIONS AND ASSESSMENT**

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39. 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 and the impact woodland and neighbouring properties.

### Principle of the Development

40. The application site lies to the south of the established industrial units at Watling Street Industrial Estate, and despite the appearance of the land, the application site is within the area designated as general industrial estate under Policy IN4 of the saved Derwentside Local Plan. This policy is considered to support the aims of the NPPF in securing sustainable economic growth to designated sites.
41. The designation as employment land gives implicit 'in-principle' acceptance to industrial type developments (i.e. development falling in "B" use classes of the Use Classes Order 1987 (as amended)). The proposed caravan storage would fall under use class "B8" storage and distribution and so is supported by Policy IN4.
42. A previous case determined by the Planning Inspectorate for a larger plot to the north of the application site for a new factory unit found the designation as an industrial estate through Policy IN4 has a strong presumption in favour of the development unless it is outweighed by material considerations raised. Although this appeal was determined before the inception of the NPPF and NPPG, the framework does offer support for economic uses in designated locations (paragraph 21), showing the conformity of Policy IN4 to the requirements of the NPPF.
43. The application site, together with a larger swathe of the woodland to the north are scheduled for deallocation as part of the emerging County Durham Plan, however the status of the plan at the time of writing means it carries no weight in the decision making process. The application must be determined in accordance with the current development plan, the Derwentside District Local Plan, and the NPPF.
44. As a result, this proposal to utilise land designated as industrial, for the storage of caravans, itself an industrial land use, carries significant weight in the decision making process in favour of this proposal.

### Impact upon the Woodland

45. The application site forms part of the mature tree belt which has grown to separate the industrial development to the north from the residential properties to the south. Protection of the character of the natural environment is a material consideration in this case and follows from part 11 of the NPPF. Policy EN11 of the Local Plan builds upon this requirement to secure trees which contribute to the landscape amenity of an area and which characterise the setting of a building.
46. Neighbouring residents have expressed concerns about the proposal and have indicated their strong support in seeking retention of the wooded area that they state provides a visual and weather screen to the north and east and a community facility that supports a diverse selection of wildlife.
47. The Council's Landscape Officer has outlined the Council's standard requirement of around 15 metres of buffer planting to new industrial development proposals to act as a visual screen to the development. The scheme proposed here originally sought to retain approximately 10 metres. As a result of the Landscape Officer's comments the scheme was amended and now matches this 15 metre requirement. In response to the concerns of the Landscape Officer, the applicant has stated that they believe there to be sufficient shrubbery and trees as part of the verge area to the side of

Werdohl Way to screen the development. Currently, the storage area is visible from Werdohl Way and there is some vegetation at the point of the application site, however this could be reinforced by the applicant as the part of the proposal.

48. With an additional 31 metres of land, the amended drawings indicate that the layout of the storage area requires this additional amount to adequately accommodate the caravans. This indicated that no more land than is necessary to accommodate the additional caravans stored in a suitable configuration within the extended site is being sought, showing that there is no unnecessary encroachment in to the tree belt.
49. Residents contest that the woodland strip offers habitat that forms part of a community facility and that any loss of trees would cause damage. The loss of any form of woodland would ultimately lead to a negative biodiversity impact; however the specifics of each case need to be assessed. In this instance, there is no total loss of trees and so the corridor habitat that exists is maintained to some degree. As a result, a balance between the loss of trees sought through economic development and the loss of habitat is considered appropriate. Here, there is no total loss of trees and the corridor habitat is maintained to some degree, weighing in favour of the proposal.
50. Therefore, a balance has been reached whereby the requirements of the applicant can be accommodated and the remaining trees can be considered to adequately screen the development and continue to provide a potential wildlife habitat that satisfies the requirements of Part 11 of the NPPF and Policies IN4 and EN11 of the saved Derwentside Local Plan.

#### Impact upon Amenity

51. Locations whereby industrial and residential developments sit in close proximity are generally likely to cause a conflict that affects the amenity of the residential occupiers. This is also applicable in this instance; however the presence of the tree belt goes some way to address this general conflict in land uses by screening the industrial development from the bungalows.
52. This proposal however would reduce this tree belt, and some residents of the bungalows believe that this would have a negative impact upon their residential amenity through direct impacts (weather and noise) and indirect impacts (loss of habitat and community facility).
53. Policy GDP1 (h) requires new development to respect the amenity of adjacent land owners and so this is a material planning consideration in this instance. Retention of a 15 metre buffer as proposed would still provide habitat and woodland, however the general acoustic dampening effects of woodland are not considered sufficient to form a barrier to noise. The Council's Environmental Health Officer clarifies within their comments upon this application that trees provide limited noise attenuation. The removal of the trees as part of this proposal is therefore not considered to significantly alter the levels of noise arriving at the bungalows to the south.
54. Therefore the proposed 15 metre strip of tree belt to be retained would not be considered to fundamentally alter the impact of the industrial estate upon the amenity of neighbouring residents and would adequately protect amenity. The retention of the tree belt at this point would still be considered to potentially support wildlife within the area and so carries appropriate weight as a result.
55. The application proposes the inclusion of nine floodlights to the southern boundary of the extended site. These would be at a height of 4 metres and would face into the

application site (away from the bungalows). Details of the lighting indicate the LED lights would be of the same specification as installed to the current building lighting up the existing storage area.

56. Residents have raised concerns over use of the lighting overnight and the resultant impact upon the bungalows nearby. The NPPG offers guidance upon new artificial lighting and its impacts upon various receptors. It states that light spill should be avoided as there are potential impacts upon sleeping, annoyance and affecting natural systems. In order to fully assess the impacts of the proposed lighting and the extent of any light spill the Council's Environmental Health Officer requested that additional information be provided up front. The applicant has declined to provide the required details in advance and would prefer this matter to be controlled by a planning condition. This is because they do not feel that the proposed lighting would adversely affect resident amenity by virtue of the orientation of the lighting and the distance from the residential properties.
57. Ideally the information ought to be provided upfront to enable a fully informed decision to be made. However, the NPPF does advocate the use of conditions to make otherwise unacceptable development acceptable. On this occasion the lights are to be directed away from the bungalows. The lighting is also proposed at 4 metres in height and so would be below the height of the majority of trees within the tree belt that would be retained. This would contribute to screening the lighting to the south to some degree. All these factors would help to minimise the impact of the lighting and careful lamp design and the use of cowls to shield the lighting would mitigate the impact further. Taking these factors into account officers consider that it would be feasible to install floodlights which would not cause undue impact upon the amenity of the neighbouring properties. However, to ensure that this is the case it is recommended that a condition is imposed requiring full details of the floodlighting and a lighting assessment showing patterns of illumination with specified lux levels to be submitted to and approved by the Council prior to the installation of the floodlights. Adopting this approach would enable the Council's Environmental Health Officer to fully assess the lighting scheme and to make recommendations if necessary to adapt the scheme to minimise its impact.

#### Other Matters

58. The application site features informal public rights of way to the perimeter of the site. These are paths which are not formal rights of way but which have accrued rights through usage. The proposal does not intend to obstruct the path linking the bungalows with Watling Street Industrial Estate and falls short of this point. Therefore, the proposal is not considered to conflict with any public rights of way in the vicinity.
59. Expansion of the caravan storage does have economic benefit, and while there is no job creation proposed, the applicant is safeguarding the existing jobs at the site. This aspect weighs in favour of the proposal, but has to be balanced with the associated impacts through the loss of tree belt discussed above.

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## **CONCLUSION**

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60. Expansion of the caravan storage business in to the wide tree belt that runs between the industrial estate and Villa Real Bungalows would occupy designated industrial land under Policy IN4 of the saved Derwentside Local Plan. The retention of 15 metres of the tree belt is considered to offer a balance between the safeguarding of

the current business and the protection of the amenity and wildlife that the tree belt brings and so in this instance represents acceptable development.

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## **RECOMMENDATION**

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

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

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

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

Date received	Plan Reference Number
18/11/2015	001 – Location Plan
18/11/2015	012 – Proposed Block Plan
18/11/2015	101 – Existing and Proposed Site Plans

*Reason: To define the consent and ensure that a satisfactory form of development is obtained.*

3. Within three months of the commencement of the development, details of the surface water drainage shall be submitted to the Local Planning Authority. Once agreed, the development shall be carried out prior to the use of the site commencing and in accordance with the approved details.

*Reason: To ensure that the impact of the development upon flooding is controlled in accordance with paragraphs 100-104 of the NPPF.*

4. Prior to the installation or erection of the floodlighting proposed, full details of the proposed lighting, including their design, position, direction, lux levels and levels of light spill, shall be submitted to and approved in writing by the Local Planning Authority. Once agreed, the lighting must be installed in accordance with the approved details and shall only be adapted with the prior written approval of the Local Planning Authority.

*Reason: To ensure that the amenity of the neighbouring occupiers is protected in accordance with Policy GDP1 (h) of the saved Derwentside Local Plan.*

5. Notwithstanding details submitted with the application, the fencing proposed shall be coloured dark green to match that of the existing fence to the perimeter of the site.

*Reason: To ensure that the visual impact of the proposed fence is reduced in accordance with Policy GDP1 (a) of the saved Derwentside Local Plan.*

6. The area of land hereby approved shall only be used for the storage of caravans and no other uses within Use Class B8 of the Use Classes Order 1987 (as amended).



*Reason: In the interests of amenity of the nearby residential properties in accordance with Policy GDP1 (h) of the saved Derwentside Local Plan.*

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## **STATEMENT OF PROACTIVE ENGAGEMENT**

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61. The Local Planning Authority in arriving at its decision, 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.)

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## **BACKGROUND PAPERS**

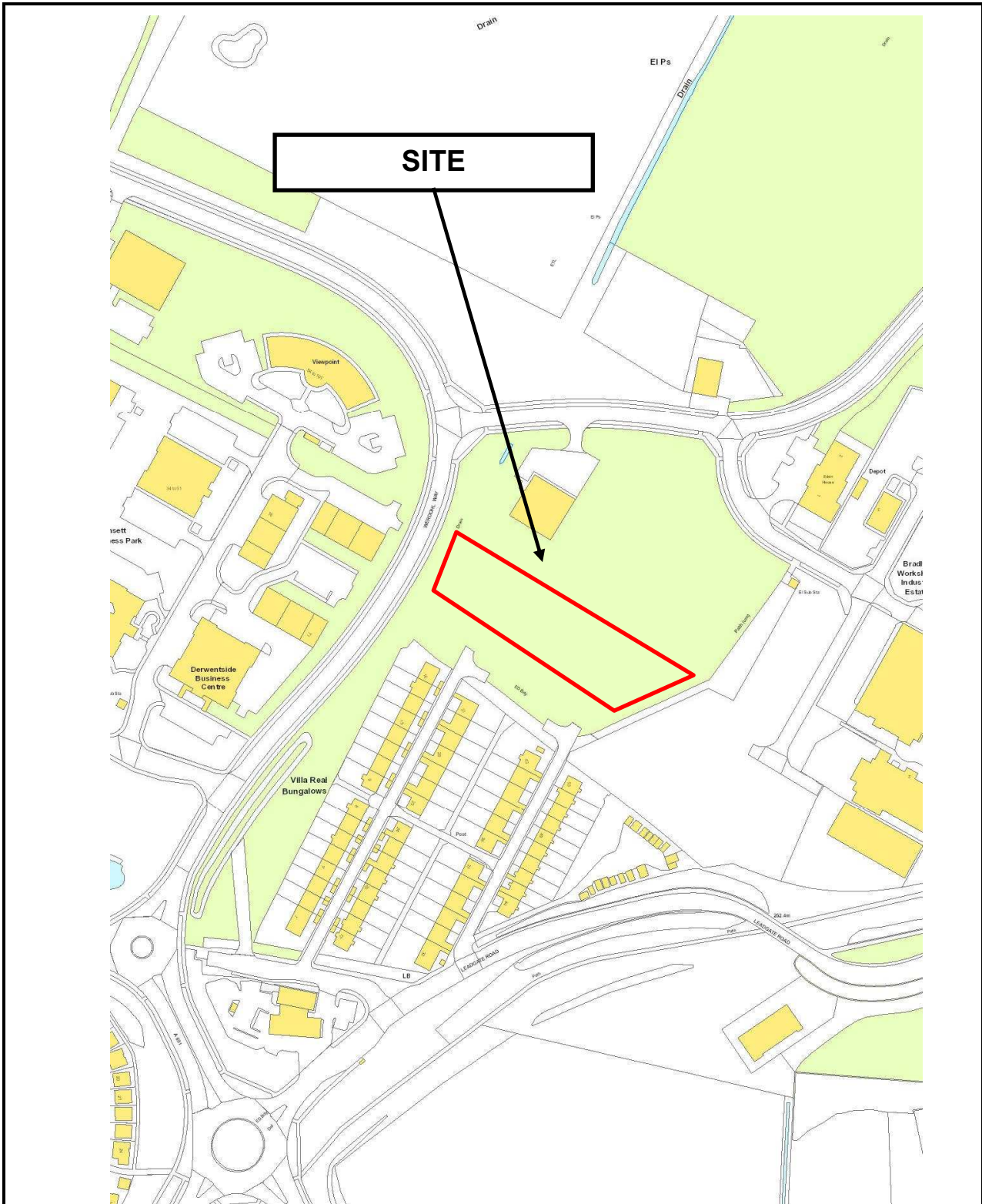
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Submitted application form, plans supporting documents and subsequent information provided by the applicant.

The National Planning Policy Framework (2012)

National Planning Practice Guidance

Derwentside Local Plan (saved Policies 2007)



**Planning Services**

Air Power House, Watling Street Industrial Estate, Leadgate, Consett, DH8 6TA

Application Number DM/15/03035/FPA

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**Comments**

**Date** 28<sup>th</sup> January 2015

**Scale** 1:2500



## Planning Services

# COMMITTEE REPORT

### APPEAL UPDATE REPORT

#### APPEALS RECEIVED

**Appeal against the refusal of outline planning permission for a single dwelling with associated access at Chipchase, Vindomora Road, Ebchester, Consett, DH8 0TB (Reference - DM/15/00452/OUT)**

An appeal has been received against the refusal of outline planning permission for the erection of a single dwelling with associated access at the above site. The application was refused under Delegated Powers in June on the following grounds:

*“The outline proposals are not considered sustainable development in the countryside, are poorly related to the existing settlement, and do not have the benefit of special justification, contrary to Policy EN1 of the Derwentside District Local Plan, 1997 (saved Policies 2009, assessed for weight through para.215 of the NPPF), and contrary to part 6 of the NPPF.*

*The outline development proposals are considered inappropriate in terms of its scale, and location, contrary to Policies GDP1, EN1 and EN2 of the Derwentside District Local Plan, 1997 (saved Policies 2009, assessed for weight through para.215 of the NPPF), and contrary to part 6 of the NPPF.”*

A written representation procedure has been agreed and the decision will be reported to Members in due course.

## APPEALS DETERMINED

**Appeal against the refusal of planning permission for the use of a currently unauthorised building as a stable block (resubmission) at land to the rear of 3 Front Street, Burnhope, Durham (reference – DM/14/03811/FPA).**

An appeal against the refusal of planning permission for the above development was received on 24<sup>th</sup> August 2015. The application was refused under delegated powers for the following reasons:

*“The proposal entails the use of a building which is unauthorised and has previously been considered unacceptable due to its significant size and scale. Despite the reduced footprint and height the building remains unacceptable as the position, excessive size and scale, appearance and poor design of the stables would collectively represent an unacceptable development which is not sensitively located, extending into the open countryside beyond the settlement. The development conflicts with the NPPF, Policies GDP1, EN1 and EN2 of the Dewenside District Local Plan and policies 1, 16, 36 and 39 of the emerging County Durham Plan.*

*The applicant has failed to demonstrate that there would not be detrimental effects upon residential amenity and in terms of pollution contrary to the NPPF, NPPG, local plan policies GDP1, EN26 and emerging CDP Policies 18 and 46.”*

The appeal was dealt with by way of written representations and the Inspector in determining the appeal considered that the main issue in the appeal was the effect on the character and appearance of the area.

The Inspector made reference to an extant enforcement notice requiring parts of the building to the north west and southwest to be removed and the building reduced in height to four metres to be the ‘accepted building’. The Officer considered that the accepted building represents a realistic fall-back position however he considered that there is a strong possibility that the overall form would be less satisfactory than a building with a pitched roof, similar to the existing structure.

However the Inspector considered that from views from Edge Lane of the proposal would be more prominent than the accepted building because of its closer proximity to the boundary, its additional length and height. From Burnhope Court the Inspector noted that the proposed development would extend further beyond the neighbouring building than the accepted building and would be of greater height and therefore considered that the proposed building would be prominent on the skyline.

The Inspector found the plans submitted to be inaccurate and incomplete and noted that the correspondence and plans are inconsistent in relation to what is intended. The Inspector considered that it is necessary that the details are fully demonstrated in the interests of certainty and in order to properly assess

the function and appearance of the building and therefore concluded that the plans would form an inadequate basis for a planning permission. It was considered by the Inspector that the submitted plans would result in a building of stark appearance and would not represent good design.

To conclude the Inspector considered that the proposal would result in greater harm than the accepted building to the character and appearance of the area contrary to Derwentside Local Plan Policies EN1 and EN2. Whilst the inadequate plans could be amended to reflect the application correspondence the Inspector was not satisfied that the benefits of an improved design would outweigh this concern. Reference was made to the considerable support locally for the development however the Inspector did not consider this was sufficient to outweigh his concerns and therefore dismissed the appeal.

**Appeal against the refusal of outline planning permission for the erection of a detached dwelling house and garage including access matters at Howden Bank Works, Howden Bank, Lanchester, DH7 0QW (Reference - DM/14/02421/OUT)**

An appeal against the refusal of Outline Planning Permission for the above development was received on 27 February 2015. The application was refused via delegated powers for the following reasons:

*“The principle of residential development on the application site is considered to be contrary to Paragraph 55 of the NPPF, Policy EN1 of the Derwentside District Local Plan and Policy 35 of the emerging County Durham Plan by virtue of the site’s location in the countryside outside of any settlement boundary, with no special circumstances for the proposal demonstrated. Additionally, it is not considered that such a proposal would benefit the rural economy or would be well related to existing settlement patterns.”*

The appeal was dealt with by way of written representations and the Inspector in determining the appeal considered that the main issue in the appeal was whether the proposal would amount to a sustainable form of development.

The Inspector concurred with the findings of the Council in that the site is located beyond the extent of established settlements, therefore in the countryside, and would not relate well to existing settlement patterns, contrary to Policy EN1 of the Derwentside District Local Plan. It was also noted the scheme would not accord with any of the special circumstances supporting isolated new homes in the countryside, as set out in Paragraph 55 of the NPPF.

Finally, the Inspector noted that the walking distance required, and gradient to negotiate, in order to reach bus stops on Howden Bank, would not discourage the use of the private car from the site, thereby not promoting reasonable and viable access to sustainable transport modes.

The Inspector concluded that upon consideration of all matters put before him, they were insufficient to outweigh his concerns and the appeal was dismissed.

**Appeal against the refusal of outline planning permission for the erection of a detached dwelling house and garage including access matters at Howden Bank Works, Howden Bank, Lanchester, DH7 0QW (Reference - DM/14/02421/OUT)**

An appeal against the refusal of Planning Permission for the above development was received on 8<sup>th</sup> June 2015. The application was refused under delegated powers for the following reasons:

*“The dwelling is in an unsustainable location in open countryside contrary to the NPPF and Derwentside Local Plan Policy HO5 and emerging County Durham Plan Policies 1, 2 and 35.*

*The applicant has failed to demonstrate that there are special circumstances for the erection of the proposed dwelling in this unsustainable countryside location contrary to paragraph 55 of the NPPF which seeks to restrict new isolated homes in the countryside.*

*The design of the dwelling would not be in keeping with the character of the area and other dwellings in the vicinity contrary to Derwentside Local Plan Policy GDP1 and emerging CDP Policy 16.*

*The height of the dwelling and the associated earthworks would harm the visual amenity of the local landscape contrary to Derwentside Local Plan Policies GDP1, EN1 and emerging CDP Policy 39.*

*The applicant has failed to demonstrate a non designated heritage asset would not be compromised by the earthworks involved to facilitate the dwelling contrary to emerging CDP Policy 44.*

*The development is inappropriate within this proposed Greenbelt as it does not qualify as being an exception development contrary to policy 14 of the emerging CDP and Paragraph 89 of the NPPF.’*

The appeal was dealt with by way of written representations and the Inspector in determining the appeal considered that the main issue in the appeal was whether the proposal would amount to a sustainable form of development.

The Inspector concurred with the findings of the Council in that the site is located beyond the extent of established settlements, therefore it was considered to be in the countryside, and that it would not relate well to existing settlement patterns, contrary to Policy EN1 of the Derwentside District Local Plan. Whilst the Inspector considered there were matters that provide weight in favour of the proposal in terms of its public transport links it was not however considered that the proposal would find full support from paragraph 55 of the NPPF as it would not be a sustainable location for a new development.

The Inspector considered that the proposed dwelling would impose itself on the landscape rather than sit comfortably within it and due to its scale and prominence it was considered that it would detract from the character of the area and would represent poor design contrary to Policy GDP1 of the Derwentside District Local Plan and the NPPF.

Given the lack of evidence of harm to the significance of the waggon way and of the public benefits of the proposal the Officer did not find conflict with the heritage objectives of the NPPF.

The Inspector did not consider that an extant permission for a large garage, the presence of an existing garage on the site and a neighbouring residential development provided significant weight in favour of the proposal.

The Inspector concluded that upon consideration of all matters put before him, they were insufficient to outweigh his concerns and the appeal was dismissed.

**Appeal against the refusal of planning permission for a building to provide stables and store fodder and change of use of land from agricultural to equestrian at Lambton Gardens, Burnopfield, Newcastle Upon Tyne (DM/15/00667)**

An appeal against the refusal of Planning Permission for the above development was received on 27<sup>th</sup> July 2015. The application was refused under delegated powers for the following reasons:

*“The proposal entails the construction and use of an excessively sized building for the size of the site which would be harmful to the intrinsic landscape character of the area due to its design, unjustified size and lack of screening contrary to the NPPF and Derwentside Local Plan Policies GDP1 and EN1.*

*There is insufficient information in relation to waste storage to assess whether pollution from the site can be adequately controlled to prevent harm to local residential amenity contrary to the NPPF and Derwentside Local Plan Policies GDP1 and EN26.”*

The appeal was dealt with by way of written representations and the Inspector in determining the appeal considered that the main issue in the appeal were the effect of the proposal on the living conditions of neighbouring residents with particular regard to odour and the effect of the proposal on the character and appearance of the landscape.

The Inspector noted the close proximity of several residential properties, footpaths and a play area and the lack of detail with regard to levels of manure, likely odour from the site and mitigation measures for controlling odour. Therefore the Inspector considered that the proposal would have a harmful effect on the living conditions of neighbouring residents at Lambton Gardens and that the proposal would be in conflict with saved policies GDP1 and EN26 of the Derwentside Local Plan.

With regard to the effects on the landscape the Inspector considered that whilst the building would be visible the Inspector did not consider that it would appear as an obtrusive feature and that the effect would be the landscape character and appearance would be maintained. Therefore the Inspector found that the proposal would not have a harmful effect on the character and appearance of the landscape and would be in accordance with saved Derwentside Local Plan and the National Planning Policy Framework.

The Inspector concluded that the harm to the living conditions of neighbouring residents is the prevailing consideration and therefore dismissed the appeal.

A costs application in relation to the Appeal was refused as the Inspector considered that the Appellants had not demonstrated that the Council had acted unreasonably in reaching the decision.

**Appeal against two of the conditions attached to Committee approval DM/14/02461/FPA for the use of Blackdene Woods near Plawsworth as a paintballing site.**

The applicants appealed against conditions granting the operation for a temporary period of three years and restricting the use to 75 days per year, with no Sunday use or consecutive days.

With the main issue identified as the effect of noise on nearby residents, the surrounding residences were noted as including the judges' residence at Southill Hall. The Inspector was not convinced that the methodology and conclusions applicant's noise assessment was adequate, the report being likely to underestimate the site specific noise likely to be generated by the development, with short irregular spikes of random sound, in his experience, both more intrusive and harder to quantify. Issues were also raised with the assessment of background sounds – in this instance high speed trains crossing the viaduct above the site.

It was noted that relaxing the restrictions on Sunday operation to protect the judges' residence would be outweighed on the effect on other residential properties.

In terms of the temporary consent, whilst noting that it is rarely justifiable to grant a second temporary consent, an appropriate trial run is required to assess the effect of development on an area. As there is no evidence that the site would be used as previously, a further temporary site was considered justified despite the appellant considering this compromised the attractiveness of the approval to potential operators.

It was concluded that both conditions met the tests set out in paragraph 206 of the NPPF, and were necessary and reasonable.

The appeal was therefore dismissed.



**Appeal against the refusal of planning permission for the erection of a summer house in rear garden at The Stables, Tanfield, Stanley, DH9 9PX (Reference - DM/15/01195/FPA)**

An appeal against the refusal of Planning Permission for the above development was received on 6 October 2015. The application was refused under delegated powers for the following reason:

*“In the opinion of the Local Planning Authority, the erection of the proposed summer house by reason of its scale, form and location results in an intrusive form of development out of keeping with the character of the surrounding area contrary to policy GDP1 of the Local Plan. It is therefore considered that the proposal would detract from the character and appearance of this part of the Tanfield Conservation Area, which is characterised by low walls, with open views to wooded areas within gardens to north and land to south of the application site, and is contrary to the 1997 Derwentside District Local Plan (as saved 2007) and National Planning Policy Framework which seeks to protect existing landscape and historic features and ensure that new developments impacting on heritage assets make a positive contribution to local character and distinctiveness.*

*In the opinion of the Local Planning Authority, the proposal is considered to have significant adverse impacts on the setting of the Grade I and II\* listed structures at Tanfield Hall, as the proposed building would block key views of Tanfield Hall and given its location, would interfere with the historic layout and hierarchy of buildings and would be contrary to the 1997 Derwentside District Local Plan (as saved 2007) and National Planning Policy Framework which seeks to retain the special character attributed to the setting of Listed Buildings.”*

The appeal was dealt with by way of written representations and the Inspector in determining the appeal considered that the main issues in the appeal were whether the proposal would preserve or enhance the character or appearance of the Tanfield Conservation Area and whether the proposal would preserve the setting of the Grade II\* Listed Building Tanfield Hall and the Grade I Listed walls and gates of Tanfield Hall.

The Inspector noted that the Tanfield Conservation Area retains a gentle, rural feel, with its significance deriving from the spatial pattern of the historical buildings, set back from the road within an open wooded area with low boundary walls and limited modern built form. The appeal property is considered to make a positive contribution to the character and appearance of the conservation area given its setting and relationship to Tanfield Hall. The proposed summer house was considered by the Inspector to introduce a significant modern addition within the surrounding area, interrupting the established pattern of historical built form, featuring strongly in key views from the south, east and west when entering the village. The proposal was deemed an intrusive form of development, making a negative contribution to the conservation area. Although the harm was considered to be less than

substantial, the Inspector was of the view that no evidence was available to suggest that the proposal would result in any public benefit that would outweigh the harm identified. The proposals were therefore considered to fail to preserve or enhance the character and appearance of the Tanfield Conservation Area, contrary to the policies of the Framework.

The Inspector noted that the past layout and hierarchy of the buildings associated with Tanfield Hall have been well preserved through sympathetic residential conversion of the appeal site and neighbouring property and little subsequent incursion of the built form. The Inspector observed that whilst the proposed summer house would not substantially block key views of Tanfield Hall, the gates and walls, given the scale and prominence, the proposal would be read as a substantial protrusion into those key views and distract from the aesthetic and historical qualities of the heritage assets.

The Inspector further pointed out that the proposal would be read as a formal addition to the wider complex of Tanfield Hall and would disrupt the historical pattern and hierarchy of the buildings. It would introduce modern residential features in the setting of Tanfield Hall and its gates and walls, which would be incongruous within the historical context of the structures. The proposal would be harmful to the setting of the listed buildings and there is no evidence to suggest that the proposal would result in any public benefit that would outweigh the harm identified. The proposal was considered to fail to preserve the setting of the Grade II\* Listed Building Tanfield Hall and the Grade I Listed walls and gates of Tanfield Hall, contrary to saved policy EN17 of the Derwentside District Local Plan and policies in the NPPF.

The Inspector dismissed the appeal.

### **Appeal against the Council's decision to issue and enforcement on land to the north of Acorn House, Lanchester Garden Centre, Bargate Bank, Lanchester.**

The notice related to unauthorised operational development consisting of the laying of strip foundations, the erection of blockwork to a height of approximately 650 – 700mm above the existing ground level and the laying of sub base materials within the blockwork boundaries.

In December 2104 an enforcement notice was issued relating to the unauthorised development described above.

The notice was subsequently appealed and on the 11<sup>th</sup> December 2015 and the Inspector dismissed the appeal with a variation regarding the periods for compliance with the requirements of the notice.

The effect of this decision is that the notice restarts on the 11<sup>th</sup> December 2015 and requires the following works to be undertaken:

1. Take down all the existing blockwork currently erected on top of the foundations (as at C below). Permanently remove all blocks from the unauthorised development site.
2. Permanently remove all the sub base materials that have been laid within the boundary of the raised blockwork.
3. Excavate all the concrete foundations laid to the north of Acorn House.
4. Where the foundations have been excavated infill all the trenches with earth.
5. Level the ground within the unauthorised development area and lay top soil to a depth of 10cm.
6. Sow the unauthorised development area with all-purpose hard wearing grass seed and return the area to grass as previously existed.

The time frame for compliance has been extended from one calendar month to six calendar months for points 1 – 5 above and from six calendar months to eleven calendar months for point 6 above.

Enforcement Officers will monitor the site to ensure that the requirements of the notice are completed within the given time scales.

#### RECOMMENDATION

The reports are noted.

Reports prepared by Steve France (Senior Planning Officer), Louisa Ollivere (Planning Officer), Nick Graham (Planning Officer) and Jennifer Jennings (Planning Officer). John Laidlaw (Senior Planning Enforcement Officer)

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