



Area Planning Committee (North)

Date Thursday 25 February 2016
Time 2.00 pm
Venue Council Chamber, County Hall, Durham

Business

Part A

1. Apologies for Absence
2. Substitute Members
3. Minutes of the Meeting held on 28 January 2016 (Pages 1 - 8)
4. Declarations of Interest (if any)
5. Applications to be determined by the Area Planning Committee (North Durham)
 - a) DM/15/03908/FPA - Recreation Land South East of Bradley Close, Urpeth (Pages 9 - 28)
Erection of 47 no. Dwellings with associated Infrastructure and Car Parking
 - b) DM/16/00240/FPA - The Granary, Woodlea Manor, Lanchester (Pages 29 - 40)
Removal of condition 4 of permission 1/2011/0035 to permit the use of the residential annex as a dwelling (use class C3).
 - c) DM/15/03625/FPA - Land To The East of Ravenscroft, Stoney Lane, Beamish (Pages 41 - 56)
Erection of a single 4 bedroom dwelling and 2 outbuildings.
6. Appeal Update (Pages 57 - 62)
7. Such other business as, in the opinion of the Chairman of the meeting, is of sufficient urgency to warrant consideration.

Colette Longbottom
Head of Legal and Democratic Services

County Hall
Durham
17 February 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 28 January 2016 at 2.00 pm**

Present:

Councillor I Jewell (Vice-Chair in the Chair)

Members of the Committee:

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

Also Present:

Councillor A Watson

1 Apologies for Absence

Apologies for absence were received from Councillor C Marshall, J Robinson and S Zair.

2 Substitute Members

There were no substitutes.

3 Minutes of the Meeting held on 26 November 2015

The minutes of the meeting were confirmed as a correct record and signed by the Chairman.

4 Declarations of Interest

Councillor Milburn declared an interest in Item 5a as she was a Non-Executive Director of Prince Bishops Homes.

Councillor B Armstrong declared an interest in Item 5a as her partner was a Non-Executive Director of Derwentside Homes of which Prince Bishops Homes was a subsidiary.

Councillor Temple declared an interest in Item 5b as a local Member.

Councillor Wilson declared an interest in Item 5a as a local Member.

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

The Committee agreed to reorder the agenda to hear application DM/15/03035/FPA first.

b DM/15/03035/FPA - Air Power House, Watling Street Industrial Estate, Leadgate

The Committee considered a report of the Planning Officer regarding the change of use of woodland to extend existing caravan storage area at Watling Street Industrial Estate, Leadgate (for copy see file of Minutes).

The 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 a late representation from the local MP, Pat Glass, who reiterated the concerns of residents.

Councillor A Watson, local divisional Member, addressed the Committee to speak in objection to the application.

He advised that local residents of Villa Real bungalows were extremely anxious about the planning application, because if approved, a substantial part of the woodland area that is enjoyed by residents and their children would be ripped out, with approximately 100 trees felled. The woodland area which was maturing every year attracted many forms of wildlife even deer.

He further noted that the development would fail to deliver the environmental role which is defined as one of the three dimensions to sustainable development within NPPF (para 7). The scale of development in such a sensitive location is a major issue in relation to species and habitat issues on site. He explained that the fence which faced Villa Real bungalows was always meant to be the boundary of the Industrial estate with the tree belt acting as an order to mitigate against a working environment, stockyards or indeed light.

In conclusion he added that children were educated through forestry classes in schools and taught to respect and realise the importance of trees, not to destroy them. He therefore respectively asked the committee to refuse the application

Mrs G Oswald, local resident, addressed the Committee to speak in objection to the application.

Reference was made to the area in which Villa Real bungalows sits and to the mineshaft which was repaired some 20 years ago, by being filled with concrete. 20 years on the gardens of these properties were flooding regularly, even though the properties were 850ft above sea level. This Mrs Oswald felt, was due to the increasing inclement weather and the removal of mature trees which were planted by the council at 'Watling Wood' opened by David Bellamy.

Removal of further woodland would leave residents more vulnerable to flooding as some of the more mature trees at 1-32 bungalows absorbed a lot of the water and prevented flooding to an extent.

In addition to the issues of flooding the loss of woodland would impact upon those families who take their children there to play. Residents would also be deprived of the great pleasure from sitting in their gardens admiring the wildlife. In addition only last year Red Kites were seen at this site.

The trees provided great protection from the noise of the industrial estate and also provided screening from the scaffolding site which was in a current state of untidiness. The trees also provided, depending upon the direction of the wind, protection from the chemical works and biofuel plant nearby, by absorbing fumes.

With regard to the storage of caravans Mrs Oswald added that caravan fires were a concern and fire or other alarms could be set off by high winds also posed a threat and potential nuisance to residents.

In conclusion Mrs Oswald urged members to protect this piece of woodland, she commented that there was land nearby better suited to caravan storage, which would allow Watling Wood to continue to thrive and mature.

Mr B Robinson, Applicant, addressed the Committee to speak in support of the application.

The land was purchased in 1995 with its use always being identified as being for industrial purposes. A site visit with the Council's Principal Acquisition & Disposal Surveyor last year had confirmed that the land was clearly unused with most parts being overgrown with low level branches.

With regard to comments about potential fire risk or gas bottle explosions it was noted that all gas bottles were turned off during storage, with little chance of explosion. In addition any noise from caravan alarms would be waffled by the 25m distance between the site and first property, 15m of which was dense woodland.

In response to comments made regarding flooding the applicant confirmed that his site was in fact downstream from the bungalows where recent flooding had occurred.

He further added that he had undertaken a site meeting with Councillor Watson last September and he had indicated at that time, that 10m of screening would be sufficient. The current application proposed 15m.

In addition some concerns had been raised regarding security flood lighting and Mr Robinson advised that the application proposed the same lighting system as was currently used on site. In addition he added that the site was still relatively small and would continue to be well maintained.

In response to the points raised regarding flooding the Planning Officer advised that flooding in this area was an existing problem and made reference to condition 3 of the conditions outlined in the report regarding surface water drainage.

In response to a further query from Councillor Wilson regarding the classification of the site as industrial / residential the Planning officer advised that the site was designated as industrial although the community asset value of Watling Wood may be considered.

Councillor Cordon commented that he did not find the application unreasonable given that the land was designated for industrial use. He further commented that caravans were already kept on site and he appreciated that there were storage issues in the area. He further added that he was happy to hear that Officers were monitoring the situation with regarding to surface water and flooding. With that he moved that the application be approved.

Councillor Temple sought clarification regarding the level differences between Factory World and the bungalows. The planning officer in responding to these points advised that level differences were marginal.

Councillor Temple further added that he wished to raise concerns on two grounds; amenity and drainage. He added that he considered the perspective that Members had gained from the site visit misleading and had members walked through the site, it would have been noted that tree cover was especially thin in some areas. He added that the aerial images shown highlighted this point. He therefore suggested that if 2/3 of the tree belt was removed, the woodland would be extremely sparse. This in turn would lead to light pollution contradictory to GDP1 and the NPPF, loss of amenity.

His second point related to drainage and he explained that no plans for drainage had been submitted. Woodland was semi-permeable and with such the existing woodland area acted to remove surface water. He subsequently moved that the application be refused.

Councillor Shield added that he concurred with Councillor Temple and had himself, serious concerns. He further added that he did not consider the proposals to be a good use of industrial land. With regard to the removal of woodland, he added that the proposals would involve the loss of 400m² which was a substantial amount. Furthermore with work currently taking place on Villa Real bridge, Bradley Industrial estate was a main pedestrian route.

Councillor Shield further added that members had been notified some time ago that this area would be re-designated as public woodland and this had never been undertaken. In conclusion he commented that he did acknowledge that storage space for caravans was in shortage however, this was not the right place to provide such. He subsequently seconded the motion to refuse the application.

Regarding the density of the woodland Councillor Jewell asked how old the aerial photograph shown was. In response the Planning officer advised that it was between 12/18 months old.

Councillor Milburn asked whether it would be possible to add further planting of additional trees to the conditions of the application. The Planning Officer advised that a condition for landscaping could be included and a review of the boundary treatment could be undertaken.

Councillor Thompson with regard to flooding issues added that he would like to see additional drainage and added that given the problems in the area with flooding, that he was disappointed that no comments had been received from Northumbrian Water. He further asked whether there was anything in the conditions to ensure that no felling of trees took place during bird nesting season.

Councillor B Armstrong added that the land was most definitely industrial and agreed that a condition should be included to require the planting of some established trees. With that inclusion she seconded the motion to approve the application.

Councillor Temple **MOVED** that the application be refused on the grounds of:

- Light pollution NPPF and GDP1
- Risk of worsened drainage, NPPF 103 and GDP1
- Disturbance of natural habitat.

Councillor Shield **SECONDED** the motion.

Following a vote the motion was **DEFEATED**.

Councillor Cordon **MOVED** that the application be approved subject to conditions and Councillor Armstrong **SECONDED** the motion.

Resolved:

That the application be **APPROVED** subject to the conditions detailed in the report and the inclusion of the following as agreed with the Vice-Chair:-

Notwithstanding details submitted with the application, within one month of the commencement of the development, details of the boundary screen planting shall be submitted to the Local Planning Authority. Once agreed, the planting should be undertaken before the end of the next planting season following the commencement of the development (i.e. before 31st December of that year). Trees, hedges and shrubs shall be planted and subsequently maintained in accordance with good practice to ensure rapid establishment, including watering in dry weather, and replacement of failed plants. Trees, hedges and shrubs shall not be removed without agreement within five years.

Reason: To ensure the visual amenity in the surrounding area is protected in accordance with Policies GDP1, EN11 and IN4 of the saved Derwentside Local plan.

Councillor B Armstrong and O Milburn left the meeting.

a DM/15/02993/FPA - Plawsworth Road Infant School, Sacriston

The Committee considered a report of the Senior Planning Officer regarding the redevelopment of a disused Infant School site to provide 21 houses; consisting of 3 and 4 bed detached; semi-detached and terrace units at Plawsworth Road Infant School, Sacriston (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.

He advised that a slightly revised set of conditions were proposed to that which Members had been supplied with prior to the meeting, details of which were provided.

The Chair at this point welcomed Mr S Bell and Mr S Jackson, Prince Bishop Homes, who were in attendance to answer any questions which the committee may have had.

Councillor Thompson commented that he was happy with the proposed development however, asked for some clarification regarding the viability appraisal for affordable homes.

The Senior Policy Officer advised that a viability appraisal would be undertaken when the amount of affordable homes proposed fell below 15% of the total number of dwellings. The appraisal took into consideration build costs, selling costs, profits and land purchase price. The team then verified whether the assumptions made were reasonable and provided a clear indication of costs and value of the site. He confirmed that the appraisal in this case had provided reasonable assumption.

Councillor Shield asked what the proposed density of the development was. In response the Senior Planning Officer advised that the development was below average density. Councillor Shield further added that as the development proposed was for infill development, on a brownfield site, he moved that the application be approved.

Councillor Wilson raised a query regarding traffic and the impact upon existing dwellings and felt that a number of the objections received could have been avoidable had more pre-consultation taken place. The Principal DM Engineer advised that school parking was always an issue around school sites like this however, the development would now propose a two way flow of traffic and would be much more tidal than when the school was on the site. The roads into the site were 4.8m wide with some being even wider. A survey of the site had suggested that highways provision would accommodate 100 cars, however the development was likely to create only 45 regular users.

Councillor Cordon seconded Councillor Shield's proposal adding that the site in its current state was an eyesore and was good use of brownfield land.

Councillor Brookes echoed the support that other members of the committee had given adding that the site was a derelict eyesore for residents and agreed that there would have been more traffic movement when it was a school.

Mr S Jackson, Prince Bishop Homes then provided some information regarding the Rent to Buy model that the developer had adopted which offered 75% of the property to rent with the option to buy at the end of a 4 year period. The homes were targeted at those in their mid-thirties with no deposit and poor credit histories. The scheme aimed to help them manage their finances so they were mortgage ready at the end of the 4 year period. The model was based upon an intermediate housing market with affordable housing.

Councillor Shield **MOVED** the application for approval and Councillor Cordon **SECONDED** the application with the inclusion of conditions as explained by the Senior Planning Officer.

Resolved:

That the application be **APPROVED** subject to an updated list of conditions as described by the Senior Planning Officer in his presentation, to be approved with the Vice-Chair of the Committee.

6 Appeal Update

Consideration was given to the report of the Planning Team Leader which provided an update on planning appeals received and determined (for copy see file of minutes).

Resolved:

That the report be received.

7 Such other business as, in the opinion of the Chairman of the meeting, is of sufficient urgency to warrant consideration.

The Vice Chair allowed the following update to be presented.

The Planning Team Leader provided an update on the Gleeson development at Kimblesworth and advised that following the committee's decision to defer the application, the applicant had since chosen to withdraw the application and had in addition, withdrawn from the land purchase.

Resolved:

That the update be noted.

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Planning Services

COMMITTEE REPORT

APPLICATION DETAILS

APPLICATION NO:	DM/15/03908/FPA
FULL APPLICATION DESCRIPTION:	Erection of 47 no. Dwellings with associated Infrastructure and Car Parking
NAME OF APPLICANT:	Persimmon Homes
ADDRESS:	Recreation Land South East Of Bradley Close Urpeth
ELECTORAL DIVISION:	Pelton
CASE OFFICER:	Steve France Senior Planning Officer Telephone: 03000 264871 steve.france@durham.gov.uk

DESCRIPTION OF THE SITE AND PROPOSALS

The Site

1. This planning application relates to an area of open-space at Urpeth, a modern estate built from the 1960s around the former site of Low Urpeth Colliery at Ouston. The site, like the surrounding settlement, has been traditionally green-field previously undeveloped land with the former colliery extending as far as the areas of woodland that bound the site. The settlement of Urpeth is 2.3miles north-west of the centre of Chester-le-Street, being north of the A693 which runs east to west from the A1(M) at Chester-le-Street to Stanley and Leadgate, beyond. In the adopted Chester-le-Street District Local Plan, Urpeth and Ouston share a settlement boundary which is surrounded by designated Green Belt, the settlements wrapping around a large communal area of open space. The site is identified in the Local Plan for housing, with a woodland County Wildlife site (CWS) and maintained open space separating the two villages formed of mown grassland and unimproved scrubland joined and interlinked by a series of lit and unlit footpaths.
2. The land of the application site is broadly evenly divided between a gently falling flat plateau of improved mown grassland overlooked by Bradley Close and Leyburn Close, well used by the local community for a range of recreational purposes. This land includes the bases of removed play equipment. An area of unimproved scrub grassland overlooked by Middleham Close forms the remainder of the site, this land falling south east towards an open culvert that forms that boundary of the land. A public bridleway with street lighting runs along the north east boundary, within established hedging leading to The Cherry Tree public house, and a small convenience store behind which are a small area of further open space and a large private car park. These two businesses form the community facilities of the estate, residents relying on the nearby settlements of Ouston, Perkinsville, Pelton and Chester-le-Street for schools, shops, supermarkets and employment. The CWS

consists of woodland and unimproved grassland, which like the site includes informal tracks and paths in addition to the formal surfaced and street-lit paths that traverse the open space, connecting the two settlements and giving access through and around the various spaces.

3. The existing urban form of the estate reflects its various ages, with the surrounding perimeter main access road leading into a series of cul-de-sacs. All roads in the settlement are cul-de-sacs. In the larger, southern part of the settlement the layout is rectilinear, with straight roads and building lines leading to shared garage courts. The later, north part of the estate has buildings arranged along curves around shorter cul-de-sacs, and winding estate roads, designed to restrict vehicle speeds. Bradley Close, which leads to the site, is notable for its increased width, 7.2m, designed as a principal access road to carry more traffic than surrounding streets with their standard 4.8m widths.

The Proposal

4. Originally submitted for 79 dwellings, a revised previous application for 63 units was refused by Committee in March 2015. The current application, proposing 47 new dwellings is the result of extensive discussion with Officers, Local Ward Members, and the conclusions reached from a public consultation exercise carried out by the developer.
5. The defined development site boundary is set back from the Bradley Close elevation, giving a natural separation from that street. The open space provided within the scheme has been rearranged to sit at the site entrance and alongside the north-east boundary of the site, maintaining the view into the open area from the existing main estate access, separating built development from the hedged footpath and the CWS beyond, and giving a greater degree of separation from the public house and the existing dwellings in Bradley Close. This open space will be multi-functional providing for play and kick-about space, a buffer from the wildlife areas and keeping an open vista on the approach to the site from Bradley Close.
6. Footpath links have again been included in the redesign, to give a high degree of connectivity through the estate to the open areas for existing and proposed residents. A small buffer of public open space has been provided opposite existing dwellings in Leyburn Close to address concerns raised in the last application, and those dwellings proposed overlooked by existing dwellings in Middleham Close have been re-orientated to face out from the site, rather than turning away from the existing dwellings and footpath, leading into an additional area of open space that ensures the footpath remains of open appearance improving the perception of public safety.
7. The proposed houses are a mix of detached, semi-detached and mid-link units. Some housetypes include in-roof accommodation, and as a consequence are 1.5m higher than the units providing two floors of accommodation – these higher unit kept away from the boundaries proposed facing existing houses.
8. The application proposes affordable housing at the required rate of 15% to be retained in perpetuity by a section106 agreement, which also provides a sum for enhancement of the adjacent CWS. The previous application included a commuted sum for additional education provision at a nearby school – as this provision has been made in the period between the two planning applications, this sum is no longer required.

9. The application is reported to Committee as a 'major' housing scheme.

PLANNING HISTORY

10. The application for 63 units was refused by Planning Committee on 17 March 2015, for the following reason;

'The development is considered contrary to the National Planning Policy Framework Part 8 (Social interaction and access to high quality open spaces) and Policy HP4 of the Chester-le-Street Local Plan 2003 (saved Policies 2009) which includes the explicit provision for public open space to include for an equipped playground, Policy HP9 which requires development proposals to be well related to the surrounding area, respects its predominant character, setting and density and the requirements of Policy RL5 in terms of the provision of outdoor sport and recreational space in new residential development'.

PLANNING POLICY

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'.
13. 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 policy's weight. The relevance of this issue is discussed, where appropriate, in the assessment section of the report below.
14. The following elements of the NPPF are considered relevant to this proposal;
15. *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.
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 8 - Promoting Healthy Communities* - the planning system is considered to have an important role in facilitating social interaction and creating healthy,

inclusive communities, delivering social recreational and cultural facilities and services to meet community needs. Access to high quality open spaces and opportunities for sport and recreation can make an important contribution to the health and well-being of communities.

18. *NPPF Part 11 - Conserving and enhancing the natural environment.* The planning system should contribute to and enhance the natural environment by; protecting and enhancing valued landscapes, recognizing the benefits of ecosystem services, minimising impacts on biodiversity and providing net gains in biodiversity where possible, preventing new and existing development being put at risk from unacceptable levels of soil, air, water or noise pollution or land instability, and remediating contaminated and unstable land.

NATIONAL PLANNING PRACTICE GUIDANCE:

19. 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.
20. *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.
21. *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.
22. *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.
23. *Climate change* - Addressing climate change is one of the core land use planning principles which the National Planning Policy Framework expects to underpin both plan-making and decision-taking. Planning can also help increase resilience to climate change impact through the location, mix and design of development. Reflecting the 'golden thread' of the NPPF, sustainable development is key.
24. *Flood Risk and Coastal Change* - The general approach is designed to ensure that areas at little or no risk of flooding from any source are developed in preference to areas at higher risk. Application of the sequential approach in the plan-making process, in particular application of the Sequential Test, will help ensure that development can be safely and sustainably delivered and developers do not waste their time promoting proposals which are inappropriate on flood risk grounds.

25. *Land Stability* - The guidance provides advice to local authorities and developers to ensure that development is appropriately suited to its location, and that there are no unacceptable risks caused by unstable land or subsidence.
26. *Land affected by Contamination* - When dealing with land that may be affected by contamination, the planning system works alongside a number of other regimes including Building Control and Environmental Protection. To ensure a site is suitable for its new use and to prevent unacceptable risk from pollution, the implications of contamination for a new development would be considered by the local planning authority to the extent that it is not addressed by other regimes.

LOCAL PLAN POLICY:

27. The Development Plan for the area is the Chester-le-Street Local Plan 2003, saved 2009, with proportionate weight given to the policies therein commensurate with their consistency with the NPPF, in line with paragraph 215 of that document.
28. *Policy NE8 - Sites of Nature Conservation Importance and Local Nature Reserves* - Planning permission will only be granted for development which; Enhances the designated site or, does not harm the nature conservation interest of the site, or minimises damage and provides for mitigation and replacement elsewhere.
29. *Policy HP4 Land Allocated for Residential Development* - identifies a number of potential housing sites including 'land adjacent to the Brooms Public House', suggesting a number of 42 dwellings, cross-referencing to the requirements of policies HP1 and HP2 (now expired policies) that set targets for housing land supply. The policy requires explicit provision for public open space provision to include an equipped children's playground and a playing pitch or kick-about area in line with Policies RL4 and 5.
30. *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, safe road access and retain existing landscape features.
31. *Policy HP13 - Affordable Housing* - sets a requirement for provision of affordable housing on sites of more than 15 units at a current rate of 15%.
32. *Policy RL4 - Standards for outdoor recreation and Sport* - seeks an overall provision of such across the former District Council's administrative area.
33. *Policy RL5 - Provision in New Developments* - subject to dwelling sizes and types proposed, and the level of local provision, there is a requirement for at least specified amounts of public open space and play provision, or a formula for providing a commuted sum for off-site provision through either a condition or planning obligation.
34. *Policy BE22 - Planning Obligations* - Chester le Street Council will enter into legal agreements to either enhance the quality of the proposed development or enable a proposal to go ahead that might otherwise be refused.
35. *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.

36. *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.

RELEVANT EMERGING POLICY:

37. The County Durham Plan was submitted for Examination in Public in April 2014 and stage 1 of that Examination has been concluded. 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. However, the Inspector's Interim Report following stage 1 of the Examination process, dated 18 February 2015, concludes that the CDP is not sound in its current form. In light of this it is considered that no weight can be afforded to the CDP at the present time.

The above represents a summary of those policies considered most relevant in the Development Plan the full text, criteria, and justifications of each may be accessed at <http://www.cartoplus.co.uk/durham/text/00cont.htm>.

CONSULTATION AND PUBLICITY RESPONSES

STATUTORY RESPONSES:

38. *Highways* – County Highways Engineers note that the specification of Bradley Close is such that it appears that this estate road has been designed to accommodate a built extension into the site – it is concluded; ‘Bradley Close is certainly capable of accommodating the additional traffic generated by 47 additional dwellings’.
39. As this report is written minor changes to the proposed car parking layout have been agreed consisting of provision of additional 2 additional on-street visitor spaces and 3 additional visitor spaces on private driveways, which the Senior Engineer had confirmed that, ‘subject to these minor amendments I consider parking provision to be satisfactory’.
40. *Northumbrian Water* - have confirmed they have no issues to raise with the application, provided it is approved and carried out within strict accordance with the submitted Drainage Strategy Plan.

INTERNAL CONSULTEE RESPONSES:

41. *Ecology* – have examined the reports submitted by the applicant and concluded that the identified impacts on the adjacent Local Wildlife sites can be reasonably addressed through an ‘Off-site Ecology Contribution’ of £20,000 to enhance ecology on the adjacent County Wildlife sites, rather than a buffer zone on the site boundary.
42. *Rights of Way* – note the existing footpath abutting the east boundary of the site will be unaffected, with its openness retained by the siting of the proposed play areas. There are no rights of way across the site itself, and the number of access points proposed across the site ‘presumably’ mitigate against the loss of the existing unregistered paths existant on the land.

43. *Environmental Protection (Contamination)* – have assessed the available information and historical maps with respect to land contamination. The Phase 2 ground investigation report has identified made ground on the site, and therefore further works are required to further delineate and assess the potentially combustible made ground in one location on site, with remedial works proposed in the form of a cover system. A condition to ensure Investigation, Risk Assessment, Remediation and Verification is undertaken to the satisfaction of the Local Authority is suggested due to the fact that this development constitutes a change of use to a more sensitive receptor.
44. *Trees* - any trees affected and retained by the development need to be protected by fencing meeting the British Standard for trees in relation to construction and development.
45. *Housing* – write; ‘the Affordable Housing Statement submitted by the applicant proposes to deliver 7 on-site Affordable Homes as part of this proposal. These 7 units shall be split 70% Affordable Rent / 30% Discount Open Market Value - meaning that 5 dwellings will be Affordable Rent and 2 will be Discount Open Market Value. The Strategic Housing Market Assessment identifies a need for 15% affordable provision in the North Housing Delivery Area. The developer must be confident that they are able to partner with an ‘Registered Provider’ (RP) to take on the affordable rent units and therefore discussions with RPs should be commenced at the earliest opportunity to ensure the proposed product meets the RPs needs in terms of price, size and layout’.
46. *Education* – responded, ‘a development of 47 houses could ultimately produce an additional 14 primary school pupils and 6 additional secondary school pupils. There are sufficient primary and secondary school places in the area therefore no contributions from the developer will be requested for additional teaching accommodation’. They do however note that additional traffic from new pupils could exacerbate existing access problems at the nearest Primary School.
47. *Sustainability* – A list of the areas that should be included into the Sustainability assessment was set out by that section who noted that the applicant provides very little information pertaining to the energy performance of the dwellings. It is agreed that a fabric first approach should always be the initial way forward, with a further Sustainability Statement will therefore be required by condition.
48. *Drainage* – have accepted in regards to the approach to surface water control and disposal on site, taking into the previous and now updated Flood Risk Assessments, that it is appropriate to engineer the drainage scheme through the use of a soakaway/infiltration systems in the northern half of the site, and the restricted discharge and use of oversized pipes on the rest of the site. They have agreed with the developer’s Drainage Engineers that this can be achieved through a pre-commencement condition.

PUBLIC RESPONSES:

49. Neighbours have been consulted, with 283 letters sent out, site notices were posted on and around the area, and a press notice was published in The Northern Echo. 17 objections have been received to the revised scheme, compared to 71 for the previous scheme.
50. Objectors to the scheme have a wide range of concerns, most consistent with those raised previously. One of the two principle issues for those who have written are the traffic implications of the new proposals – both in terms of the volume of additional

traffic proposed using Bradley Close - up to 111 extra vehicles, and the potential for parking on the currently open side of the cul-de-sac that overlooks the public open space to obstruct the use of drives to existing dwellings. Objectors contend Bradley Close is already abused by fast drivers and the proposals will exacerbate this. For some residents in Bradley Close who overlook the site there is also concern that there is no direct link between this roadside and the frontages of those dwellings proposed to face over it. Parking provision is described as inadequate and inappropriate. A number of correspondents suggest a different access through another part of the estate. No specific provision is made for cyclists in the scheme.

51. The potentially 'catastrophic' loss of the open space, presented as a Village Green, is also a headline concern of objectors, the existing open space a valued community facility used for leisure, community purposes, play, dog walking, a fairground and fireworks, although one resident complains of existing nuisance from ball-games, day and night. A number of letters connect the potential loss of the land to exacerbating obesity issues. The location of the proposed play areas and the lack of detail on their content is not considered satisfactory.
52. The potential for flooding issues, either in exacerbating existing issues, or causing problems for the new site is a concern for some, with coal mining legacy issues, both from underground voids and potential for gas emissions putting new dwellings at risk are further technical concerns.
53. The proposed house types, materials, layout, density and enclosure of the proposed dwellings are considered out of character with the surrounding developments, with too many dwellings shown, contrary to development plan policies. Local services and facilities – shops, doctors and schools – are considered remote and oversubscribed, with bus services insufficient. The lack of Education provision within the scheme is unacceptable. The need for the houses is questioned. Existing properties are likely to be devalued.
54. Residential amenity is contended to be likely compromise by the presence and proximity of new dwellings on the south-west boundary of the site, with buffer zones required.
55. One resident repeats a previous contention that the social housing is likely to attract social deprivation leading to an increase in crime and disorder.
56. Existing wildlife interests will be detrimentally affected.
57. The likely effects of building works are unacceptable.

APPLICANTS STATEMENT:

58. The applicant writes; 'Following the refusal of Persimmon Homes' application in April 2015 for 63 units on land to the south west of Bradley Close, Urpeth, Persimmon Homes, following significant dialogue with Local Residents, Local Councillors and Durham County Planning Officers at both the pre-application stage and during the determination process, which included a public consultation event in which over 445 leaflets were delivered to surrounding properties requesting peoples attendance, the scheme has been revised to address the concerns raised at all levels and reasons for refusal previously received.
59. The revised scheme proposes the development of 47 units at a reduced density of 24 dwellings per hectare in order to greater reflect the character of the surrounding area as to create an appropriate sustainable development for the local area.

60. As part of the application process a number of internal and external statutory consultees such as Highways and Traffic Generation, Drainage and Education have all been consulted. It is to be noted that there are no outstanding objections from these parties and where some concerns have been raised, significant discussions with both the case officer and consultee have been carried out on how these concerns are to be dealt with at the varying stages of the planning process.
61. It is evident that the level of consultation and public involvement has been successful. The level of objection from local residents has reduced by 70% compared to the original application, from 71 objections down to now only 15. It is therefore clear that Persimmon Homes through varying methods of consultation at various stages of the planning process has been successful in addressing many of the concerns raised by the local residents and that the proposed development now meets the expectations and requirements of the existing residents of Urpeth Grange.
62. The application is also supported by a revised Flood Risk Assessment and Drainage Strategy which supports the development of the site and conclude that through the use of a soakway / infiltration system to the north of the site and a restricted surface water run of rate to the south via oversized storage pipes the development of the site will result in the positive collection of rainfall which alongside the removal of localised depressions will remove the potential for surface flooding within the site.
63. It is important to note that the proposed drainage scheme has been designed in a way which includes the storage provision for not only a 1 in 30 year storm event but also a 1 in 100 year storm event so is capable of dealing with any extreme increased levels of water on site. As identified within the Flood Risk Assessment, these measures will result in a betterment of both the movement and disposal of water from the site which in turn will reduce the risk of more localised flooding within the surrounding area.
64. From an economic perspective, the scheme is considered to have the potential to make a significant impact on the Local Economy. As well as providing the Council with circa £300,000 in New Homes Bonuses and approximately £50,000 per annum in additional Council Tax revenue, the development is also expected to result in an estimated additional £1,000,000 of gross household expenditure per annum. Over the course of the development, the scheme is expected to support 58 direct construction jobs and support a further 44 indirect jobs. It is therefore clear that the development will make a major contribution to the local economy and has the potential to support numerous local businesses.
65. The application proposed makes a positive contribution to the 'three dimensions to sustainable development' and therefore represents the sustainable development of an allocated housing site to meet the current and future housing needs of Ouston and the wider County Durham housing including both market and affordable housing in accordance with the NPPF. The revised design of the site highlights the significant efforts that have been carried out by Persimmon Homes in order to address the concerns of the Local Residents, Councillors and Planning Officers and as evidenced by the level of objections received, this has been successful.
66. As a sustainable residential development the application should benefit from the NPPF's presumption in favour of sustainable development and as there are no material planning reasons which have not been addressed or which cannot be addressed through planning conditions, it is politely requested that Councillors approve the scheme without delay'.

PLANNING CONSIDERATIONS AND ASSESSMENT

67. 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, loss of open space and neighbouring amenity, impact upon its surroundings, highway safety and drainage.

Principle of the Development

68. The land has been identified in the adopted Chester-le-Street Local Plan 2003 (saved Policies 2009) as a housing site and recently likewise within the Strategic Housing Land Availability Assessment (SHLAA 2009/10) The Chester-le-Street Plan set a figure of 42 dwellings on the 1.9ha site, with an explicit provision for public open space that would include an equipped children's playground and a playing pitch or kick-about area. The SHLAA process concluded, 'the site is well contained within the settlement, providing access to local services including primary schools and a small shopping arcade. While development would result in a loss of play space the existing facilities are poor quality and development would allow reprovision in the vicinity to a higher standard, to mitigate for the loss'. The site was therefore again identified for housing development, as 'suitable', 'available' and 'deliverable'. The age of the Local Plan is such that its Policies have reducing weight, and the SHLAA, whilst a systemised assessment of land for housing purposes, is not a Policy document. Determination is therefore guided in the first instance by paragraph 14 of the NPPF, and its presumption in favour of sustainable development, 'unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies of (the) this framework as a whole'.

69. The NPPF requires Planning Authorities to provide for a wide choice of high quality homes, widen opportunities for home ownership and create sustainable, inclusive and mixed communities. The site as shown provides for a number of different house-types, including affordable housing at the required rate of 15%, thereby providing for an inclusive and mixed community, which is seen as a positive aspect of the development, contrary to the contention of one objector. The affordable dwellings will be 'tenure blind' and therefore will look the same as the rest of the development. The principle of development is consistent with its identification in Policy HP4.6 of the Local Plan as a housing site, with the current principle of developing the site led by the presumption in favour of development set out in the NPPF, as above.

70. In order to ensure that the proposed affordable housing is secured in perpetuity it will be necessary to enter into a section 106 legal agreement, and make the planning permission subject to this. A similar mechanism is required to link the planning approval to the payment of the offered Ecology contribution, described below. The NPPG and the Community Infrastructure Levy Regulations 2010 set out a series of tests that require such documents to be relevant, necessary, fair, directly related and reasonable to planning in scale and kind. All the elements of the proposed legal agreement to accompany any approval are considered to meet these tests.

71. The issue of neighbouring amenity has two main components; the general effect on the amenity of the residents of the neighbouring estate who use the land for recreational purposes and to access the wildlife site and further recreation land beyond, and the specific effects on the amenities of those residents who directly face onto the site.

72. General Amenity and Open Space:

The land as existing serves a variety of informal recreational functions. The top of the site is close mown grass, used by children for informal play - with excellent passive security from overlooking properties, and by dog-walkers using the land itself, and traversing it to access the footpaths, woodland and grassland beyond. The lower part of the site is scrubland crossed by informal footpaths. The potential capacity of the land for residential development was based to some degree on the requirement for provision of areas of open space, formal and informal play provision within a new development. The resubmitted design has provided specific areas for play and kick-about space, sited to double as a buffer to the woodland wildlife areas and public footpath. The details of the specific provision of play equipment and on-site definition of these areas is proposed deferred for agreement through condition, as usual. This is aligned with the site entrance to retain the open aspect of the existing entrance into the estate and views of the woodland / open areas, beyond, retaining the community focal point of the public house and convenience store. Small open space buffer zones have been included along the south-west boundary of the site, with plots 29 – 32 turned to face existing development, responding positively to previous concerns from neighbours on this boundary. These join with the open space running along the north-west boundary of the site. The extent of the various types of open space is now compliant with the requirements of Policy HP4.6. The scheme has excellent pedestrian permeability, allowing existing residents easy access to the extensive open space that separates Urpeth from Ouston. The land as existing is acknowledged as a valued open area, however it is not designated as a Village Green as claimed by some, nor subject to a Local Green Space designation. The land however has been zoned for housing development for some time; with the County Council including it within calculations to achieve the Government's require 5 year housing land supply. It is of relevance that whilst policy HP4 suggests the yield of the site as 42 units, with a layout including a range of open spaces and a buffer, at policy HP9 the Local Plan development sites are required to achieve a minimum net density of 30 dwellings per hectare. The proposed density is still below this figure, in the spirit of the Local Plan policy. The NPPF seeks to avoid prescriptive planning policies, whether they relate to settlement boundaries, or as in this case, specific capacities for sites – Policy HP4.6 being of reduced NPPF compliance on this point. The presumption in favour of sustainable development is considered the determining argument.

73. Residential Amenity:

The south-west boundary of the site has been subject to redesign, with properties in the new development now facing back towards Middleham Close and additional areas of open space giving separation between the existing and proposed developments. The development meets all the guidelines for separation distances. Loss of view and the presence of new dwellings are not viable planning objections likely to be defensible on appeal. The development meets the required standards of HP9 in so far as it relates to residential amenity.

74. Objectors contend that the character and layout of the proposed development does not fit in with that of the existing estate in terms of layout and the detailed layout of the scheme proposed. The layout of Urpeth reflects the fashions of the times it was built, with an evolution of linear angular road and dwelling layout to the west of the site, evolving to a winding highway layout with houses splayed around the road at the northern, most recent part of the settlement. The proposed street layout reflects both these characters on the appropriate boundaries of the site – straight and angular towards Leyburn and Middleham Closes and curved towards Bradley Close. The layout is considered to relate particularly well to the surrounding settlement in this respect.
75. Whilst the stock house-types of the developer are disappointing in appearance, the surrounding settlement, being of comparatively recent construction does not have a strong architectural character. The proposed houses are of a modern vernacular, and represent the current approach to the styles and types of housing, just as those visible on the two phases of the existing estate reflect the times they were built. Whilst the layout and house-types proposed contribute nothing new to the settlement, neither do they detract from it, and to this end meet the requirements of Policy HP9 where development must; 'Relate well to the surrounding area, respects its predominant character, street pattern, setting and density...'. That some gardens may not be open plan is not a level of detail that would undermine the character of the surrounding area as suggested by some objectors – good design is not the imposition of strict uniformity. The NPPF puts particular emphasis on the need for good design, and with a strong layout reflecting the existing character of the settlement, whilst providing good permeability for pedestrian movement and access to the extensive open space between the settlements, the proposal is considered acceptable against the requirements of Policy HP9 and the NPPF in this respect.

Highway Safety

76. As noted above, detail changes to the proposed highways layout have been agreed to provide additional visitor parking spaces across the scheme, bringing this wholly up to required County Highway Authority standards. As noted above the entrance to the estate from the perimeter road to Bradley Close has been engineered with a wide roadway to allow for potential additional capacity. Highways Engineers have suggested in the past that any local concerns at the effect of the speed of additional traffic along this stretch of existing highway could be addressed, if residents require, by erection of raised 'table-tops' in the existing road surface. One is incorporated inside the entrance to the development, the other, in the existing public highway would have to be done separate from the development, with a consultation exercise with all affected parties.
77. The residents of the part of Bradley Close that overlooks the site have raised specific concerns at the potential for new traffic from the development site to obstruct their driveways because of the specification of the road. This is not consistent with neighbour comments that the cul-de-sac spur, a standard estate road width at this point, is occasionally already well used by patrons of the public house. The Police have control over any vehicle that obstructs a public highway, and there are no special circumstances to indicate there may be a specific problem in this location.
78. The layout and capacity implications of the proposed scheme have been assessed in detail and are considered acceptable, in compliance with policies T8 and T15 of the Local Plan.

Other considerations

79. The scheme is supported by a revised Flood Risk Assessment and Drainage Strategy which proposes a soakaway / infiltration system to the north of the site and a restricted surface water run-off rate to the south via oversized storage pipes. The development of the site will result in the positive collection of rainfall which alongside the removal of localised depressions will remove the potential for surface flooding within the site. The proposed drainage scheme has been designed in a way which includes on-site storage for a 1 in 100 year storm event resulting in an appropriate drainage scheme for the site and additional capacity in the drainage system of the surrounding area, which suffers from localised drainage issues. Both the Council's Drainage and Coastal Protection Officers and Northumbrian Water raise no objection to the scheme, subject to a condition that it is implemented in accordance with the detailed calculations set out in the Flood Risk Report.
80. Some residents have raised the potential of issues of land stability and gas issues resulting from the area's coal mining past. The applicant has submitted the required geotechnical desk and site investigations, and again subject to conditions for further site assessment and remediation where required, Environmental Protection Officers recommend that the scheme is acceptable.
81. Ecology Officers consider the effects of the development on local wildlife interests can be mitigated by provision of a financial sum - £20,000 in this case – to improve biodiversity in the immediate area of the site. The developer has offered and included for this provision within the submitted application.
82. Since the last application, the County Council as Local Education Authority has committed to investment in the local school at Ouston. It is the advice of the Education Department that there is therefore no basis to require a contribution to such from the developer, as there is now forward capacity in the local school system.
83. The facilities in the village of Urpeth are basic, however it is not unusual for settlements to rely on a network and hierarchy of settlements for goods, services and community facilities. The existing settlement relies on Ouston and beyond for its educational facilities, and likewise Ouston, Perkinsville, Pelton and Chester-le-Street for wider services. In a modern commuter settlement such as Urpeth this is not unusual, and not a reason to refuse the development. The 47 houses proposed will bring additional income into the surrounding economy.
84. In terms of footpaths, the NPPF advises planning policies should protect and enhance rights of way and access. No public footpaths cross the land. Both for residential amenity and for pedestrians, the site has been designed to better protect the amenity and character of the footpaths that runs alongside its boundaries. Whilst The Council's Footpaths Officers note the potential for claims for the various desire line and informal paths evident on aerial photographs of the lower part of the site in particular, none has been notified as being formally claimed at this point in time. The site has excellent permeability allowing pedestrian access across from the existing estate to the open areas beyond, and across from the bottom of the site to the communal facilities.
85. The development phase of the scheme if approved will provide 102 direct and indirect jobs, with the developer setting out other potential economic benefits in their statement, above. Economic sustainability is one of the three dimensions of sustainable development set out in the NPPF, and as such these economic benefits must be given material weight in the planning consideration.

86. A fabric first approach is proposed, with the Sustainability Officer recommending a standard condition to ensure this is carried through to the build process.
87. Members will be aware that the potential devaluation of property values is an issue given no weight in the planning determination. Likewise, the planning system is detached from the housing market, and therefore the availability of dwellings in the vicinity of the site is not of material weight – the Government’s requirement to have a quantifiable 5 year housing supply of housing land to address the national housing shortage is however an imperative of the decision.
88. Whilst the access road into the site is particularly wide, the development phase of the scheme if approved, will undoubtedly bring disruption and inconvenience to local residents. A standard condition to help mitigate this issue is appended to the suggested conditions list.

CONCLUSION

89. Acknowledging that the proposed development site is currently used a valued open space by the existing community, it has nonetheless been historically identified as a housing site. The site has been considered as a sustainable location through a systematic assessment in the SHLAA. The development proposals have been reduced from 79 to 63 units on previous applications, to the 47 now proposed. The NPPF’s flexible approach to assessment of development proposals does not allow for stringent adherence to the 42 dwelling capacity outlined in the Local Plan Policy. The developer has responded to previous criticisms on the extent of its consultation with local residents and included local Ward Members in pre-application discussions.
90. The proposed revised scheme, at a lower density than previous, responds well to the surrounding settlement in terms of layout, retains previous layouts excellent pedestrian permeability, makes specific provision for areas of kick about and play space, and meets technical consultees’ requirements for highways, drainage, coal mining legacy issues and sustainability.
91. The loss of the open area is balanced by the public open space and play provision proposed by the new development. The various strands of the sustainability issues set out in the main body of the report are such that the development is considered sustainable, with the NPPF advising that in the absence of adverse impact that significantly and demonstrably outweigh the benefits, the Council as Local planning authority should approved the proposals, ‘without delay’.

RECOMMENDATION

That the application be **APPROVED** subject to the completion of a section 106 agreement providing for:

- Securing within the scheme the provision of 15% affordable housing
- A contribution of £20,000 for ecology enhancements in the immediate vicinity of the site

And subject to the following conditions:

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

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

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

OU-001 Rev.G Amended Proposed Housing Layout

SGD-01 Single / Double Garage

SGD-02 Triple Garage

MR-WD01 rev.K Morden Housetype

HT-WD01 rev.R Hatfield Housetype

HTC-WD01 rev.L Hatfield Housetype

CD-WD01 rev.N Chedworth Housetype

LY-WD01 rev.M Lumley Housetype

RS-WD01 rev.S Roseberry Housetype

KL-WD01 rev.D Kendal Housetype

SU-WD01 rev.S Souter Housetype

RF-WD01 rev.R Rufford Housetype

HB-WD01 rev.P Hanbury Housetype

Flood Risk Assessment and updated Flood Risk Assessment and appendices, Patrick Parsons, Consulting Engineers, Ref: N13145

Reason: To define the consent and ensure that a satisfactory form of development is obtained in accordance with Policies NE8, HP9, HP13, RL4, RL5, BE22, T8 and T15 of the Chester-le-Street Local Plan, 2003 (saved Policies 2009)

3. Notwithstanding any details of materials submitted with the application no development shall commence until details of the make, colour and texture of all walling and retaining structures, fenestration, rainwater goods 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: In the interests of the appearance of the area and to comply with Policy HP9 of the Chester-le-Street Local Plan, 2003 (saved Policies 2009)

4. Before the development hereby approved is commenced, detailed drawings including sections showing the existing and proposed site levels and the finished floor levels of the proposed new buildings and those of existing neighbouring buildings (if any), with the details of any proposed retaining structures shall be submitted to and approved in writing by the local planning authority and the works shall be completed entirely in accordance with any subsequently approved submission.

Reason: In the interests of the amenity of nearby residents/appearance of the area in accordance with policy HP9 of the Chester-le-Street Local Plan, 2003 (saved Policies 2009)

5. For contamination,
Pre-Commencement

(a) A further 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) 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, 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 11.7.

6. Prior to the commencement of the development a scheme to embed sustainability and minimise Carbon from construction and in-use emissions shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in complete accordance with the approved scheme and retained while the building is in existence

Reason: To further embed sustainability into the scheme as approved, as required by the National Planning Policy Framework

7. Details of all surface water drainage proposals (drawings, calculations, site specific flood risk assessment) must be submitted to the Local planning authority for approval in writing, before commencement of development, and thereafter implemented in full accordance with said agreed scheme.

Reason: To ensure proper drainage of the site in accordance with The National Planning Policy Framework

8. For foul drainage, the development shall be implemented in full accordance with with the drainage scheme contained within the submitted document entitled "Drainage Strategy Plan". The drainage scheme shall ensure that foul flows discharge at or between manholes 1403 & 1502, and ensure that surface water discharges to the watercourse via the surface water sewer within the site.

Reason: To prevent the increased risk of flooding from any sources in accordance with the NPPF.

9. No development shall commence until a detailed landscaping scheme has been submitted to and approved in writing by the Local Planning Authority. Any submitted scheme must be shown to comply with legislation protecting nesting birds and roosting bats. The landscape scheme shall include accurate plan based details of the following:

- On site protection measures and root protection zones, compliant with the relevant British Standards to protect the hedge alongside the footpath on the north-east boundary of the site. The footpath must be kept open at all times.
- Details of hard and soft landscaping including planting species, sizes, layout, densities and numbers.
- Details of planting procedures or specification.
- Finished topsoil levels and depths.
- Details of temporary topsoil and subsoil storage provision.

- Seeded or turf areas, habitat creation areas and details etc. Details of land and surface drainage.
- The establishment maintenance regime, including watering, rabbit protection, tree stakes, guards etc. to include replacement if the landscaping fails within a period of 5 years from its implementation.

The local planning authority shall be notified in advance of the start on site date and the completion date of all landscaping works.

Reason: To ensure a satisfactory form of development, compliant with Policy HP9 of the Chester-le-Street Local Plan 2003 (saved policies 2009)

10. The developer must submit details of the construction, layout, specification and maintenance arrangements for the approved kick about and play areas to be provided on the site, with these facilities to be completed in full before the substantial construction of the last dwelling to be erected on the site.

Reason: to meet the requirements for specific play provision for residents of the scheme, in accordance with Policy H4.6 of the Chester-le-Street Local Plan 2003 (saved policies 2009), and the NPPF

11. The proposed estate roads must be designed and constructed to meet current highway design standards. No development shall commence until plans showing full engineering details of the proposed estate roads and a scheme of implementation have been submitted to and approved by the local planning authority. The proposed development shall not be occupied until the estate roads have been constructed in accordance with the submitted scheme of implementation and approved plans.

Reason: To ensure highway safety and a satisfactory form of development, in accordance with Policies T8 and T15 of the Chester-le-Street Local Plan 2003 (saved policies 2009)

12. 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

STATEMENT OF PROACTIVE ENGAGEMENT

1. The Local Planning Authority in arriving at the decision to approve the application has actively engaged with the applicant to secure a positive outcome in accordance with the Local Plan and the NPPF.

BACKGROUND PAPERS

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

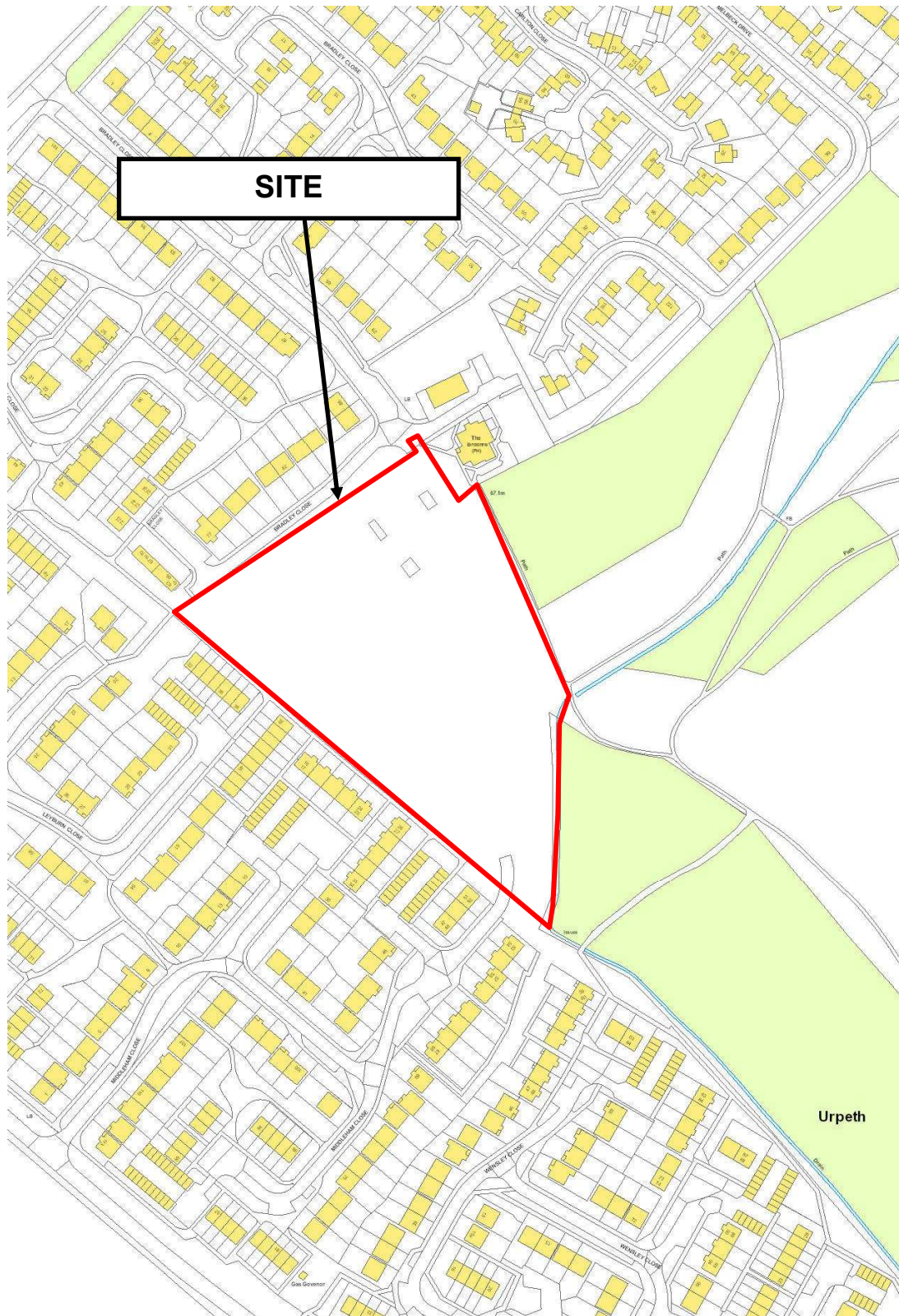
The National Planning Policy Framework (2012)

National Planning Practice Guidance Notes

Chester-le-Street Local Plan (saved policies 2009)

The County Durham Strategic Housing Land Assessment

Statutory, internal and public consultation responses



Planning Services

Recreation Land South East Of Bradley Close, Urpeth

Application Number DM/15/03908/FPA

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Comments

Date 25th February 2016

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COMMITTEE REPORT

APPLICATION DETAILS

APPLICATION NO:	DM/16/00240/FPA
FULL APPLICATION DESCRIPTION:	Removal of condition 4 of permission 1/2011/0035 to permit the use of the residential annex as a dwelling (use class C3)
NAME OF APPLICANT:	Mr C Smith
ADDRESS:	The Granary Woodlea Manor Lanchester Durham DH7 0RP
ELECTORAL DIVISION:	Lanchester
CASE OFFICER:	Graham Blakey Planning Officer Telephone: 03000 264865 graham.blakey@durham.gov.uk

DESCRIPTION OF THE SITE AND PROPOSALS

The Site

1. The application site relates to the annex of a property known as 'Woodlea Manor' a large stone built dwelling, near the 'five Land Ends' junction between Satley and Lanchester, situated on Browney Bank. The site is accessed from the highway on the south-east boundary on to the B6296. The site is heavily treed to the non-roadsides boundaries, with a land surrounded by a low dry-stone wall which rises in height toward the roadside boundary.
2. The annex building, located to the north-east corner of the site is two storeys in height. It was originally constructed as a garage / stable building, permission was subsequently granted for the ground floor to be used as an annex to the main, larger dwelling. External alterations have been made to the building and it features living accommodation that would be capable of use as a single dwelling without further external changes to the building.

The Proposal

3. Permission is sought to remove condition 4 of planning permission 1/2011/0035 which states –

'The storage, garage and stable building should not be occupied other than as a residential annex to Woodlea Manor, the main house, at ground floor level only and not as an unrelated unit of living accommodation. No further internal or external

alterations to the building shall take place without the prior written approval of the Local Planning Authority.

Reason - To determine the scope of this permission and to prevent the use of the building as a separate unrelated dwelling contrary to policies EN1 and EN2 of the Derwentside Local Plan.'

4. The application is reported to members for determination at the request of the local member.

PLANNING HISTORY

5. In 2002, outline planning permission was granted for the Erection of One Dwelling and Retention of Mobile Home for Temporary Period,
6. In 2003, a reserved matters application was approved for the erection of detached dwelling house with detached garage,
7. In 2005, planning permission was granted for the erection of a swimming pool extension and stable block/hay storage,
8. In 2006, a subsequent application was approved for the erection of garage, stable and storage building (resubmission) that was part of the above application,
9. In 2011 (ref: 1/2011/0035), an application to vary condition 3 of Planning Permission 1/2006/0243 to enable part of garage, stable and storage building to be used as a residential annex with external alterations (resubmission) was approved with conditions.
10. Finally, in 2015, an application was submitted to regularise external alterations to the appearance of the building that is subject to this application. These alterations had taken place without planning permission.

PLANNING POLICY

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'.
13. 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.

14. The following elements of the NPPF are considered relevant to this proposal;
15. *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.
16. *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.
17. *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 POLICY GUIDANCE

18. *Rural Housing.* It is important to recognise the particular issues facing rural areas in terms of housing supply and affordability, and the role of housing in supporting the broader sustainability of villages and smaller settlements. A thriving rural community in a living, working countryside depends, in part, on retaining local services and community facilities such as schools, local shops, cultural venues, public houses and places of worship. Rural housing is essential to ensure viable use of these local facilities.
19. *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

20. *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.
21. *Policy EN1 Development in the Countryside* – will only be permitted where it benefits the rural economy or helps maintain or enhance landscape character. Proposals should be sensitively related to existing settlement patterns and to historic, landscape, wildlife and geological resources.
22. *Policy EN2 Preventing Urban Sprawl* – Except where provision has been made in the plan, development outside built up areas will not be permitted if it results in: the

merging / coalescence of neighbouring settlements; ribbon development or; and encroachment into the countryside.

23. *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

24. 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>.

CONSULTATION AND PUBLICITY RESPONSES

STATUTORY RESPONSES:

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

INTERNAL CONSULTEE RESPONSES:

26. None.

PUBLIC RESPONSES:

27. Neighbours have been consulted by way of direct notification, and a site notice posted. Lanchester Parish Council have commented upon the application and made the following comments: -

- Members object to the removal of condition 4. Referring to their comments on the planning application to convert the building to an annex (1/2011/0035). In their letter on that application dated 2 March 2011 the Parish Council objected to the application stating:

‘If approval was to be given to the development that a condition on the approval be made to state that it can only be used as an annex to the main dwelling and not as a separate residential dwelling’

Parish Members ask that this condition remain.

APPLICANTS STATEMENT:

28. 'This is in relation to the use of the approved annex building as a separate dwelling for permanent residential use un-associated with the main dwelling, Woodlea Manor. Below are some points that should be taken into account in determining the planning application.
29. Constructed over 10 years ago for use as a stable block, garage and storage building associated with the main dwelling, through various permissions granted by the Council, the building has been converted to a residential annex. There has been no deliberate intention to circumvent planning laws relating to the protection of the countryside, demonstrated through the planning history and length of time since initial construction.
30. The annex was originally occupied by my elderly mother, however due to a change in circumstances it was not in her best interests to relocate from Yorkshire where she is now currently being cared for. Over time the use of the building was adapted to changing circumstances, from my initial needs as a garage and storage building associated with the use of Woodlea Manor, through the conversion to an annex and to my urgent need for use of the building as a separate dwelling. A use needs to be found for the building regardless of whether the current application is approved and the tailored set of circumstances of the current case are unlikely to be repeated, therefore pressure will always remain to change the use of the building of other purposes.
31. The annex has not been used to any great extent since 2011, but has been used since March 2015 as a permanent home for occupation by my wife and myself. The period of non-use has necessitated the upkeep of the building. The circumstances surrounding the use of the annex as a dwelling have centred on the inability to sell the whole property. Woodlea Manor is rented to a third party. The property has been on the market for over two years and there has been little interest in its sale. Woodlea Manor is no longer suitable for my needs and the income from renting the property is essential financially, which ideally would eventually be sold.
32. The advice from a selling agent is that a subdivision of the property would enable a more manageable sale process which could be participated in by a wider range of purchasers. The applicant refers to a letter provided in support of the application from Fine and Country, the selling agents which they advise supports this assertion.
33. It is my intention to pursue the sale of the property and retain the annex for my occupation. The prospect of moving elsewhere is unlikely to improve my long term health issues and cause undue distress at this stage in my life.
34. Woodlea Manor and its associated annex are located in the countryside where it is appreciated new dwellings are normally only permitted for key workers. The site is however amongst a range of dwelling with 'The Firs' and 'Woodlea' either side of the property. Whilst not a village or hamlet, it is clearly within the built up frontage to the road. Under certain circumstances there are policies that permit the conversion of total buildings to alternative uses, whilst it is not always envisaged this will be residential, the circumstances of the case deem that a residential use is the most appropriate.
35. The adjacent dwelling known as Woodlea was granted permission despite the countryside protection and key worker policies. Whilst this property may have had existing use rights what in essence had been created is a permanent new dwelling outside established settlements.

36. The annex is an existing building, no alterations are proposed. The use of the annex as a dwelling would have no further impacts on the appearance of the countryside, other than those which exist already. The subdivision of the curtilage will not result in a more intensive appearance and can be managed sensitively to ensure that the site does not appear to be less rural in appearance.
37. The consultation responses to the immediately withdrawn application indicate that there isn't any local objection to the proposal. The highway authority has confirmed there is no objection from a vehicle safety perspective.
38. There is a unique history and set of circumstances associated with the annex which is likely to be difficult to repeat elsewhere and would not create a precedent for future similar developments. If necessary I would be willing to accept a personal use condition to restrict the dwelling to myself and immediate family.'

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>

PLANNING CONSIDERATIONS AND ASSESSMENT

39. This application seeks to remove a condition of the planning permission relating to an outbuilding within the curtilage of Woodlea Manor which requires the building to be occupied solely as an annex at ground floor level only (with storage associated with the main dwelling at first floor level) and not as a separate unit of residential accommodation. In addition the condition prevented any internal or external alterations from taking place. The removal of this condition would enable the building to be occupied as a separate dwelling to Woodlea Manor creating an additional residential unit. The applicant has been occupying the annex in breach of the condition since March 2015 with Woodlea Manor being rented to a third party as a separate residential dwelling. Recent Government advice in the form of a Ministerial Statement makes intentional unauthorised development 'a material consideration that would be weighed in the determination of planning applications and appeals'. Therefore given the retrospective nature of the proposal this carries weight in the decision making process.
40. 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 through the sustainability of the application site and the impact upon the character and the appearance of the surrounding area.

Principle of the Development

41. The main issue in regard to the principle of allowing a separate dwelling in this location is whether the proposal constitutes sustainable development. The proposal should, therefore, be considered in the context of paragraph 14 of the Framework which sets out the presumption in favour of sustainable development. It also states that where the development plan is absent, silent or out of date permission should be granted unless any adverse effects of doing so would significantly and demonstrably outweigh the benefits. Due weight should be given to relevant policies in existing plans according to their degree of consistency with the Framework. The closer the

policies in the plan to the policies in the Framework, the greater the weight that may be given.

42. Paragraph 7 of the NPPF outlines the three dimensions to sustainable development: economic, social and environmental. Paragraph 8 of the Framework makes it clear that to achieve sustainable development, economic, social and environmental gains should be sought jointly and simultaneously through the planning system. Finally, the advice in paragraph 55 which states that to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities will also be relevant.
43. In terms of the environmental aspects of sustainability the application site lies 1.8 miles to the north east of the village of Satley, which contains a public house and motor garage, and 2.2 miles south west from the Kings Head Public House in the centre of Lanchester. Lanchester contains a selection of services such as doctors, three schools, shops, churches and the village has bus links to Consett, Durham and beyond. Linkages to both settlements are via a B-classified road of rural appearance which has no constant footpath link in either direction and is not lit for significant portions of the distances mentioned above. Also, the topography of the surrounding landscape means that the Browney Valley has to be traversed to reach the village of Satley and the trip to Lanchester requires travelling across the hilltop to the Smallhope Burn Valley in which the village resides. The scale of the distances involved and the nature of the routes would promote the utilisation of the private motor car by occupiers of the new dwelling. Residents would be reliant on the use of the private car given the relatively remote location of the site resulting in the application site being considered to be in an unsustainable location.
44. The use of the building as an annex would operate differently to that of an independent dwelling. An annex provides additional accommodation to a main dwelling but is expected to retain a functional relationship with the main dwelling by sharing facilities, services etc. For example the occupiers of the annex may share visits to local shops and services due to the link with the main dwelling. A separate dwelling would operate entirely independently requiring separate journeys being made to shops, services etc as a result of the separate occupation. This would result in increased vehicle movements as well as putting greater pressure on rural services such as refuse collection, doctors etc. The development would not therefore meet the environmental requirements of sustainability in terms of its location.
45. These distances are also significant in terms of the social benefits that the proposal would have. The development of one rural property some considerable distance from local communities is unlikely to contribute to supporting strong and vibrant communities with good access to local services supporting health, social and cultural well-being. This has implications upon the social benefits of the development and the ability of a separate dwelling to maintain or enhance the vitality of the rural communities.
46. Similarly, the change from annex to separate residential dwelling does not involve any external alteration to the building. These changes were retrospectively agreed through a planning application in 2015 as part of the original use as an annex. The lack of any work to enable the development or any other economic benefits attributed to the additional dwelling would not therefore contribute to the economic sustainability of the application site.
47. Paragraph 55 of the NPPF promotes sustainable development in rural areas however the proposal does not meet any of the criteria set out within this paragraph. The proposal does not comprise the re-use of a redundant or disused building. In

this context 'redundant' is considered to mean 'superfluous' and 'disused' to mean not used at all. Rather, it is the proposed re-use of an ancillary building to the main dwelling house. The building is perfectly capable of continuing to provide an ancillary use, irrespective of the appellant's request not too. The building is not a heritage asset nor does this proposal represent development of exceptional quality or innovative nature of design. The proposal would not lead to an enhancement of the immediate setting and cannot be justified on these grounds.

48. Saved Policy EN1 of the LP states that development in the countryside will only be permitted where it benefits the rural economy, and where proposals should be sensitively related to existing settlement patterns. The Policy is consistent with paragraph 17 of the NPPF which recognise the intrinsic character of the countryside and the need to protect it.
49. The applicant has contested that the proposal represents a unique set of circumstances whereby they reside within the annex and rent out the main house. At the time of writing this report this was no longer the case and the applicant is sole occupier of the site, residing solely in the annex building. Subdividing the plot into two separate dwellings for the purposes of selling on the site is not a material planning consideration. Similarly the applicant's financial position of the application cannot be taken into account. The applicant has referred to the recent approval of a new dwelling adjacent. 'Woodlea' (to the west of the application site) is sited as a precedent for new development in the area. The proposal formed a replacement of the previous dwelling that occupied the site and is therefore not relevant in consideration of this application.

Impact upon the Character and Appearance of the Area

50. The current annex building is located to the north east corner of the curtilage; being L-shaped it fits into this corner of the site. The building is clearly subservient to the main house which forms the focal point for the site. Both buildings are elevated above the road to the south due to the topography of the area, meaning they are both visible in their entirety with relative ease from the roadside.
51. Approval of the application would not result in alteration to the ancillary building as stated by the applicant. As well as restricting the occupancy of the annex the condition which the applicant is seeking removal of also stated that there should be no external or internal alterations to the property without the further consent of the Local Planning Authority. It can be noted that the building has been altered and this resulted in a retrospective application for the external works which was granted planning permission in 2015.
52. When approaching from the west, south or east there would not be a noticeable difference in how the building would be perceived, in that the development would be contained within the existing boundary of the residential curtilage. The proposal would however lead to the subdivision of the curtilage with a hedge being planted to form the boundary between the two properties. This would alter the appearance of the area and change the character of the area. At present Woodlea Manor is viewed as a large dwelling with the annex in the grounds appearing as a subservient outbuilding commonly associated with a dwelling of this scale. The separation of the curtilage into the two separate areas will alter this relationship resulting in the area associated with Woodlea Manor appearing compromised. In addition the separate residential occupation would inevitably introduce a higher degree of residential paraphernalia than that associated with a single residential dwelling, with some indication of this having already been witnessed on site. It is also likely that the proposal may lead to pressure for further outbuildings to be erected on site.

Woodlea Manor is a substantially sized dwelling and occupiers of this type of property are likely to expect garaging for their vehicles and perhaps other outbuildings. Approval of the application is therefore likely to result in an application for a replacement garage commensurate with the size of the dwelling.

53. Overall, the proposal could result in some limited impact which in their own right would not be sufficient to withhold consent.

Other Issues

54. Residential amenity is assessed with reference to Policy GDP1 (h) of the Local Plan and the subdivision of the domestic curtilage of Woodlea Manor that would occur as a result of this proposal would have implications upon the future occupiers of the main house through the continued use of a shared access between the two proposed dwellings. This would be an uncommon occurrence to properties of the scale of Woodlea Manor where often exclusivity would be considered a positive to such substantial dwelling. This would be adversely affected by the proposal to separate the ancillary building from the main house and carries some weight against the removal of the condition. It should be noted that the applicants in their supporting statement for the application for the conversion of the garages/stables to the annex in 2011 did state that they would not wish for the building to be occupied as a separate dwelling as it would impact on their amenity.
55. The Council's Highways Officer has raised no objection to the continued use of the shared access for what would be two dwellings and so the proposal would be considered to accord with Policy TR2 (Highway Safety) of the Local Plan.

CONCLUSION

56. The proposal raises significant concerns in regard to sustainability. The substantial distances involved in reaching the nearest settlements of Satley and Lanchester are a significant barrier to an environmentally sustainable form of development.
57. The separation would also lead to little economic or social benefits to these settlements, with the vitality of these rural centres not being supported through the proposed development. Similarly, the lack of any construction work would mean no short term economic benefit from the proposal. Limited impact upon the character and appearance of the area may occur, however the application site remains in an unsustainable location.
58. In light of the recent ministerial statement the fact that the application is retrospective also weighs against the proposal.

RECOMMENDATION

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

59. Removal of condition 4 of planning permission 1/2011/0035 to restrict the use of the building to an annex to 'Woodlea Manor' would result in the creation of a separate single dwelling in an unsustainable location that would not contribute to the three

roles of sustainability: environmental, economic or social as defined within the NPPF. The proposal would therefore be contrary to paragraphs 7 and 8 of the NPPF, and saved Derwentside Local Plan Policy EN1.

STATEMENT OF PROACTIVE ENGAGEMENT

60. 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 with the objective of delivering high quality sustainable development to improve the economic, social and environmental conditions of the area in accordance with the NPPF. (Statement in accordance with Article 35(2) of the Town and Country Planning (Development Management Procedure) (England) Order 2015.)

BACKGROUND PAPERS

Submitted 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

The Granary, Woodlea, Lanchester, Durham, DH7 0RP

Application Number DM/16/00240/VOC

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Comments

Date 25th February 2016

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COMMITTEE REPORT

APPLICATION DETAILS

APPLICATION NO:	DM/15/03625/FPA
FULL APPLICATION DESCRIPTION:	Erection of a single 4 bedroom dwelling and 2 outbuildings.
NAME OF APPLICANT:	Mr Andrew Coyle
ADDRESS:	Land To The East of Ravenscroft Stoney Lane Beamish DH9 0SJ
ELECTORAL DIVISION:	Pelton
CASE OFFICER:	Steve France Senior Planning Officer Telephone: 03000 264871 steve.france@durham.gov.uk

DESCRIPTION OF THE SITE AND PROPOSALS

The Site

1. The proposed development site is set in the open countryside of Urpeth Common, between Urpeth and Beamish, to the north of High Handenhold. The land is within the designated North Durham Green Belt. The site fronts onto Stony Lane, a country road without footpaths, where a hedge atop a high embankment forms the front boundary of the site. The land falls 24m within the site to the north, away from the former railway embankment of the C2C Consett and Sunderland Railway Path. The west boundary of the application land is overlooked by Ravenscroft, a large early 20th Century detached two storey dwelling, with the east boundary defined by another country road, again without footway, with hedges and a small triangular area of established woodland at its lowest extent. The site is unimproved agricultural grassland, with no evidence of any structures on it.

The Proposal

2. The applicant proposes a large, modern, detached, 'L' shaped two storey dwelling accessed from Stony Lane, and two large flat roofed outbuildings – one a garage / store / plantroom / changing room, the other an animal shelter and workshop. The dwelling is proposed constructed to achieve high fabric first efficiency, and therefore sustainability. The wider site is to be subdivided into orchards and two paddocks, proposed 'lightly grazed to encourage biodiversity' and to give the applicant a high degree of personal sustainability.

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

PLANNING HISTORY

3. The land has no planning history – two small cottages on the site having been removed in their entirety over 45 years ago from the OS map records, the land having been wholly agricultural and open since.

PLANNING POLICY

NATIONAL POLICY

4. 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.
5. 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’.
6. 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;

7. *NPPF Part 3 – Supporting a Rural Economy* – Requires planning policies to support economic growth in rural areas in order to create jobs and prosperity by taking a positive approach to sustainable new development, supporting all types of business and enterprise, promoting development and diversification of agricultural and rural business and supporting tourism and leisure activities that benefit rural businesses, communities and visitors whilst respecting the character of the countryside.
8. *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.
9. *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.
10. *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.

11. *NPPF Part 9 – Green Belts*. The five purposes of Green Belt land are set out thus; to check unrestricted urban sprawl, to prevent towns coalescing, to safeguard the countryside from encroachment, to preserve the setting and character of historic towns and to assist urban regeneration. Planning Authorities are required to ensure substantial weight is given to any harm to the Green Belt, with ‘very special circumstances’ required to over-ride Green belt policies.
12. *NPPF Part 11 – Conserving and enhancing the natural environment*. The planning system should contribute to and enhance the natural environment by; protecting and enhancing valued landscapes, recognizing the benefits of ecosystem services, minimising impacts on biodiversity and providing net gains in biodiversity where possible, preventing new and existing development being put at risk from unacceptable levels of soil, air, water or noise pollution or land instability, and remediating contaminated and unstable land.

NATIONAL PLANNING PRACTICE GUIDANCE:

13. 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.
14. *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.
15. *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.
16. *Rural Housing* - It is important to recognise the particular issues facing rural areas in terms of housing supply and affordability, and the role of housing in supporting the broader sustainability of villages and smaller settlements. A thriving rural community in a living, working countryside depends, in part, on retaining local services and community facilities such as schools, local shops, cultural venues, public houses and places of worship.
17. *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.

LOCAL PLAN POLICY:

18. The following are those saved policies in the Derwentside District Local Plan relevant to the consideration of this application:
19. *Policy NE2 – Development beyond settlement boundaries* – outside of settlement limits development will be strictly controlled. Development should protect and enhance the character of the countryside and be consistent with maintaining the economic sustainability of agriculture and other rural businesses.
20. *Policy NE4 – Appropriate development in the Green Belt* - seeks to control appropriate development in the Green Belt, restricting the construction of new buildings to; agricultural and forestry uses, sport, recreation and other uses that preserve Green Belt openness, proposals for the limited extension, alteration or replacement of existing dwellings, the reuse or conversion of existing buildings and mineral extraction.
21. *Policy NE5 – New Dwellings in the Green Belt* – There is a presumption against the construction of new dwellings in the Green Belt.
22. *Policy NE6 – Development affecting the Visual Amenity of the Green Belt* – Development within or conspicuous from the Green Belt will not be granted where the proposal by virtue of its scale, siting, materials or design is detrimental to the visual amenity of such.
23. *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.
24. *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.
25. *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:

26. 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>.

CONSULTATION AND PUBLICITY RESPONSES

STATUTORY RESPONSES:

27. *Highways* – note that the proposed development was discouraged during the pre-application process, as in a green field site in open countryside a new dwelling at this location should be refused on sustainability grounds. Minimum requirements for the visibility splay on a lightly trafficked, but derestricted highway are required. The quoted figures in the submitted Design and Access Statement's walking figures are all questioned as unable to be replicated, with the relevance of the quoted Chartered Institution of Highways and Transportation's (IHT) figures, as used by the applicant considered flawed – 'the applicant is applying standards which were intended for urban footways and footpaths to a site which can only be accessed via derestricted rural roads without street lighting or pedestrian facilities'....' Regardless of the walking distances given above, the IHT publication "Guidelines for Planning for Public Transport in Developments" recommends walk distances to bus stops of up to 400 metres and preferably no more than 300 metres'. 'The footways in High Handenhold stop at the derestriction signs. From the proposed front door of the property, residents would be faced with a 550m+ walk along a derestricted rural road with no provision for pedestrians. There is no street lighting north of the former railway bridge, and it is likely that the four lamps between the derestriction signs and the bridge will be removed as they do not serve any properties. There are compelling pedestrian safety reasons to refuse this proposal'.
28. Highways Engineers quote to recent appeal decisions where Planning Inspectors have come to directly comparable conclusions on sites in the countryside requiring pedestrian traffic without benefit of street-lighting with restricted footways.
29. *Coal Authority* – respond to the submitted Coal Mining Risk Assessment which correctly identifies that the application site has been subject to past coal mining activity, however issue is taken with some of the conclusions, which are contradicted by Coal Authority records. Whilst noting that further investigations are proposed, recommendations are made as to the nature of these, with a suggestion that the proposed buildings may need to be re-sited following these investigations. They suggest, 'the applicant should ensure that the exact form of any intrusive site investigation is agreed with The Coal Authority's Permitting Team as part of their permit application'. No objection is raised subject to imposition of a detailed suggested condition to be attached to any approval. Concluding, the Coal Authority considers that the content and conclusions of the Coal Mining Risk Assessment Report are broadly sufficient for the purposes of the planning system and meets the requirements of NPPF in demonstrating that the application site is, or can be made, safe and stable for the proposed development.
30. Urpeth Parish Council – are aware the site is within Green Belt but consider there are 'adequate planning grounds and exceptional circumstances' for them to support the proposals, and they concur with the comments of Cllr A Batey (as below).

INTERNAL CONSULTEE RESPONSES:

31. *Sustainability* – The development is noted in a 'less sustainable location' due to distance from existing services and facilities, together with poor public transport links, however some consideration should be given to the emphasis placed by the applicant on embedding sustainability into the development.

32. *Drainage and Costal Protection* – note there does not appear to be a risk of flooding on the site, and that soakaway drainage options should be examined through the Building Regulations process.
33. *Ecology Officers* – accepted the Ecology Report submitted with the application, asking its suggested mitigation be conditioned in the event of an approval.

PUBLIC RESPONSES:

34. The site's nearest neighbours have been consulted, and site notices posted around the site. Two public responses have been received in support of the application. Noting there were historically two cottages on the land, correspondents finds it 'fitting' the site will be used as a family residence again for a local family. The buildings will fit in the area, be energy efficient and sustainable.
35. Cllr Alison Batey as local Ward Member and Parish Councillor has written in support of the application, being very impressed with the level of research, commitment, passion and enthusiasm show by the applicant. 'We were left feeling that the way in which the family had lost the family farm and the links to his heritage his determination to continue living in the area and building a forever home for his family was to be admired and ultimately, were left feeling the only drawback was, that the site is technically in greenbelt'. Cllr Batey considers 'that there are "exceptional circumstances" to this application that are worthy of serious consideration. The proposal certainly is of an "Innovative Nature" and 'I am sure deemed by some to be "outstanding" in its design, particularly in this area. But, putting this all to one side it goes without saying there is most definitely a "human dimension" '.
36. Reference is made to planning permission recently granted for the erection of a 2 storey family home on the site of a garage/petrol station, less than a quarter of a mile from this proposed new build, with another neighbouring premises having recently erected a rather 'elaborate orangery' – 'virtually every single property within this particular location has had planning permission granted for modifications to the original buildings'. Highways objections are considered inconsistent in approach to recent holiday accommodation, with the entrance to the site proposed through an existing gateway – new planting is proposed to encourage ecology. The proposed development would also not be seen from the road network unlike the previous recently approved 2 storey house. It is also recognised that there is a shortage of new build in the area. Cllr. Batey supports the application.

APPLICANTS STATEMENT:

37. The applicant writes, 'this application is the culmination of 10 years of researching every element of the proposed development including: low to zero carbon technologies, passive design principles, biodiversity and site history relating to previous residential dwellings which occupied the site and its more recent coal extraction activities.
38. There is a long running family connection with the site and surrounding area as explained in the design and access statement. I cannot emphasise enough the connection I feel for this area, having been part of four generations to farm it, going back to my great grandparents when they started out at the early part of the last century, ending around 2003 due to a clerical error by a third party. The land that is the subject of this application is the last remaining parcel owned by my family and this proposal is also designed to ensure continuity of the family connection to the immediate area.

39. It must be emphasised that this is to create a home for my family, this is a very personal to us and should planning be approved, the land would not be sold on.
40. At the heart of the design is sustainability, the dwelling has been proven through SAP calculations to be zero carbon, with the majority of the build material coming from sustainable sources and the insulation from an agricultural by-product, straw. The development, while being sustainable in relation to its buildings will also allow us to achieve a degree of self-sufficiency, using the remainder of the site to produce food and grow firewood for supplementary heating. A large part of the scheme is the landscaping, devoted to creating a positive impact on biodiversity and the ecology of the site.
41. A high priority was also to create a dwelling and buildings that would fit in with the character of the area and minimise visual impact. This led to the designs as presented in the drawing package. Extensive landscaping, hedgerow and tree planting will further reduce any visual impact while having a positive effect on the environment.
42. Prior to and during the application process we spoke to many of the neighbours as well as the parish council to explain what we are trying to achieve and why and to hear any of their concerns. In response we received nothing but support, encouragement and positive comments, with many commenting on the family connection and the positive impacts the proposals would have on the site.
43. We fully understand the contentious nature of building in the green belt, and support strict control of development in rural areas. There is however a lack of suitable sites and general housing provision in such areas and we feel that these proposals, taking everything into account, represent the optimum use for the site. We believe this will have a positive impact on the environment at site level, therefore improving ecology and biodiversity to the wider green belt, whilst creating a sustainable home for a local family. We feel that our circumstances and our development proposals are exceptional, and that approval could be granted on this basis.

The above is not intended to list every point made and represents a summary of the comments received on this application. The full written text is available for inspection on the application file which can be viewed at <http://publicaccess.durham.gov.uk/online-applications/search.do?action=simple&searchType=Application>

PLANNING CONSIDERATIONS AND ASSESSMENT

44. 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 the Green Belt, and the wholly separate issue of isolated development in the countryside, with Highways issues also significant.

Development in the Green Belt

45. The restrictions on development in Green Belts are significantly greater than in the wider countryside, reflected in the length and detail of advice offered by the NPPF. The site is located within the Green Belt, therefore the main issues are:
- Whether the proposal would be inappropriate development in the Green Belt.
 - The effect of the proposal on the openness of the Green Belt and the character and appearance of the area;

- Whether the proposal would represent a form of sustainable development, and
 - If the development is inappropriate development, whether the harm is clearly outweighed by other considerations, so as to amount to the very special circumstances necessary to justify it.
46. By definition, inappropriate development in the Green Belt is harmful, and should not be approved except in very special circumstances. 'Very special circumstances' will not exist unless the potential harm by reason of its inappropriateness and any other harm is clearly outweighed by other considerations. New buildings are considered to be inappropriate in Green Belt and the only exceptions to this are set out in the NPPF and include:
- Buildings for agriculture and forestry; provision of appropriate facilities for outdoor sport, outdoor recreation and for cemeteries, as long as it preserves the openness of the Green Belt and does not conflict with the purposes of including land within it.
 - The extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building.
 - The replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces.
 - Limited infilling in villages, and limited affordable housing for local community needs under policies set out in the Local Plan; or limited infilling or the partial or complete redevelopment of previously developed sites (brownfield land), whether redundant or in continuing use (excluding temporary buildings), which would not have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development.
47. A Ministerial Statement advises that it is the 'Secretary of State's policy position that unmet need, whether for traveller sites or for conventional housing, is unlikely to outweigh harm to the green belt and other harm to constitute the "very special circumstances" justifying inappropriate development in the green belt. The Secretary of State wishes to re-emphasise this policy point to both local planning authorities and planning inspectors as a material consideration in their planning decisions'. The Chief Planner has recently written to reinforce this point, 'this statement ... is to provide stronger protection for the Green Belt... (and)... sets out the government's policy thatpersonal circumstances and unmet need are unlikely to clearly outweigh harm to the Green Belt and any other harm so as to establish very special circumstances'.
48. Openness is regarded as an essential characteristic of the Green Belt and to illustrate the overriding importance of openness and the degree to which it is required protected, reference to a number of recent appeal decisions in the immediate North Durham Green Belt around Chester-le-Street is instructive:
49. In one of the Council's most recent appeal decisions relating to Green Belts (Land at Southburn Livery and Stud, LPA Ref: DM/15/03673/FPA, Insp Ref: APP/X1355/W/3129652), also in the former Chester-le-Street area, the Planning Inspector gave useful commentary with some useful comparisons, concluding the erection of a proposed dwelling and garage would represent a significant encroachment of the current building complex into land which is currently open and undeveloped, despite there being surrounding buildings in that example; 'Paragraph 79 of the Framework establishes that openness is one of the essential characteristics of the Green Belt. The judgement from *Timmins & Anor v Gedling Borough Council* [2014] established that openness is epitomised by a lack of buildings rather than by buildings which are unobtrusive or screened in some way. The proposed dwelling

and garage would occupy land which is currently open and undeveloped, rather than replacing existing buildings. Therefore, the proposal would have a greater impact on the openness of the Green Belt than the current buildings on site',.... 'I conclude that the proposal would cause significant harm to the openness of the Green Belt in this location and its purpose in safeguarding the countryside to the south of Chester-le-Street from encroachment'. That application was refused, despite the Inspector accepting a functional need for the dwelling to be in the countryside and despite the presence of surrounding buildings. The mass of new buildings in the countryside by definition causes harm, even if screened or hidden by landform.

50. Even where the proposed development is within the confines of a small hamlet the Planning Inspectorate confirm that a new dwelling can be considered unacceptable in terms of compromising 'openness' when it is subject to Green Belt designation, as evidenced by the recent appeal decision for such at Plawsworth Gate (LPA Ref: DM/14/03288/FPA, Insp. Ref: APP/X1355/W/15/3028093), where a dwelling to replace an existing blight site garage was surrounded by 15 existing dwellings.
51. The degree to which the effect on openness is assessed is such that the Planning Inspectorate has found that it can be detrimentally affected by the implications of a change of use of an existing building. In the recent appeal relating to the conversion of an existing redundant small stone barn at Papermill Cottages, Beamish Woods, 0.3 miles north west of the application site (LPA Ref: Ref: 2/13/00288/FUL, Insp Ref: APP/X1355/A/14/2218827), the Inspector found, 'the use of an existing building would not in itself result in urban sprawl or a loss of openness but the creation of the proposed residential curtilage and the addition of the proposed sun room would add built form and change the character of the site. It would have an urbanising effect, encroaching into the countryside and detracting from the openness of the Green Belt. In the light of this the proposal would fail to meet the condition that openness and the purposes of including land in the Green Belt should not be harmed. It is therefore inappropriate development in the Green Belt,.... which is by definition harmful and weighs heavily against the proposal which should not be allowed, except in very special circumstances'.
52. As made clear above, it is an accepted tenet of the assessment of openness in relation to the Green Belt assessment that screening new buildings – or siting them within woodland or obscured by landscape features does not mitigate their harm. In this instance, between the land levels – the proposed position of the dwelling is considerably higher than the fronting roadway, Drainage Officer's detailed requirements for the development to have a raised finished floor height for good practice in the Building Regulation process, and the prevailing surrounding landform, the development, as a dwelling of considerable size, would have a definite presence in the countryside.
53. Openness would be compromised in detail and principle. By definition it therefore causes 'harm' contrary to the contention of the applicant. Even the use of the land surrounding the dwelling as residential curtilage can be considered to compromise openness and therefore cause harm.
54. It must be stressed that the openness of the Green Belt is not a visual issue. The NPPF sets out the five purposes of including land in this highly restrictive designation with the consideration of the application required to not just assess the impact on openness, but also the extent to which the development would conflict with the various purposes of including the land within the Green Belt. The five reasons are;
 - to check the unrestricted sprawl of large built-up areas;
 - to prevent neighbouring towns merging into one another;

- to assist in safeguarding the countryside from encroachment;
- to preserve the setting and special character of historic towns; and
- to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.

55. The section in the NPPF relating to this topic begins with the quote, 'Government attaches great importance to Green Belts', continuing, 'the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence'. The development represents encroachment into the countryside by built development as a matter of principle, and is therefore contrary to the purposes of including the land in the Green Belt. It is noted that this is a specific issue that the Inspectors in the above three appeals gave specific commentary on and weight to in their decisions to refuse.

56. Paragraph 88 of the Framework establishes that substantial weight should be given to any harm to the Green Belt. With Policies NE4 appropriate development in the Green Belt and NE5 New Dwellings in the Green Belt consistent in respect of the relevant aspects of this application. The applicant and his supporter's special circumstances do not weigh against this basic tenet of established planning policy, and the application must be recommended refused on this issue.

Development in the open countryside and Sustainable Development

57. As a separate planning issue in terms of principle, the application proposes a new dwelling in the countryside. Paragraph 55 of the Framework makes it clear that new isolated homes in the countryside should be resisted unless there are special circumstances, of which examples are given in the Framework. The only possible one to apply here is whether the design of the dwelling is of exceptional quality or innovative design. Again, to quote the Inspector in the aforementioned Papermill Cottages appeal, 'It is no part of the appellant's case that the proposed dwelling would meet an essential need for a rural worker nor is it suggested that the appeal building is a heritage asset', and 'the proposal would only create one additional dwelling which would not significantly enhance the vitality of the rural community'.

58. Sited on open land between Urpeth and Beamish known as Urpeth Common, the land retains its traditional field pattern having been traditionally in agricultural use, historic development on the site restricted to it being bisected by the North East Railway's Annfield Branch Line, and two small cottages which appear on the 1856 Ordnance Survey Plan, disappearing on the 1970 plan. The raised branch line is now the C2C cycle-route / footpath. There is no physical evidence of the dwellings on the ground, and their former presence is of no weight in the planning process. The land is green-field.

59. Control of new dwellings in the countryside is strictly controlled. Policy NE2 of the Development Plan, The Chester-le-Street district Local Plan 2003 (saved policies 2009) states that outside the settlement boundaries defined on the Proposals Map, development will be strictly controlled, with permission for new dwellings granted only where there is a need to support existing agricultural or forestry activities. Contrary to this, the proposals seek the erection of a new dwelling, with aspirations of self-sufficiency, with no countryside related commercial activity proposed. The proposals are contrary to this policy. Members will be aware that the weight Development Plan policies is accorded is commensurate with their consistency with the NPPF. Part 3 of that document – 'Supporting a prosperous rural economy' – supports economic growth in the countryside through plan-making and is therefore not relevant to the proposals. The relevant NPPF advice is set out in Part 6, the

housing chapter - at paragraph 55. This directs housing in rural areas to be located where it would enhance or maintain the vitality of rural communities, for example in smaller, mutually supporting villages. Local Planning Authorities should avoid new isolated homes in the countryside unless there are special circumstances. Four examples of special circumstances are set out; being the essential need of a rural worker to live at or near their place of employment (for example for animal husbandry and security), where it would secure the optimal use of a heritage asset, where it would re-use redundant or disused buildings, or where the building is of exceptional quality or innovative nature, reflecting the highest standards of design, being sensitive in defining the characteristics of the local area. It is the last of these criteria that the applicant claims.

60. The special circumstances put forward by the applicant essentially claims the method of construction and thermal efficiency of the proposed dwelling along with its innovative design, and the self-sufficient management intended to support the residential unit from the wider landholding overcomes the planning system's protection of the countryside. Whilst the two large outbuildings are proposed cut into the land, with roofing materials designed to minimise their presence in views from the significant C2C public leisure route to the south, the starkly modern appearance of the front elevation of the proposed dwelling, accentuated by a metal profile roof falls far short of paragraph 55's 'highest standards of architecture' and potentially represents a refusal reason in its own right. The large rear wing of the building is of greater architectural interest, in form, fenestration layout and materials, but this is hidden from the public domain, and still falls short of the 'exceptional quality' threshold.
61. Whilst Officers acknowledge the excellent sustainability credentials of the dwelling's construction and thermal efficiency, these do not in themselves amount to exceptional quality or innovative design. The proposal's overall sustainability credentials rely to degree on the aspirations to self-sufficiency from use of the wider landholding. Again, ensuring the dwelling and site are operated to these high ideals and aspirations is beyond the remit and control of the planning system – conditions could not ensure the land is operated to support the house in the manner suggested, nor that it could not be completely divorced from the dwelling into third party ownership. Again the applicant is asking for the Local planning authority to essentially give weight by degree to his personal circumstances and aspirations, rather than specific development proposals.
62. The applicant has strong personal connections to the site and the area, a fact that has impressed the Parish Council, the Local Ward Member and the two neighbours who have responded. This has no relevance to the planning application, nor weight in its determination. The applicant is not asking for a personal consent – nor is one appropriate – planning permission is being given on the land, not to an individual. Whilst it may not be the applicant's current intention, any planning permission or built development can be transferred to another party without restraint from the Council, and as a permanent construction it inevitably would be so transferred eventually.
63. The applicant and his supporters refer to a lack of available housing in the local area. Elsewhere on this agenda is an application for a development of 47 new dwellings less than a mile from this site, not in Green Belt, in an existing, sustainable settlement, where residents complain of a lack of justification for that proposal as there are too many houses for sale in the area, undermining this argument.
64. Officers conclude in relation to this element of the consideration of the principle of the scheme, that whilst a case for the construction of the dwelling begins to form an argument for special circumstances, this is undermined by the degree to which it

relies on personal circumstance and choice, the control of which are beyond the planning process. The claimed innovation in the appearance of the building is not evident on the public elevations, and more generally, not to the level required. The proposals are therefore considered to overall fall short of the 'exceptional or innovative' standard required by paragraph 55. Whilst Policy NE2 of the Development Plan refers to settlement boundaries – a stringent concept generally outmoded by the NPPF, its general intention to protect the countryside and direct new development to existing settlements and communities has weight – the proposals being contrary to this, with refusal recommended on this basis.

Highway Safety and Sustainability

65. The application will require implementation of a new access, necessitating excavation of the banking at the edge of the field, and a removal of a section of hedgerow to achieve the required visibility splay demanded by Highways Engineers. Planning Officers accept this could be achieved with appropriate visual mitigation around the access point.
66. Engineers repeat concerns raised at the presubmission stage as to the locational sustainability of the site, with pedestrian access required along extensive lengths of unlit, derestricted vehicular highways to access the minimal services offered by the nearest settlement to the south. Suggestions that this could be mitigated by cutting across the C2C walkway – effectively relying on private land (owned by the County Council) to the south are not acceptable. Again, a number of very recent planning appeals, such as at Chipchase, Ebchester (LPA Ref; DM/15/00452/OUT, Insp Ref: APP/X1355/W/15/3131730), the nearby Papermill Cottages (LPA Ref: Ref: 2/13/00288/FUL, Insp Ref: APP/X1355/A/14/2218827), Howden Bank Works (LPA Ref: DM/14/02421/OUT Insp Ref: APP/X1355/W/15/3005728) and Langley Meadow Farm at Maiden Law, Greencroft examined this precise issue in detail concluding that these types and lengths of pedestrian journeys are unacceptable, and 'unsustainable', contrary to one of the core paragraphs of the NPPF at paragraph 17. Engineers noted that the formula used by the applicant relates to assessing pedestrian trips in urban areas. Further compromising the sustainability credentials of the development, residents of this site would be significantly dependent on private car journeys. With Policy T15 of the development Plan requiring adequate links to public transport, echoed in HP9 (vii & x) and paragraph 17 of the NPPF advising against this, the application is considered unacceptable on this issue.

Other Considerations

67. As noted above, Ecology Officers accepted the Report submitted with the application, asking its suggested mitigation be conditioned in the event of an approval.
68. The Council are at present unable to demonstrate a 5 year housing land supply. In line with another very recent appeal decision at Chipchase, Ebchester (LPA Ref; DM/15/00452/OUT, Insp Ref: APP/X1355/W/15/3131730), which also proposed a single dwelling in open countryside (an Area of High Landscape Value), and to quote the Inspector, 'Whilst there would be some benefits of the proposal, in terms of a small contribution to housing land supply, I consider that the totality of the harm which I have identified would outweigh the benefits of the proposal.....Whilst the proposal may bring some economic benefits during the construction phase, these would be very modest and short term'. Consistent with that decision, it is likewise concluded in this case that the harm to the Green Belt, and open countryside is not outweighed by the housing supply and economic benefits associated with the erection of a single house.

There are no residential amenity implications associated with the proposals.

69. Of the examples cited by supporters, the new dwelling at Beamish Motors provided overwhelming justification of functional need for a dwelling supporting and intertwined with existing established commercial activity. Green Belt policies allow for proportionate extension of existing dwellings.

CONCLUSION

70. Green Belt Policy protects the countryside at a significantly higher level than the standard policies designed to protect the open countryside. The buildings proposed affect the openness of the Green Belt and are therefore harmful. Substantial weight should be given to any harm to the Green Belt in line with paragraph 88 of the NPPF, an approach confirmed as evidenced in the quoted appeal decisions. The proposal amounts to inappropriate development in the Green Belt, would fail to preserve the openness of the Green Belt and would conflict with the purposes of including land in it. National Green Belt policy establishes that substantial weight should be given to any harm to the Green Belt and inappropriate development should not be approved except in very special circumstances that must outweigh not only the harm to the Green Belt but also any other harm caused by the proposal. No case has been made for an appropriate exception and relevant 'very special circumstances' to support the proposals, with the quoted Ministerial Statement indicating that personal circumstances are unlikely to outweigh harm to the green belt and other harm to constitute the "very special circumstances" giving local planning authorities and planning inspectors direct instruction as to the materiality of this issue. To recap the very special circumstances; the proposal is not a building for forestry and agriculture, it is not for sport or outdoor recreation, nor the extension or alteration of an existing building, it is not the provision of a replacement building with one of similar size, it is not infilling in a village and it is not the partial or complete redevelopment of brown-field land – noting the overarching requirement of these exceptions that the proposal must have no greater impact on openness of the green belt, or by definition, it is harmful. The proposals have a greater impact than the existing open land, are therefore harmful, and are therefore unacceptable.
71. The proposals also represent new development in an isolated location in the countryside, subject to a different, but still stringent, level of assessment. The applicant's history, personal circumstances and future plans are given no weight in the planning judgement and unfortunately this is relied on by degree in the proposals to justify ongoing sustainability on the site – an intention that cannot be reasonably ensured through the planning system. Whilst the constructional and thermal efficiency sustainability credentials of the proposed dwelling are impressive, the elevational design of the proposed dwelling, a bare rendered block, with modern fenestration and a sheet profile roof does not constitute exceptional quality or match local distinctiveness. The proposals looked at as a whole do not meet the requirements to justify an exception against paragraph 55. It is stressed that even if a case for special circumstances had been found, these would still not be considered to be so exceptional as to amount to the very special circumstances required to overcome the harm to the green belt.
72. The remote location resulting in unacceptable relationships to surrounding goods, facilities and services, with a dangerous pedestrian relationship likely to result in significant reliance on private cars.

73. Whilst each site is assessed on its own merits, the approval of this site would create a dangerous precedent on a number of significant levels. This judgements and conclusions reached in the above report are supported in detail by clear evidence of consistent planning assessment, judgement and decision making by both the Council and the Planning Inspectorate that give clear precedent for the determination of the current proposals. On this basis the proposals must be recommended refused.

RECOMMENDATION

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

1. The proposed dwelling causes harm to the openness of the Green Belt, and contrary to the reasons of including the land within Green Belt without the benefit of very special circumstances, contrary to Policies NE4 and NE5 of the Chester-le-Street Local Plan (saved policies 2009), and Part 9 of the NPPF.
2. The proposed dwelling represents isolated, unsustainable residential development in the open countryside, without benefit of sufficient special circumstances, contrary to Policy NE2 of the Chester-le-Street Local Plan (saved policies 2009), and Part 6, paragraph 55 of the NPPF.
3. The proposed dwelling represents unsustainable development, being poorly related to the facilities, goods and services reasonably expected of modern residential accommodation, likely to lead to a significant reliance on private cars, contrary to Policies HP9 and T10 of the Chester-le-Street Local Plan (saved policies 2009), and Part 9 and the Core Principles of the NPPF.

STATEMENT OF PROACTIVE ENGAGEMENT

75. The Local Planning Authority in arriving at the decision to refuse the application has actively engaged with the applicant to identify the key planning policy issues and give the applicant the best opportunity to focus on those, both through the planning process, and any subsequent planning appeal accordance with the Local Plan and the NPPF.

BACKGROUND PAPERS

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

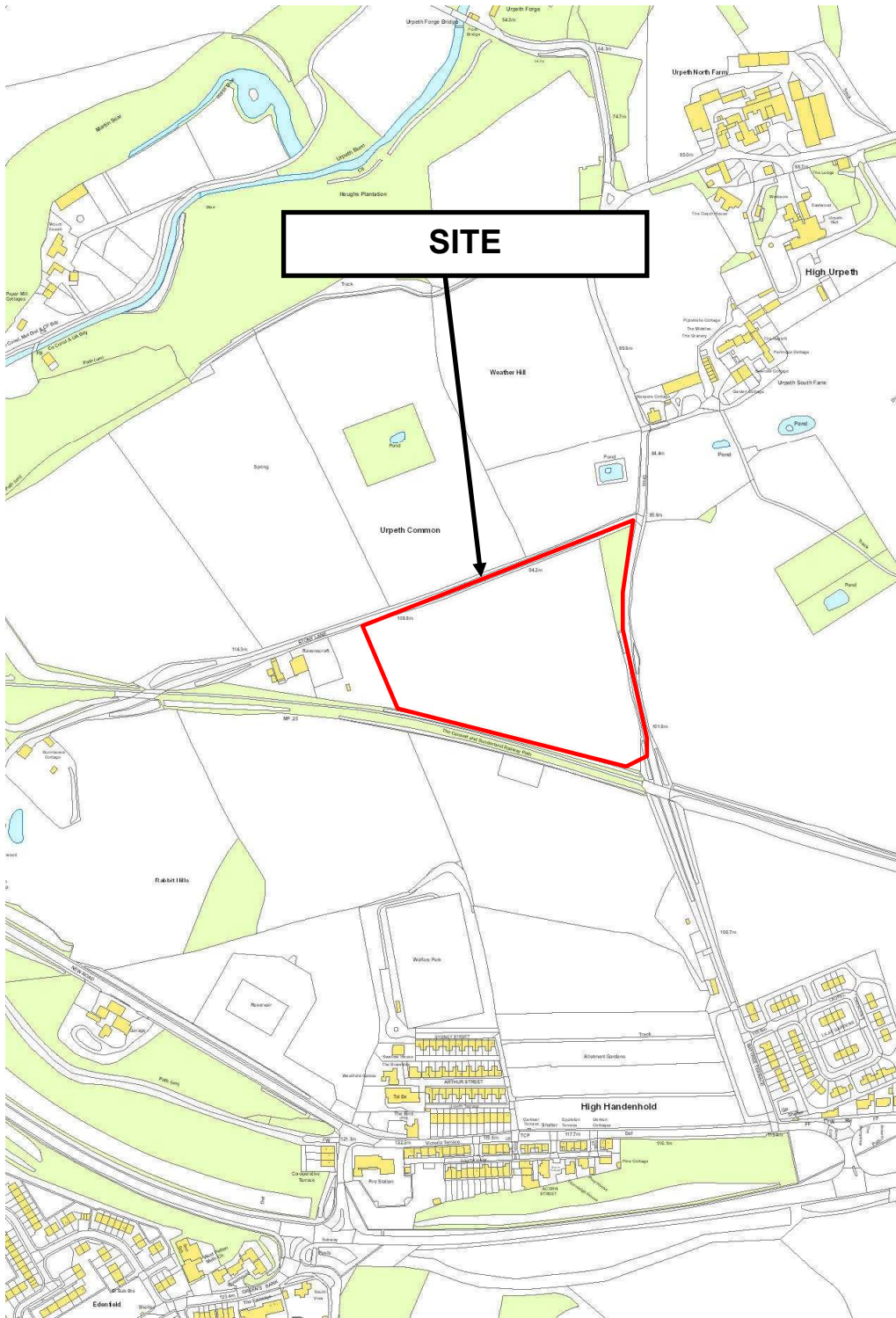
The National Planning Policy Framework (2012)

National Planning Practice Guidance Notes

Chester-le-Street Local Plan (saved policies 2009)

The County Durham Strategic Housing Land Assessment

Statutory, internal and public consultation responses



Planning Services

Land To The East Of Ravenscroft, Stoney Lane, Beamish, DH9 0SJ

Application Number DM/15/03625/FPA

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Comments

Date 25th February 2016 | **Scale** 1:5000



Planning Services

COMMITTEE REPORT

AGENDA ITEM NUMBER:

APPEAL UPDATE REPORT

APPEALS RECEIVED

Appeal against the refusal of retrospective advertisement consent for the erection of an internally illuminated sign at Co-Operative Retail Services Ltd, Front Street, Langley Park, Durham, DH7 9XE (Reference - DM/15/02690/AD)

An appeal has been received against the refusal of retrospective advertisement consent for the erection of an internally illuminated sign at the above site. The application was refused under Delegated Powers in October on the following grounds:

“The proposed advert is inappropriate in terms of design, would be unduly prominent within the streetscene, would adversely affect the character and appearance of the building and the wider area, and would likely affect the amenity of neighbouring residents. The sign may also prove to be a distraction to passers-by in terms of public safety. Therefore the proposal is considered contrary to Policy CO14 of the Derwentside District Local Plan and Paragraph 67 of the NPPF.”

The Commercial Appeals Service 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 construction of a detached dwelling house and garage at Southburn Livery and Stud, Chester Moor, Chester le Street, County Durham DH3 4QG (DM/14/03673/FPA).

An appeal against the refusal of Planning Permission for the above development was received on 31 July 2015. The application was refused under delegated powers for the following reasons:

'The site is located in an isolated countryside location and the applicant has failed to demonstrate that there is an essential need for a rural worker to live permanently on the site contrary to Paragraph 55 of the National Planning Policy Framework and saved Policy NE2 of the Chester le Street District Local Plan.

The applicant has failed to demonstrate the exceptional circumstances required to allow for the construction of new buildings in the Green Belt, and as a result the proposal is considered to be inappropriate development, causing harm to the openness of the Green Belt in conflict with paragraph 89 of the National Planning Policy Framework and saved Chester le Street Local Plan Policies NE4, NE5 and NE6, which seek to preserve the openness of the Green Belt and the purposes of including land within this designation.

The scale of the proposed dwelling is considered inappropriate to the size and requirements of the rural holding and is considered to be out of character with the surrounding area, to the detriment of the high landscape quality afforded to the area. The proposals are considered to be contrary to policies NE2 and NE15 in this regard.'

The appeal was dealt with by way of a hearing and site visit held on the 18 November 2015. The Inspector in determining the appeal considered that the main issues were as follows:

-whether the proposal is inappropriate development in the Green Belt and its effect on the openness and purposes of the Green Belt, as well as the effect on the character and appearance of the surrounding countryside; and
-if the proposal is inappropriate development whether the harm by reason of inappropriateness, and any other harm, would be clearly outweighed by other considerations, including the stated need for an employee of the business to live permanently on site, so as to amount to the very special circumstances necessary to justify the development.

The Inspector stated that paragraph 89 of the National Planning Policy Framework (NPPF) regards the construction of new buildings as inappropriate in the Green Belt, other than for a limited number of exceptions, detailed within paragraphs 89 and 90. The Inspector considered whether the proposals complied with any of the exceptions and concluded that the building did not constitute the construction of an agricultural building, nor did it comprise of a limited infill on a previously developed site, the two directly relevant exceptions in this case. On this basis it was concluded that the proposal was inappropriate development in the Green Belt, which according to paragraph 87 of the NPPF is considered harmful and should not be approved except in very special circumstances.

The Inspector went on to state that the proposed development would have a greater impact on, and cause harm to, the openness and purposes of the Green Belt. In determining the degree of harm, the Inspector was of the view that although the Livery and Stud comprises of a number of substantial barns and other buildings and the design of the proposed dwelling would be relatively low level, positioned adjacent to existing buildings, the overall size of the built elements, including dwelling, garage, patio and retaining walls, would add significantly to the built footprint of the site and would represent a significant encroachment into land which is currently open and undeveloped. As the purpose of the Green Belt as defined in both national and local policy is to prevent such encroachment, the proposal was seen to conflict with these policies.

With reference to the character and appearance of the countryside, the Inspector considered that whilst the overall footprint of the proposed development would be significant, viewed from a distance it would blend into the complex of barns and other large buildings within the livery and stud. In addition the traditional design and recessive colours of the external materials proposed for the dwelling and garage would help to mitigate their visual impact within the landscape. In this respect the proposals were considered to cause limited harm to the character and appearance of the surrounding countryside and consequently were broadly consistent with local plan policies NE2 and NE15 and paragraph 109 of the Framework which seeks to protect valued landscapes.

In determining whether a functional need existed for a rural worker to live permanently on site to sustain the business, providing a very special circumstance that could potentially outweigh the harm that the proposal would cause to the Green Belt, the Inspector was of the view that the livery and stud operation did require an employee of the business to be on site day and night to supervise the horses particularly during foaling season, however the size of the dwelling and garage proposed was not justified by this requirement. The Inspector was equally unconvinced that the appellant had fully explored alternative options for accommodating the functional requirement in a way that would not cause harm to the Green Belt.

In conclusion the Inspector stated that the functional requirement for living accommodation on site would be outweighed by the harm that the proposed development would cause to the Green Belt. Therefore, the very special circumstance necessary to justify the proposal as inappropriate development in the Green Belt did not exist.

The Inspector dismissed the appeal.

Appeal against the refusal of Planning Permission for the erection of a wind turbine measuring 20 metres to hub with a maximum blade height of 27.2m at Allendale Farm, Allendale Cottages, High Westwood, Newcastle upon Tyne (Reference JO/1/2013/0167/DMFP).

Planning Permission was refused by members at your meeting on 28.12.13 for the above development on the following grounds –

'The proposed wind turbine would constitute an intrusive feature in an attractive rural setting which would be detrimental to the visual amenity of the area. It would fail to maintain, protect or enhance landscape character contrary to policies GDP1 and EN1 of the Derwentside District Local Plan and Part 11 of the NPPF which requires new development to protect and enhance valued landscapes.'

The Inspector considered that main issues to be the effect of the proposal on the surrounding area in terms of landscape character and visual impact, and whether any harm, in the light of the development plan, would be outweighed by the national objective of promoting renewable energy generation.

In considering the visual impact the Inspector concluded that the proposed turbine would not be a prominent or overbearing feature and its harmful effect on landscape character would be limited. He noted that although of modest size, the turbine would be a prominent feature in the local landscape when seen at close quarters however would mean that the proposal would not define the character of the landscape and the visual impact would be moderate from nearby vantage points. Beyond the local level the Inspector concluded that the proposal would be in scale with the surrounding landscape and would have an insignificant impact when viewed from further afield. He therefore concluded that it would cause limited harm to local landscape character and a moderate harmful impact when seen from nearby vantage points.

The Inspector noted that there would be no negative impacts from the development in terms of loss of outlook for residents, noise, shadow flicker, highway safety, stability in relation to coal mining legacy, impacts on rights of way, air safety, wildlife or television reception. In addition it was concluded that the turbine would not harmfully impact on the living conditions of the occupiers of the nearest residential property, Fox Flats.

In terms of benefits it was noted that the turbine would reduce running costs of the farm and would contribute to reducing its carbon footprint.

The Inspector noted that during the course of the appeal the government had produced a Written Ministerial Statement (WMS) on 18th June 2015 which amended guidance on renewable and low carbon energy and both parties were given the opportunity to comment on this. He pointed out that the WMS had immediate effect and attached substantial weight to the statement in assessing the case.

The Inspector noted that the development plan for the area does not identify suitable sites for this type of development and in such circumstances the WMS provides that 'local planning authorities can find the proposal acceptable if, following consultation, they are satisfied it has addressed the planning impacts identified by affected local communities and therefore has

their backing.’ In determining the appeal he was not satisfied that the impacts identified by affected local communities had been addressed (in terms of the effect on landscape character and visual impact). The Inspector stated that he found that the proposal would cause limited harm to local landscape character and would have a moderately harmful visual impact from nearby vantage points, in conflict with the landscape protection policies in the Local Plan. As such he felt that the proposal would not meet the transitional arrangements and gave significant weight to this non-compliance. He concluded that the factors which weigh in favour of the proposed development do not outweigh its shortcomings and therefore dismissed the appeal.

RECOMMENDATION

The reports are noted.

Report prepared by Nick Graham (Planning Officer), Jennifer Jennings (Planning Officer), and Fiona Clarke (Principal Planning Officer)

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