



## Area Planning Committee (South and West)

**Date** Thursday 19 November 2015  
**Time** 2.00 pm  
**Venue** Council Chamber, Council Offices, Spennymoor

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### Business

#### Part A

1. Apologies for Absence
2. Substitute Members
3. The Minutes of the Meeting held on 22 October 2015 (Pages 1 - 6)
4. Declarations of Interest (if any)
5. Applications to be determined
  - a) DM/15/02914/FPA - Field Barn to the east of Hawcroft Lane, Cotherstone (Pages 7 - 24)  
Conversion of field barn to 1no. residential dwelling
  - b) DM/15/02372/OUT - Land to the south east of High Grange, Crook (Pages 25 - 40)  
Outline application for up to 15 "executive dwellings" with all matters reserved
  - c) DM/15/02604/FPA - Low Etherley Farm, 2 Low Etherley, Bishop Auckland (Pages 41 - 58)  
Demolition of existing farm buildings and erection of 3no. dwellings
  - d) DM/15/02533/FPA - Unit B to C, Enterprise City, Green Lane Industrial Estate, Spennymoor (Pages 59 - 68)  
Change of use from use class B8 (Warehousing) to use class B2 (General Industry)

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

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

County Hall  
Durham  
11 November 2015

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

Councillor M Dixon (Chairman)  
Councillor H Nicholson (Vice-Chairman)

Councillors B Armstrong, D Bell, D Boyes, J Clare, K Davidson,  
E Huntington, C Kay, S Morrison, A Patterson, G Richardson,  
L Taylor, C Wilson and S Zair

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**DURHAM COUNTY COUNCIL**

At a Meeting of **Area Planning Committee (South and West)** held in Council Chamber, Council Offices, Spennymoor on **Thursday 22 October 2015 at 2.00 pm**

**Present:**

**Councillor M Dixon (Chairman)**

**Members of the Committee:**

Councillors H Nicholson (Vice-Chairman), B Armstrong, D Bell, D Boyes, J Clare, K Davidson, E Huntington, C Kay, A Patterson, G Richardson, L Taylor and C Wilson

**1 Apologies for Absence**

An apology for absence was received from Councillor Zair.

**2 Substitute Members**

There were no substitute Members in attendance.

**3 Minutes**

The Minutes of the meeting held on 17 September 2016 were confirmed as a correct record and signed by the Chairman.

**4 Declarations of Interest**

There were no declarations of interest.

**5 Applications to be determined**

**a DM/15/00373/OUT - Shittlehopeburn Farm, Stanhope**

The Committee considered a report of the Senior Planning Officer regarding an outline application for up to 32 dwellings and public amenity space with access considered, all other matters reserved, at Shittlehopeburn Farm, Stanhope (for copy see file of Minutes).

T Burnham, Senior Planning Officer provided the Committee with a detailed presentation which included photographs of the site and an indicative plan of the proposed layout.

Mr J Lavender, agent for the applicant addressed the Committee. In 2012 the applicant had been approached by Partner Construction, who had completed a development of 23 affordable homes, to construct a development of market housing on the remaining land on the development site. The application was compatible with current planning policies, was sustainable and met the NPPF. Attention had been given to the landscape setting of the site which had led to the inclusion of a large area of land for public access/amenity purposes. The applicant would enter into a s106 agreement to ensure that the land would remain accessible to the public in perpetuity and the applicant or successor would carry out full maintenance and management works on the land in perpetuity.

Councillor Richardson informed the Committee that no objections to the application had been received and **Moved** approval of it.

Councillor Boyes agreed with Councillor Richardson adding that the scheme was compatible with the other development on this site. Councillor Boyes **seconded** approval of the application.

Councillor Davidson asked how the land would remain accessible to the public in perpetuity and how maintenance and management works would be carried out in perpetuity. C Cuskin, Planning and Development Solicitor replied that the s106 obligation would bind the land to secure this.

Upon a vote being taken it was:

**Resolved:**

That the application be approved subject to the completion of a s106 agreement and the conditions contained within the report.

**b DM/15/00730/FPA - Site of the former St Peter's School, Main Road, Gainford**

The Committee considered a report of the Senior Planning Officer regarding an application for the part conversion and demolition of existing school to 6 apartments and erection of 10 dwellings and associated infrastructure on the site of the former St. Peter's School, Main Road, Gainford (for copy see file of Minutes).

S Pilkington, Senior Planning Officer provided the Committee with a detailed presentation which included photographs of the site and an indicative plan of the proposed layout. The Senior Planning Officer informed the Committee that one additional letter of objection had been received and this was from the landowner to the rear of the development site who had proposed a more comprehensive development scheme to include his land.

The Senior Planning Officer informed the Committee that it was proposed to amend a detail of the approved plans at Condition 2 of the planning permission and also to amend Condition 6 of the planning permission to provide an additional car park space for Unit 16.

Councillor Richardson informed the Committee that the application was within his electoral division and the site had been a cause of consternation for a number of years. Local residents were not pleased with the application as they considered the type of housing proposed was not what the village of Gainford needed. However this was the application to be considered and, as such, Councillor Richardson supported it.

Councillor Boyes informed the Committee that he was happy to support the application but expressed concern at the response of Northumbrian Water that the sewage treatment works at Gainford were at capacity. Councillor Boyes asked whether the developer would be required to upgrade the treatment works. The Senior Planning Officer replied that Northumbrian Water had advised upgrade works would commence if this development came forward.

Councillor Clare informed the Committee he supported approval of the application. While he was pleased that the original building was to be retained, he agreed with Councillor Richardson that the housing type proposed could be improved. Councillor Nicholson informed the Committee that the former school building was in need of an upgrade, adding that it had been an eyesore for a number of years.

**Moved** by Councillor Clare, **Seconded** by Councillor Nicholson and upon a vote being taken it was

**Resolved:**

That the application be approved subject to the conditions contained within the report, as amended.

**c DM/15/01714/OUT - Land to the south of Broadway Avenue, Salters Lane, Trimdon Village**

The Committee considered a report of the Senior Planning Officer regarding an application for the erection of up to 30 dwellings, all matters reserved, on land to the south of Broadway Avenue, Salters Lane, Trimdon Village (for copy see file of Minutes).

S Pilkington, Senior Planning Officer provided the Committee with a detailed presentation which included photographs of the site and an indicative plan of the proposed layout.

The Senior Planning Officer informed the Committee that this was a resubmission of a previously refused scheme seeking outline planning permission and was supported by a revised Planning Statement, Mitigation and Enhancements Strategy and Viability Assessment to address the previous reasons for refusal.

Councillor Brookes, local Member, addressed the Committee in support of the application, which would provide the opportunity for young people to own a new home in the area. The applicant had worked with planners to mitigate previous objections and to enhance the proposal. Trimdon Parish Council was in support of the application which would provide a boost to the local economy and maintain numbers on roll at local schools. Additionally, the development would bring with it a

s106 agreement to secure the provision of three affordable houses and off site sporting and recreation contribution of £1,000 per dwelling and the provision of a landscaping buffer to the south and west of the site.

Mr A Lang, agent for the applicant, addressed the Committee. The Committee report concluded that this revised application was more than acceptable and was recommending that it be approved. The revised application addressed concerns previously raised. The Conservation Area was some 150 metres from the site, the public right of way through the site would be re-routed and residents' concerns regarding amenity had all been addressed. The development would support local shops and facilities.

A Glenwright, Principal DM Engineer informed the Committee that highways safety at this development was not a concern, with the B1287 past Broadway Avenue having only three recorded accident statistics in the previous 5 years.

Councillor Dixon referred to the s106 contribution of £1,000 per dwelling detailed at paragraph 88 of the report and to the contribution of £20,000 to the Parish Council, detailed at paragraph 77. The Planning and Development Solicitor advised the Committee that the contribution to the Parish Council was not a material planning consideration, although the Committee could consider the contribution of £1,000 per dwelling.

Councillor Patterson asked why this development was now considered sustainable when it had been refused in 2014 on the grounds of sustainability. The Senior Planning Officer replied that the development was on the edge of the settlement of Trimdon and consideration of the application was finely balanced, however, the mitigation proposed by the applicant was sufficient to now be able to recommend approval of the application.

Councillor Armstrong informed the Committee she considered this to be a good application which offered three affordable homes and a s106 contribution of £1,000 per dwelling, and **Moved** approval of the application.

Councillor Kay, in **Seconding** approval of the application, informed the Committee that although the sustainability argument had not changed since the application was previously considered, the mitigation put forward by the applicant had now tipped the balance in favour of approval.

Councillor Richardson informed the Committee that the Parish Council and local Member were both in favour of the application and he therefore supported it.

Upon a vote being taken it was

**Resolved:**

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

**d DM/15/02121/FPA - Explorer One and Two, Thomas Wright Way, NETPark, Sedgefield**

The Committee considered a report of the Senior Planning Officer regarding an application for the erection of two Research and Development units, including laboratory and office space at Explorer One and Two, Thomas Wright Way, NETPark, Sedgefield (for copy see file of Minutes).

A Rawlinson, Senior Planning Officer provided the Committee with a detailed presentation which included photographs of the site and a plan of the proposed layout.

The Senior Planning Officer informed the Committee that an additional condition was proposed to the permission to secure the provision of a covered cycle facility on the site.

**Moved** by Councillor Boyes, **seconded** by Councillor Clare and

**Resolved:**

That the application be approved subject to the conditions contained in the report and an additional condition to secure the provision of a covered cycle facility.

**e DM/15/01542/FPA - Plot 10 NETPark, Sedgefield**

The Committee considered a report of the Senior Planning Officer regarding an application for the construction of new predominantly 2 storey Research Facilities and Laboratory spaces with external car parking and hard and soft landscaping at Plot 10 NETPark, Sedgefield (for copy see file of Minutes).

The Senior Planning Officer informed the Committee that an additional condition was proposed to the permission to secure the provision of a covered cycle facility on the site.

Councillor Davidson informed the Committee that while he had some sympathy with the objections from local residents, these were not sufficient to outweigh approval the application, and he **Moved** approval.

In **seconding** approval of the application, Councillor Boyes asked what a non-designated heritage asset was. The Senior Planning Officer replied that it was a historic building of some historic or architectural interest but not sufficient to be listed.

Councillor Nicholson referred to paragraph 111 of the report and asked whether there was a condition to secure Targeted Recruitment and Training measures as had been suggested by the Economic Development (Employability) Team. The Senior Planning Officer replied that his was covered by Condition 5 of the permission.

Upon a vote being taken it was

**Resolved:**

That the application be approved subject to the conditions contained in the report and an additional condition to secure the provision of a covered cycle facility and amendment to the approved Plans to reflect the removal of proposed wind turbines from the buildings.



# COMMITTEE REPORT

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## APPLICATION DETAILS

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<b>APPLICATION NO:</b>	DM/15/02914/FPA
<b>FULL APPLICATION DESCRIPTION:</b>	Conversion of field barn to 1no residential dwelling
<b>NAME OF APPLICANT:</b>	Mr Bruce Dinsmore
<b>ADDRESS:</b>	Field Barn To The East Of Hawcroft Lane, Cotherstone, Barnard Castle, County Durham, DL12 9PQ
<b>ELECTORAL DIVISION:</b>	Barnard Castle West
<b>CASE OFFICER:</b>	Jill Conroy, Planning Officer, 03000 264955, jill.conroy@durham.gov.uk

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## DESCRIPTION OF THE SITE AND PROPOSALS

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1. The application site comprises a disused field barn located approximately 100m to the east of Hawcroft Lane, Cotherstone. To the north and south of the site are public footpaths, which run on an east to west axis following the lines of existing field boundaries. A tree belt runs centrally parallel with the footpaths, directly west of the barn. There is no formal access track leading to the barn from the adopted highway Hawcroft Lane, but there is an existing field gate insitu to the western stone wall boundary of the site directly off Hawcroft Lane. The grade II listed Society of Friends Quaker Meeting House lies approximately 87m to the NE. Despite lying beyond the built envelope of the village the site still falls within the conservation area and is also within an Area of High Landscape Value as defined within the Teesdale District Local Plan.
2. The application seeks planning permission to convert the barn to a residential dwelling, including the provision of an enclosed car parking area and the creation of a vehicle access track and turning area to be taken from the existing field gate entrance onto Hawcroft Lane.
3. The conversion will involve minimal external alterations by utilising existing openings. The existing corrugated iron sheet roof is to be replaced with red clay pantiles with stone slab courses to eaves. A new metal flue and velux roof light will be incorporated onto the north roof slope. The existing stone wall enclosure to the west of the barn will be marginally extended to provide a modest amenity and parking space.
4. This application is being reported to Planning Committee in accordance with the Scheme of Delegation at the request of Councillor Richard Bell because of the degree of local concern over the loss of a local vernacular feature.

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## PLANNING HISTORY

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5. There is no relevant planning history relating to this particular building.
6. Outline permission for 3 new build dwellings along Hawcroft Lane was refused in 1992 (ref: 6/1992/0342/DM)

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## PLANNING POLICY

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### NATIONAL POLICY:

7. The Government has consolidated all planning policy statements, guidance notes and many circulars into a single policy statement, the National Planning Policy Framework (NPPF). However, the NPPF does not change the statutory status of the development plan as the starting point for decision making. Proposed development that accords with an up-to-date Local Plan should be approved and proposed development that conflicts should be refused, unless other material considerations indicate otherwise.
8. *Part 4 – Promoting sustainable transport.* 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. On highway safety, development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.
9. *Part 6 - Delivering a wide choice of high quality homes.* To boost significantly the supply of housing, applications should be considered in the context of the presumption in favour of sustainable development. To promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. Local planning authorities should avoid new isolated homes in the countryside unless there are special circumstances such as: where the development would re-use redundant or disused buildings and lead to an enhancement to the immediate setting.
10. *Part 7 – Requiring good design.* The Government attaches great importance to the design of the built environment, with good design a key aspect of sustainable development, indivisible from good planning.
11. *Part 11 – Conserving and enhancing the natural environment.* The planning system should contribute to and enhance the natural and local environment by minimising impacts on biodiversity and providing net gains in biodiversity where possible, contributing to the Government’s commitment to halt the overall decline in biodiversity.
12. *Part 12 – Conserving and enhancing the historic environment.* Local planning authorities should recognise that heritage assets are an irreplaceable resource and conserve them in a manner appropriate to their significance. In determining planning applications, local planning authorities should take account of the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses. When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset’s conservation. Local planning authorities should make information about the significance of the historic environment gathered as part of plan-making or development management publicly accessible. They should also require developers to record and advance understanding of the significance of any heritage assets to be lost (wholly or in part) in a manner proportionate to their

importance and the impact, and to make this evidence (and any archive generated publicly accessible).

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

13. The following saved policies of the Teesdale District Local Plan are relevant, however in accordance with paragraph 215 of the National Planning Policy Framework, the weight to be attached to relevant saved local plan policies will depend upon the degree of consistency with the NPPF. The greater the consistency, the greater the weight:-
14. *Policy GD1 - General Development Criteria* - Development will be permitted providing it complies with a number of criteria in respect of design, impact on the character and appearance of the surrounding area and landscape; avoiding conflict with adjoining uses; ecology, drainage, and highways impacts.
15. *Policy ENV3 – Development within or adjacent to an Area of High Landscape Value* - This policy requires that development does not detract from the area's special character and should pay special attention to the landscape qualities of the area.
16. *Policy ENV8 - Safeguarding Plant and Animal Species Protected by Law* - Development should not significantly harm plants or species protected by law and where appropriate adequate mitigation measures should be provided.
17. *Policy BENV3 – Listed buildings* – Development which would adversely affect the character of a listed building or its setting will not be permitted.
18. *Policy BENV4 - Development within and / or adjoining Conservation Areas* – Development will only be permitted provided that it would be appropriate in design, layout materials, scale and landscaping, will not generate problematic traffic or environmental problems, would not destroy important trees, hedgerows or views or landscape features. Proposals should not adversely affect the setting of the Conservation Area or views into and out of the area.
19. *Policy BENV13 - Change of Use or Conversion in the Countryside* – permits change of use or conversion of buildings in the countryside to business and community uses (part A) provided it fulfils criteria (part B) in respect of suitability for conversion, amenity impact, landscape impact and highways impacts.
20. *Policy BENV14 - Change of Use or Conversion to Residential Use in the Countryside* - states the change of use or conversion of rural buildings to residential use will be permitted providing the uses identified in BENV13 part A have been reasonably explored and discounted, and subject to fulfilling the criteria in BENV13 part B.

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

The County Durham Plan

21. 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 has

withdrawn the CDP. In the light of this, policies of the CDP can no longer carry any weight.

## Cotherstone Neighbourhood Plan

22. The Cotherstone Neighbourhood Plan is an emerging neighbourhood plan that underwent stage 1 consultation between June and July 2015. It is only at a very early stage of preparation and therefore in accordance with NPPF paragraph 216 it is not capable of being given any weight at this time.

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## **CONSULTATION AND PUBLICITY RESPONSES**

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### **STATUTORY AND EXTERNAL RESPONSES:**

23. *Cotherstone Parish Council* – Objects to the development as it lies outside the village development limits and within the conservation area. Use of red pantiles and the new access track will detract from the historical landscape character and views of the Quakers Meeting House, a grade 2 listed building. The access lane to the property is unsuitable and the exit from this lane at the junction onto the B6277 has very poor site lines due to parked cars.

24. *Highway Authority* – While adopted, the access road serving this site is overwhelmingly single track along its length, narrow and tortuous in places, without footways or an adopted turning head. It is unsuitable to serve new build development. Unless you consider the planning merits of converting this existing building in the conservation area outweigh these shortcomings it is considered that highway reasons are added to other refusal reasons.

25. *Durham Bird Club* – Objects to the development. Barn Owls use the barn on a regular basis. The mitigation proposed in the Risk Assessment of placing a box in the owl hole is noted but owls are unlikely to use it if people are living in the barn. The Club is also unhappy with the ecologist's proposal to reposition the box in a nearby tree. The Barn Owl Trust recommends boxes within buildings as the best option and boxes in trees are second best. The Club is therefore far from convinced that the alternatives suggested will be successful.

26. *Campaign to Protect Rural England* - Objects to the development. The barn is located outside the development limits for Cotherstone and lies within the conservation area. The introduction of a residential dwelling with its access and turning area in an open field would adversely affect the setting of the Conservation Area and detract from the Area of High Landscape Value. Hawcroft Lane is a single track adopted road that could only be accessed by smaller delivery vehicles, but not fire engines. The sightlines on exit from the lane to the B6277 are extremely limited due to parked cars. We appreciate that more housing is required within the UK, but feel strongly that conversion of this small barn in its beautiful rural setting is going to spoil much more than it solves.

### **INTERNAL CONSULTEE RESPONSES:**

27. *Design and Conservation* – Has no objection subject to conditions for approval of materials, joinery details, enclosures, landscaping and removal of permitted development rights. The building is a good example of an ever diminishing vernacular building type. Its retention and reuse is therefore to be welcomed from the heritage perspective. The design approach is based on thorough historic research, as is the reintroduction of the stone wall enclosure. The reuse of existing openings and the retention of the solid nature of the building is appropriate. One single roof light and a

new flue will not harm the character of the building. The proposed roof materials with stone flag eaves detail and pantiles is found throughout the area and is traditionally used on secondary buildings and agricultural buildings, subject to agreement of details this is considered acceptable. The building sits within the wider setting of the grade II listed Society of Friends (Quaker) Meeting House, however it is considered there will be no harm to the significance of this setting.

28. *Archaeology Section* – Has no objection. It is noted that colleagues in Conservation and Landscape have assessed the impact of the proposed conversion on both the historic field barn and the landscape in which it exists and have found it to be acceptable. It is however recommended that a building record be made of the structure, to EH level 2 standard, prior to conversion to record the original character and make it publically accessible.
29. *Landscape Section* – Has no objection. There were initial concerns about the impact of the access track on the trees which make a significant landscape contribution, however following further information it is considered that the proposed incursion of the access track into the RPAs is within the acceptable amount as per BS 5837:2012. Protective fencing will need to be erected before construction starts.
30. *Environmental Health (Contaminated Land)* – Has no objection. There is no requirement for a contaminated land condition.
31. *Environmental Health (Noise)* – Has no objection.
32. *Ecology Section* – Has no objection subject to adherence to the mitigation measures detailed within the submitted Bat and Barn Owl Survey Report and subject to the inclusion of a condition for the erection of an additional barn owl box on a nearby tree.

#### **PUBLIC RESPONSES:**

33. The application has been publicised by way of site notice, press notice and neighbour letters. At the time of writing the report there were 64 objections received. These include representations from Transport and Planning Consultants appointed by objectors. It is not possible to list every point made from such a large number of representations so the key points have been summarised. The full representations can be viewed on the website:

#### Highways

- Hawcroft Lane is unsuitable to access the dwelling. It is a narrow, single track lane and the proposed site access is adjacent to a blind bend. It is regularly used by pedestrians and children on bicycles and has no incorporated passing places or a turning head, with no possibility of providing any. The increase in traffic will be a hazard to users of the lane.
- Refuse vehicles do not enter the lane. The proposed development places waste storage circa 100m from the dwelling and a further 120m from potential refuse collection on the B6277, which is beyond the recommended distance of 30m.
- Access to the B6277 from Hawcroft Lane has impeded visibility due to poor sightlines at the junction.

#### Design and Impact on the Conservation Area and Landscape

- The barn lies outside of the limits to development for Cotherstone so residential use should not be permitted and it could otherwise set a precedent for further residential development. The consultation on the Neighbourhood Plan showed support for development only within the current development limits.

- The barn should be preserved in its present form because residential use and formalisation of vehicle access will have a negative impact upon the conservation area, the setting and views of the grade II listed Friends Meeting House and the traditional field pattern of the rural landscape.
- There is no provision for amenity space and the inevitable requirement for domestic paraphernalia including a washing line, refuse bins etc. will further erode the landscape character of the site.
- The proposed red pantiles are not in keeping with the local vernacular of the area and would make the barn more visible.

### Ecology

- The development will displace barn owls without suitable alternative mitigation.

### Other Matters

- The barn is substandard in size for a reasonable standard of living accommodation and will lead to further applications for extension and addition of windows.
- The construction period will create noise and disturbance to nearby residents and users of the lane.
- An offer has been made to the applicant by a local resident to finance the maintenance and repair of the structure in its present agricultural use.

*The above is not intended to repeat 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: <https://publicaccess.durham.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=NV2PNOGD0CF00>*

### **APPLICANTS STATEMENT:**

34. The applicant has provided a statement in support of their application to address some of the consultee comments and responses that have been received.
35. *Key Planning Principles* - Firstly it will be appreciated that the government have introduced, earlier this year, new permitted development rights that specifically seek to allow the conversion of barns of this nature to residential properties as part of the drive to boost significantly the supply of housing. This, as the government have made clear in introducing these new powers, is a core objective of the National Planning Policy Framework.
36. This particular building cannot be converted as straightforward permitted development because it lies within the Conservation Area. This fact does not mean that the above principle is to be set aside however, a point that has been tested at appeal in two instances. In the first instance the Inspector concluded that the government's intentions to facilitate residential conversion of such buildings were 'material considerations of very significant weight' and in the second the Inspector concluded that the government's intentions to allow for such a change of use should take precedence over the policies of the Development Plan.
37. Set against this context it is therefore very surprising that the objection letter submitted by Nathaniel Litchfield on behalf of the Cotherstone Field Barn Conservation Group fails to correctly identify the most up to date material considerations and clear changes in government policy. Accordingly only limited weight can be attached to their assessment of applicable policy.
38. *Heritage Matters* – The two designated heritage assets potentially affected by the proposals are the wider Conservation Area and the setting of the Friends Meeting House. Because this building is already in existence, its visual impact on the significance of these heritage assets is largely negligible. They were designated as

heritage assets despite the barn's presence. The only legitimate concern is whether the use of the premises for domestic purposes would result in a degree of harm to the significance of the designated assets. Based upon the National Guidance, it is clear that the para 133 tests of substantial harm have not been engaged – the Conservation officer's comments confirm this.

39. The barn clearly is not in a good condition and if left unaltered will not have a long term future. The Guidance makes it clear that “In the case of buildings, generally the risks of neglect and decay of heritage assets are best addressed through ensuring that they remain in active use that is consistent with their conservation. Ensuring such heritage assets remain used and valued is likely to require sympathetic changes to be made from time to time.”
40. It goes on to note that “The vast majority of heritage assets are in private hands. Thus, sustaining heritage assets in the long term often requires an incentive for their active conservation. Putting heritage assets to a viable use is likely to lead to the investment in their maintenance necessary for their long-term conservation”
41. Whilst the offer to restore the building for an agricultural purpose by a third party was without doubt well-meant and sincere, unless the building would subsequently have a viable long term future in an active use, the restoration would simply be a temporary stop gap and would inevitably lead to further deterioration and uncertain future in the long term. The only sustainable way in which the building can be preserved to contribute to the significance of the Conservation Area is by having a viable and active new use. As the Guidance notes; “It is important that any use is viable, not just for the owner, but also the future conservation of the asset. It is obviously desirable to avoid successive harmful changes carried out in the interests of repeated speculative and failed uses.
42. *Highway Concerns* - in relation to the comments of the Highway Authority, the applicant has never shied away from accepting that the application site is not served by a standard estate road constructed to the current standards of the Local Highway Authority. The road is narrow in places and has several bends along its length. This keeps vehicle speeds down and promotes cautious driver behaviour. A public footpath is accessed off the road, despite it not having any separate footpath. For all its ‘problems’ it nevertheless manages to serve the existing residents and contributes to the special character of the Conservation Area.
43. If the barn were to be used intensively for livestock and other agricultural purposes, it would be reasonable for it to be visited by a farmer, often with tractor and trailer, several times a day during lambing season and less frequently at other times. This legitimate traffic would have a far greater impact than the proposed use as a single domestic dwelling. The proper way to assess the highway impacts involves consideration of the traffic that could be reasonably expected to use the barn under its authorised or permitted use and compare that with the traffic type and volume associated with the proposed use. It is submitted that the nett change is far less significant than that suggested by some objectors and falls well below the ‘severe’ threshold clearly set out at Para 32 of the Framework. Furthermore, there are clear areas of potential improvement possible along the length of the road using either public highway or land within the applicant's control. Records of the extent of the adoption are attached and dispel to a large extent the suggestion that all the land is third party controlled. It is also noted that some of the objectors, despite expressing concern over access have sought to increase their own onsite parking.
44. Finally on highway matters it will be appreciated that this is the only barn that could be converted off this lane and there is no question of an undesirable precedent being created that would lead to substantial additional pressures.

45. *Materials* - In terms of design, it is noted that a number of objectors have raised concerns over the proposed roofing material to replace the corrugated sheeting. Although our client had originally proposed the use of clay pantiles, being a common vernacular material, he is prepared to consider the use of artificial/reproduction stone slates, if this is considered necessary or more desirable.
46. *Control over future development* – In relation to the concerns over future domestic activity at the site, and pressures for further development, of course each application needs to be judged on its own individual merits at the time. It is not legitimate to determine current proposals on the basis of what might come forward in the future. Unacceptable future proposals, if they emerge, can be carefully considered and refused at the point and time they are submitted. They should not be pre-determined.
47. The applicant would have no concerns if the LPA were to withdraw relevant Permitted Development rights from the development.
48. *Erratum* – A number of objectors have pointed out an inaccuracy in the Design and Access Statement in relation to the planting of new trees. Quite correctly they have pointed out that the applicant's family allowed the Group to plant new trees in the tree line leading up to the barn. The trees planted by the applicant's family were on the northern field boundary leading up to the Friends Meeting House. For this error, the applicant apologises. However the fundamental point of new tree planting having taken place along field boundaries remains material, regardless of who planted which trees in which location.

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## **PLANNING CONSIDERATIONS AND ASSESSMENT**

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49. 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, the impact on the character and appearance of the area, ecology, and highway safety.

The principle of the development

50. As nearly all the objections have pointed out the barn lies outside of the settlement boundaries of Cotherstone as defined in the Teesdale District Local Plan. It is also noted that the Cotherstone Village Design Statement also considers it important that development is retained within the present boundaries defined by the Teesdale Local Plan. However, the proposal involves the reuse of an existing building not the erection of a new dwelling. The reuse of existing buildings is considered separately under Teesdale Local Plan policies BENV13 and BENV14, not the settlement limit policies. The settlement limit policies are in any case housing policies, which are considered out of date given the age of the Teesdale Local Plan (adopted in 2002) and therefore can no longer be given any weight.
51. Both Local Plan policies BENV13 and BENV14 are permissive of the reuse of existing buildings in the countryside providing a number of criteria are met. However, the sequential requirement of the policies to first explore other uses before giving consideration to residential use is also not consistent with the NPPF, in particular with NPPF paragraph 55 which identifies the re-use of redundant or disused buildings as one of the special circumstances to allow isolated homes in the countryside with no



requirement to discount other uses first. Therefore in accordance with NPPF paragraph 215 these policies carry very little weight.

52. Accordingly, the proposal needs to be considered under the more up to date requirements of the NPPF and any other material considerations.
53. One of the key aims of the NPPF is to encourage sustainable patterns of development. Cotherstone is identified as a tier 4 settlement (medium sized village) within the Council's Settlement Study in recognition that it possesses some local services and facilities. The barn lies just 100m from the built up envelope of the village and approximately 270m walking distance from the primary school. The facilities and bus stops within the village can all be easily accessed by foot and within acceptable walking distance. The barn is therefore located in a sustainable location and wholly accords with the key aims of the NPPF in this respect.
54. In addition, while the barn is not listed, it is a good example of a vernacular building of its type, shown on historic OS maps from 1854, and is situated within the conservation area and setting of the grade II listed Friends Meeting House, both designated heritage assets. It is therefore considered to be of architectural and historic merit and therefore worthy of retention and improvement in terms of its contribution to the character of the conservation area, setting of the listed building and the rural landscape. However, at present it is in a state of deterioration and contains a tin sheet roof. It is in need of intervention and improvement to prevent continued decay. The objections refer to an offer by a third party to restore the barn and retain it in its current use however, that is not a factor that can be given any weight as the third party does not own the building and it is not the proposal for consideration. In any case it is considered unreasonable to insist that the building remains without a viable use, given it is no longer suitable for modern agricultural practice. It is considered that the most realistic prospect of securing the required improvements to the building and its long term future is to put it to an active viable use such as the residential use proposed. Subject to sensitive treatment of the conversion and associated works the improvements to the condition of the building and its long term retention would be capable of leading to sufficient enhancement of the setting. This is wholly in accordance with NPPF paragraph 55.
55. Taking all of the above into account, the principle of development accords with key aims of the NPPF and other relevant government policy in respect of sustainable patterns of development and the reuse of rural buildings for housing. The proposal is therefore acceptable in principle, subject to consideration of detailed issues which will be assessed in greater detail below.

#### Impact on the character and appearance of the area

56. The site is within the Cotherstone Conservation Area and the setting of a grade II listed building (Friends Meeting House). In the exercise of planning functions the local planning authority must have particular regard to Sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990. Section 66 requires that in considering whether to grant planning permission for development which affects the setting of a listed building the local planning authority shall have special regard to the desirability of preserving its setting. Section 72 requires special attention to be paid to the desirability of preserving or enhancing the character or appearance of a Conservation Area. Also relevant are NPPF Sections 7, 11 and 12, and Teesdale Local Plan Policies ENV3, BENV3, BENV4 and GD1.
57. The Cotherstone Conservation Area covers an extensive area, encompassing the whole village and some of the surrounding fields. It is characterised by an assortment of dwellings, old and new, within an attractive countryside setting also designated as an

Area of High Landscape Value. Within the village two separate village greens provide a distinctive focal point and different types of period properties, making much use of local stone and stone slab or Westmoreland roofing slates, provide an attractive urban environment. The surrounding fields contribute to the rural setting and still retain some of the historic strip field pattern.

58. The barn lies in the fields to the east of the village, predominantly viewable from Hawcroft Lane and the PROWs to the north and south of the site. It is of traditional construction and possesses some interesting design characteristics. These include a superior finish to the masonry of the front wall, finely worked long and short corner quoins and dressings to the openings. The main cart entry has an elliptical arch with crafted voussoirs and banded dressings. It is understood that it previously had a stone slab roof, but now has corrugated roof sheeting.
59. The significance of the site derives from its position within the conservation area, the vernacular character of the building and the positive contribution the site makes to the rural character and appearance of the area. It also lies within the setting of the grade II listed Friends Meeting House, which itself lies within the same landscape setting surrounded by fields just 87m to the NE. The barn is clearly valued by the local community from the representations received during the application.
60. The conversion proposal involves minimal intervention by utilising existing openings and does not include any extension. All the most important design characteristics of the building are to be retained and repaired. The insertion of windows and doors into existing openings can be achieved without causing detriment to the character and appearance of the building and the details can be controlled by condition. A number of objections have questioned the materials to be used for the roof. It is correct that pantiles are not a typical roofing material within the village and the reintroduction of stone slate would be the most historically authentic material on the building. However, the barn does not lie within the village and red clay pantiles with stone slab eaves courses is a vernacular feature found on barns throughout Teesdale, and on many listed buildings. Accordingly, while it may not be the first choice for roof materials it is nevertheless an appropriate alternative treatment for the roof and would not be detrimental to the character or appearance of the building or its setting. It would also be more preferable and appropriate than the use of artificial slates in this context. Neither the Design and Conservation Section nor Archaeology Section has any objection and overall the proposed conversion works to the building are considered to be acceptable. The Archaeology Section's request for building recording to be carried out prior to conversion is wholly in accordance with NPPF paragraph 141 and can therefore be conditioned. Removal of permitted development rights for alterations would be necessary to retain the rural character of the building and design quality achieved by the proposed scheme so it is not undermined by inappropriate alteration in the future.
61. The proposal also requires a new access track from Hawcroft Lane, approximately 115m in length and this has drawn concern in the objections in terms of landscape impact. The track would however be of typical rural character comprising twin gravel tyre tracks with a central grass strip. A farmer could legitimately construct such a track to serve the building if it were to be retained in agricultural use and such tracks are a typical rural feature found throughout the area. The track would closely follow the northern field line where it would be least conspicuous and would avoid fragmenting the historic strip field pattern. The track would terminate in a turning area at the barn that would be constructed with a reinforced grid product that allows grass to grow through it to reduce its visual impact. The Landscape Section has no objection in landscape impact terms and is also satisfied that the track's construction would not be detrimental to the adjacent trees, which are an important landscape feature. The trees should be protected during construction and therefore a condition would be necessary in this

respect. It is not necessary to condition the retention of the trees as they are protected by the conservation area designation. Details of the materials for the track and turning head should be controlled by condition. Subject to these conditions it is considered that the track would be of an appropriate rural character and would not be detrimental to the landscape designation, field pattern, or character and appearance of the conservation area.

62. Objections have also expressed concerns about the treatment of the point of access onto Hawcroft Lane, but it is considered that the alterations would be very minor. An agricultural five bar gate would be retained, set slightly further back to allow a car to pull off the road. The existing dry stone wall will simply be extended by a small amount into the return. A small area of hardstanding is necessary and typical of any rural access point. Again, a farmer could create such an access to serve the building in agricultural use. The treatment of the access point is therefore considered to be entirely appropriate and would not be detrimental to the landscape designation or character and appearance of the conservation area.
63. The proposal shows very little domestic curtilage and objections have raised concerns that the occupants will seek to establish a garden with the inevitable domestic paraphernalia that would detract from the rural landscape and character of the conservation area. It is reasonable to expect that a dwelling should have some garden space and therefore in order to avoid any paraphernalia or even domestic landscaping spreading unreasonably around the building it is considered important to define the extent of the curtilage, the means of enclosure and landscaping within to limit any harm. It is considered that the area immediately to the front of the barn between the access track (including the turning head) could with appropriate rural boundary treatment and permitted development restrictions, be used as garden space without having a detrimental impact on the landscape designation or character and appearance of the conservation area. The matter could therefore be satisfactorily dealt with by conditions.
64. Taking all the above into account, it is considered that the proposal does not conflict with Teesdale Local Plan Policies GD1, ENV3 and BENV4. The barn and the site contribute positively to the character and appearance of the conservation area. The retention of the building, converted to an effective new use without undue harm to its essential character and landscape setting, would be a benefit to the designated heritage asset. Accordingly it could not be said that the proposal would have a detrimental impact on the setting of the grade II listed Friends Meeting House further to the NE. The proposal is therefore also compliant with Teesdale Local Plan Policy BENV3 and the relevant provisions of the NPPF. The proposal would be compliant with the detailed design provisions of Teesdale Local Plan Policies BENV13/14, however those policies are given very little weight as discussed previously.
65. Therefore having regard to Sections 66 and 72 of the Planning (Listed Buildings and Conservation Area) Act 1990) the proposed development would preserve the character and appearance of the Conservation Area and setting of the nearby listed building.

#### Highway safety

66. The NPPF paragraph 32 together with Local Plan policy GD1(Q) requires development proposals to achieve a satisfactory means of access onto the wider highway network in order to protect highway safety. The advice of the NPPF however states that development should only be refused on highways grounds where the highways impact would be severe.
67. A number of objections have been raised in relation to the proposed access arrangements and potential conflict with other road users, noting the narrowness of

Hawcroft Lane, lack of vehicle passing places and restrictive sightlines egressing onto the B6277. Conflict with a number of highway standards in respect of length of access roads and bin collection arrangements have also been quoted.

68. The Highway Authority in many respects shares these concerns and as a result considers the access would not be suitable to serve a new build residential development. However, the proposal is for the reuse of an existing building, not a new build and the standards quoted in the objections only apply to new build dwellings. Therefore the Highway Authority concedes that if there are considered to be merits in the conversion, which there are as discussed in this report, they would outweigh the negative aspects of the site access and no highways objection could be raised on that basis.
69. Hawcroft Lane is an adopted highway and there are already a number of existing dwellings served off the same highway. A single additional dwelling is not likely to lead to a significant intensification of this arrangement, particularly when there is already an existing agricultural use associated with the barn involving large farm vehicles. The bin collection arrangements already cater for existing properties on Hawcroft Lane and occupiers of the barn would be similarly encouraged to either wheel their bins to near the cut through to the village green where they would be picked up, or alternatively keep their refuse within bags that would be picked up from the gate. These type of arrangements are not unusual for the refuse collection service in rural areas.
70. On this basis and taking the Highway Authority views into account, it cannot be considered that the proposed development would lead to highways impacts that could be classed as a severe cumulative impact. Accordingly, it is considered that on balance there would not be sufficient grounds to justify refusal on the grounds of the acknowledged highway safety concerns.
71. The proposal does not therefore conflict with Teesdale Local Plan Policy GD1 and accords with the guidance in the NPPF.

## Ecology

72. The presence of protected species such as bats and barn owls is a material consideration in accordance with Circular 06/05. Teesdale Local Plan Policy ENV8 does not permit development that would significantly harm a protected species or its habitat unless mitigation is achievable and the overall effect would not be detrimental to the species as a whole. This is consistent with the guidance in NPPF Part 11 which seeks to minimise impacts on biodiversity, as well as the general requirements of the Habitats Regulations and Wildlife and Countryside Act (1981) for England, Scotland and Wales.
73. A Bat and Barn Owl survey and risk assessment was submitted with the application, which acknowledges the presence of a barn owl roost/nest in the application barn. Barn Owls are Schedule 1 species under the Wildlife and Countryside Act 1981. The birds, their nests, eggs and young are fully protected at all times throughout the UK. It is also an offence to intentionally or recklessly disturb barn owls at an active nest site with eggs or young or before eggs are laid, or to disturb the dependent young.
74. As a result the proposal includes the provision of a nest box to be sited on the western gable which is an existing access point. This has however drawn concerns from objectors, most notably the Durham Bird Club, who consider the mitigation would not be used if people are living in the barn.
75. The Council's Ecologist has welcomed the provision of the nest box on the building as mitigation, however is also concerned about the prospect of it being used. Accordingly, it

has been recommended that an additional nestbox be sited on a nearby suitable tree, to be secured by a condition. While the Durham Bird Club consider this to be a second choice option, it is the recommended approach of the Barn Owl Trust as the next best option to nestboxes within the building. There is a third Barn Owl Trust recommended option of nestboxes on poles. Provided the proposed nestboxes comply with the Barn Owl Trust Criteria in respect of design, size and location the mitigation is considered acceptable and can be conditioned using Barn Owl Trust recommended conditions. It will also be important to impose appropriate timing restrictions in accordance with Barn Owl Trust Guidance. Subject to restricting works outside the nesting season a license will not be required.

76. In terms of bats, the Council's Ecologist is satisfied with the results of the survey, however, has noted the adjacent trees have not been included in the activity survey/assessments. Further comments state that providing the trees are to be retained there is no need for any further survey works to be carried out. It is the case that the trees are being retained and are protected by the conservation area designation so no further survey work is required in relation to bats.
77. Taking all the above into account it is considered that the proposal does not conflict with Teesdale Local Plan Policy ENV8, NPPF guidelines and wildlife regulations, subject to suggested conditions.

#### Other matters

78. A number of comments have been made in the objections about potential future alterations to the building and setting a precedent for further residential development in the surrounding fields. These matters are speculative and cannot have any bearing in this decision. Permitted development rights will be withdrawn and if proposals come forward in the future they can be carefully considered and refused if they are unacceptable. The planning policy considerations for residential conversions are also very different to new build residential development so this application would not set any precedent for other types of residential development in the surrounding fields. In the same respect a planning refusal from 1992 for 3 new build dwellings abutting Hawcroft Lane is not of any relevance to this application.
79. Objections have also raised concerns about noise from construction. The impacts of construction are however temporary and this is not a scale or type of development that is likely to lead to significant noise and disturbance, particularly as the nearest houses are over 120m away. The Council's Environmental Health (Noise) Section has no objection and has not deemed any conditions controlling noise to be necessary.

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## **CONCLUSION**

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80. Although the barn lies outside the development limits of the village, the reuse of a redundant building in a sustainable location is wholly in accordance with aims of the NPPF.
81. The barn and the site contribute positively to the character and appearance of the conservation area. The conversion of the barn to an effective new use without undue harm to its essential character, landscape setting and the character and appearance of the conservation area would be a benefit to the designated heritage asset and would not adversely affect the setting of the grade ii listed Friends Meeting House.

82. The highways situation is acknowledged to be less than ideal, but on balance the cumulative impact could not be classed as severe and therefore there are not sufficient grounds to sustain a highways refusal.
83. The development would also, subject to conditions, provide suitable mitigation for Barn Owls.
84. The proposal is not therefore in conflict with Teesdale Local Plan Policies ENV3, ENV8, BENV3, BENV4 and GD1. It is also in accordance with the guidance in NPPF Parts 4, 6, 7, 11 and 12.
85. All representations have been carefully considered, however when taking all matters into account, it is felt that the proposal is acceptable in planning terms subject to the suggested conditions. The proposal is therefore recommended for approval.

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## **RECOMMENDATION**

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Recommendation that the application is **APPROVED** subject to the following conditions:

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

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

2. The development hereby approved shall be carried out in strict accordance with the following approved plans unless otherwise agreed in writing with the local planning authority.

Plan Reference Number	Date received
1220-01 Site Location Plan	21.09.15
1220-10B Proposed Plans	21.09.15
1220-11C Proposed Elevations	21.09.15
1220-12 Roof Plans	21.09.15
1220-13B Proposed Site Plan	21.09.15
1220-14 Proposed Access Gates	06.10.15

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

3. Notwithstanding the details of the submitted plans, no development shall take place until sample details of all materials for the construction of the access track and turning area have been submitted to and approved in writing by the local planning authority. The development shall be constructed and retained in accordance with the approved details.

*Reason: In the interests of the visual amenity of the area and to comply with policies GD1, ENV3 and BENV4 of the Teesdale District Local Plan.*

4. Notwithstanding details of the submitted plans, no development shall take place until full specification, including joinery details and external timber colour finishes of the proposed new windows, doors and rooflight have been submitted to and approved in

writing by the local planning authority. The development shall be constructed and retained in accordance with the approved details.

*Reason: In the interests of the visual amenity of the area and to comply with policies GD1 and BENV4 of the Teesdale District Local Plan.*

5. Notwithstanding condition 2 no development shall take place until plans showing a clearly defined domestic curtilage have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

*Reason: To ensure the dwelling is served by an appropriate domestic curtilage and in the interests of the visual amenity of the area and to comply with policies GD1, ENV3 and BENV4 of the Teesdale District Local Plan.*

6. Notwithstanding details of the submitted plans no development shall take place until full details of all boundary treatment and means of enclosure have been submitted to and approved in writing by the local planning authority. The scheme shall be carried out in accordance with the approved details and retained thereafter for the life of the building hereby permitted unless otherwise agreed in writing by the Local Planning Authority.

*Reason: To ensure the appropriate means of enclosure are erected on site. In the interests of the visual amenity of the area and to comply with policies GD1, ENV3 and BENV4 of the Teesdale District Local Plan.*

7. No development shall commence until a detailed landscaping scheme has been submitted to and approved in writing by the Local planning authority. The scheme of landscaping shall include details of hard and soft landscaping, planting species, sizes, layout, densities, numbers, method of planting and maintenance regime.

*Reason: To ensure the appropriate landscaping of the site. In the interests of the visual amenity of the area and to comply with policies GD1, ENV3 and BENV4 of the Teesdale District Local Plan.*

8. All planting, seeding or turfing in the approved details of the landscaping scheme shall be carried out in the first available planting season following the practical completion of the development. Any planting or turfing which fails to establish or dies within 5 years of implementation shall be replaced with the same within the first available planting season.

*Reason: To ensure the appropriate landscaping of the site. In the interests of the visual amenity of the area and to comply with policies GD1, ENV3 and BENV4 of the Teesdale District Local Plan.*

9. No development shall commence until a scheme for the protection of trees, including the provision of temporary protective fencing to trees north of the vehicle access hereby approved, has been submitted to and approved in writing by the local planning authority. The approved scheme of protection shall be implemented before commencement of development and thereafter retained for the duration of the construction works.

*Reason: To protect the trees during construction. In the interests of the visual amenity of the area and to comply with policies GD1, ENV3 and BENV4 of the Teesdale District Local Plan.*

10. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or in any Statutory Instrument revoking or re-

enacting that Order with or without modification) no development falling within Parts 1 or 2 of Schedule 2 of the said Order shall be carried out without an application having first been submitted to and approved by the local planning authority.

*Reason: In the interests of the visual amenity of the area and to comply with policies GD1, ENV3 and BENV4 of the Teesdale District Local Plan.*

11. Notwithstanding details of the submitted plans, mitigation methods and method statement outlined in the Bat and Barn Owl Surveys and Risk Assessment (Veronica Howard, August 2015), a permanent accessible nesting space for Barn Owls shall be provided within the building to which this consent applies, and thereafter maintained, in accordance with details that shall have first have been submitted to and approved in writing by the local planning authority. The approved box shall be erected and retained in accordance with the approved details.

*Reason: To secure the long term protection of the species. In accordance with the NPPF and policies GD1 and ENV8 of the Teesdale District Local Plan.*

12. A Barn Owl roosting/nesting box shall also be provided for Barn Owls on a tree within 200 metres of the development site at least 30 days before any development works commence, in accordance with details that shall have first been submitted to and approved in writing by the local planning authority. Once provided the roosting/nesting box must be retained.

*Reason: To secure the long term protection of the species. In accordance with the NPPF and policies GD1 and ENV8 of the Teesdale District Local Plan.*

13. Development works to which the consent applies must not take place between 1st March and 31st August or at any time while Barn Owls are nesting, unless the mitigation in conditions 10 and 11 have been provided and an Ecologist has confirmed the absence of any nesting Barn Owls.

*Reason: To secure the long term protection of the species. In accordance with the NPPF and policies GD1 and ENV8 of the Teesdale District Local Plan.*

14. No development shall take place until the applicant has secured the implementation of the programme of building recording work in accordance with a written scheme of investigation (WSI) which has been approved in writing by the local planning authority. The WSI should include the following;
- i; Methodologies for a Level 2 EH-style building record prior to conversion.
  - ii; A timetable of works in relation to the proposed development, including sufficient notification and allowance of time to ensure that the site work is undertaken and completed in accordance with the approved strategy.
  - iii; Monitoring arrangements, including the notification in writing to the County Durham County Archaeologist of the commencement of recording works and the opportunity to monitor such works.
  - iv; A list of all staff involved in the implementation of the strategy, including sub-contractors and specialists, their responsibilities and qualifications.
- The recording work shall be carried out in accordance with the approved details and timings.

*Reason: To comply with saved Policy GD1 of the Teesdale District Local Plan and para. 135 and 141 of the NPPF as the building is historically significant.*



15. Prior to the development being beneficially occupied, a copy of any analysis, reporting, publication or archiving required as part of the mitigation strategy shall be deposited at the County Durham Historic Environment Record and receiving archive.

*Reason: To comply with para. 141 of NPPF to ensure that record is made as widely accessible to the public as possible.*

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## **STATEMENT OF PROACTIVE ENGAGEMENT**

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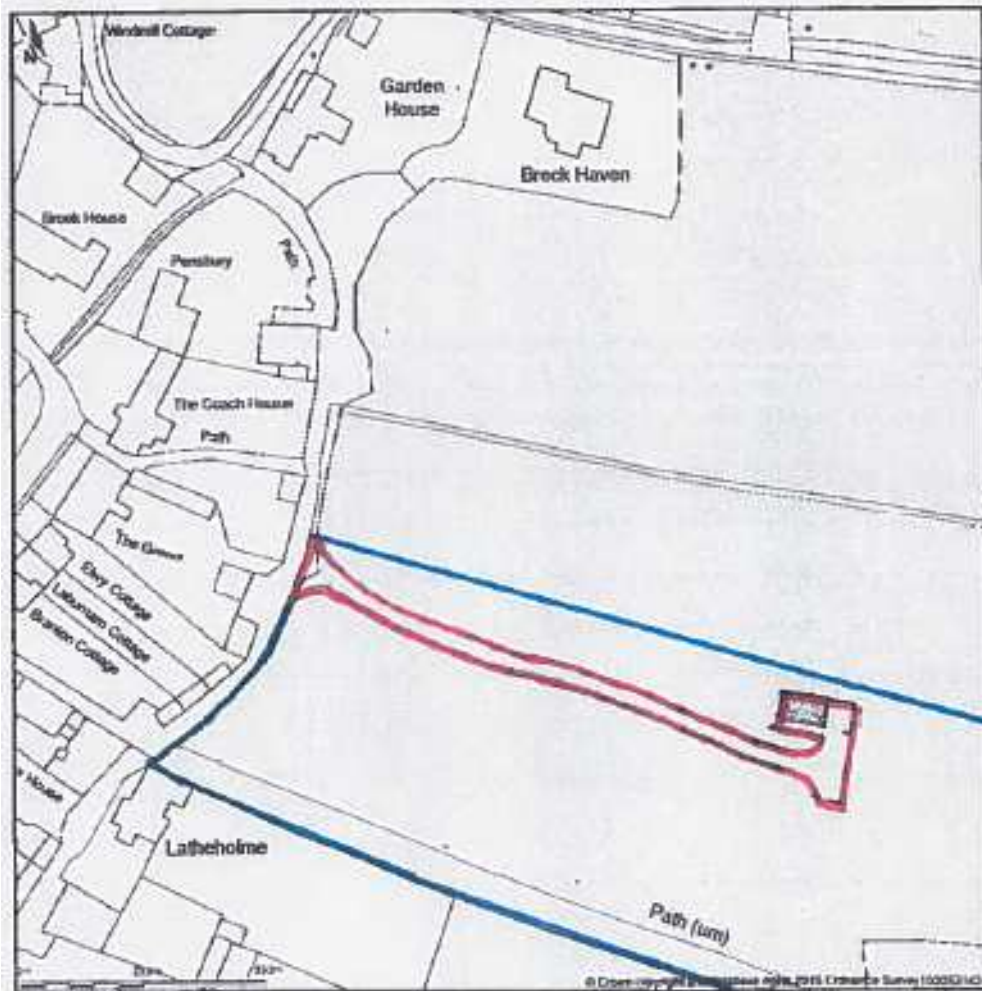
86. In arriving at the decision to recommend approval the application the Local Planning Authority has assessed the proposal against the NPPF and the Development Plan in the most efficient way to ensure a positive outcome through appropriate and proportionate engagement with the applicant, and carefully weighing up the representations received to deliver an acceptable development. The use of pre commencement conditions is deemed necessary because of the sensitivity of the area.

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## **BACKGROUND PAPERS**

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Submitted Application Forms, Plans and supporting documents  
National Planning Policy Framework  
Teesdale District Local Plan  
Consultation responses and representations received  
County Durham Settlement Study 2012  
Cotherstone Village Design Statement  
Barn Owl Trust Guidance: Barn Owls and Rural Planning Applications – A Guide



## Planning Services

# COMMITTEE REPORT

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### APPLICATION DETAILS

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<b>APPLICATION NO:</b>	DM/15/02372/OUT
<b>FULL APPLICATION DESCRIPTION:</b>	Outline application for up to 15 “executive dwellings” with all matters reserved
<b>NAME OF APPLICANT:</b>	Atelier 26 Architecture
<b>ADDRESS:</b>	C/o Agent
<b>ELECTORAL DIVISION:</b>	Crook
<b>CASE OFFICER:</b>	Tim Burnham Senior Planning Officer 03000 263963 <a href="mailto:tim.burnham@durham.gov.uk">tim.burnham@durham.gov.uk</a>

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### DESCRIPTION OF THE SITE AND PROPOSALS

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1. The application site comprises of 2.3 hectares of agricultural grazing land, which lies across a narrow residential access road (Pipe Row) immediately to the south east of High Grange and alongside the A689.
2. High Grange is a small hamlet of just 62 residential properties arranged in 4 terraced rows and lies approximately 4km to the north east of Bishop Auckland and approximately 4km to the south of Crook. The small villages of Howden le Wear, Hunwick and Witton Park lie around 2km away. It is understood the terraced houses were constructed over 100 years ago to serve North Bitchburn Colliery and Brick and Pipe Works. The old school building is now in business use (joinery and windows) and there is a small tackle shop on the corner of Green Lane.
3. The land slopes steeply up from the A689 northwards. Field boundaries comprise of hedgerows to the NW, NE and SE with a post and rail fence along the A689 SW boundary. There is a large Sycamore tree in the highway verge on the SW corner of the site at the Pipe Row junction. 4 trees within the NE boundary hedgerow are protected by a Tree Preservation Order. Public footpath 115 lies outside the application site, but runs along the SE field boundary.
4. The application seeks outline planning consent with all matters reserved for up to 15 dwellings, which the applicant describes as “Executive Dwellings”.
5. The application is reported to the Planning Committee in accordance with the Scheme of Delegation because the development is classed as a major application.

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### PLANNING HISTORY

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6. A recent outline application for a larger development of 58 dwellings was withdrawn earlier this year before being reported to committee. In 2008 an

outline application for up to 19 dwellings was refused for a variety of reasons including: an unsustainable location, visual impact and highway safety:

7. DM/14/03221/OUT - Outline application including means of access for the erection of up to 58 dwellings (all other matters reserved) – Application Withdrawn.
8. 3/2008/0336-Outline application for up to 19 dwellings (all matters reserved) – Refused.

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## **PLANNING POLICY**

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### **NATIONAL POLICY**

9. The Government has consolidated all planning policy statements, guidance notes and many circulars into a single policy statement, the National Planning Policy Framework (NPPF). However, the NPPF does not change the statutory status of the development plan as the starting point for decision making. Proposed development that accords with an up-to-date Local Plan should be approved and proposed development that conflicts should be refused, unless other material considerations indicate otherwise.
10. *NPPF Part 4 – Promoting sustainable Transport.* Plans and decisions should ensure developments that generate significant movement are located where the need to travel will be minimised and the use of sustainable transport modes can be maximised. Where practical, particularly within large-scale developments, key facilities such as primary schools and local shops should be located within walking distance of most properties. There must be safe and suitable access to the site for all people.
11. *NPPF Part 6 – Delivering a Wide Choice of High Quality Homes.* Housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites. Local planning authorities should seek to deliver a wide choice of high quality homes, widen opportunities for home ownership and create sustainable, inclusive and mixed communities. To promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities; however, isolated homes in the countryside should be avoided.
12. *NPPF Part 7 – Requiring Good Design.* The Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people. Planning policies and decisions should aim to ensure that developments will function well and add to the overall quality of the area, establish a strong sense of place, optimise the potential of the site to accommodate development, respond to local character and history, create safe and accessible environments and are visually attractive. Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.
13. *NPPF Part 8 – Promoting Healthy Communities.* The planning system can play an important role in facilitating social interaction and creating healthy, inclusive communities. Local Planning Authorities should plan positively for the provision

and use of shared space and community facilities. An integrated approach to considering the location of housing, economic uses and services should be adopted.

14. *NPPF Part 10 – Meeting the Challenge of Climate Change, Flooding and Coastal Change.* Planning plays a key role in helping shape places to secure Local Planning Authorities should adopt proactive strategies to mitigate and adapt to climate change. Local Planning Authorities should have a positive strategy to promote energy from renewable and low carbon sources. Inappropriate development in areas at risk of flooding should be avoided.
15. *NPPF Part 11 – Conserving and Enhancing the Natural Environment.* The Planning System should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes, geological conservation interests, recognising the wider benefits of ecosystems, minimising the impacts on biodiversity, preventing both new and existing development from contributing to or being put at unacceptable risk from pollution and land stability and remediating contaminated or other degraded land where appropriate.
16. *NPPF Part 12 – Conserving and Enhancing the Historic Environment.* Local planning authorities should set out in their Local Plan a positive strategy for the conservation and enjoyment of the historic environment, including heritage assets most at risk through neglect, decay or other threats. In doing so, they should recognise that heritage assets are an irreplaceable resource and conserve them in a manner appropriate to their significance.

*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 [https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/6077/2116950.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/6077/2116950.pdf)*

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

17. The following saved policies of the Wear Valley District Local Plan, as amended by Saved and Expired Policies September 2007 are relevant to the application; however, in accordance with paragraph 215 of the National Planning Policy Framework, the weight to be attached to relevant saved local plan policies will depend upon the degree of consistency with the NPPF. The greater the consistency, the greater the weight:-
18. *Policy ENV1: Protection of the Countryside:* The District Council will seek to protect and enhance the countryside of Wear Valley. Development will be allowed only for the purposes of agriculture, farm diversification, forestry or outdoor recreation or if it is related to existing compatible uses within the countryside as defined in other Local Plan policies.
19. *Policy ENV3: Areas of Landscape Value:* Development will not be allowed which adversely affects the special landscape character, nature conservation interests and appearance of the Area of Landscape Value identified on the Proposals Map.
20. *Policy GD1: General Development Criteria* All new development and redevelopment within the District should be designed and built to a high standard and should contribute to the quality and built environment of the surrounding area. The policy has a number of general criteria in relation to design and setting, landscape and environmental impacts, and highways and transport.

21. *Policy BE17: Areas of Archaeological Interest:* When development is proposed which affects areas of archaeological interest, as identified on the Proposals Map, an archaeological assessment will be required, before planning approval is given. Where possible the remains will be preserved in-situ.
22. *Policy H3: Distribution of Development* New development will be directed to those towns and villages best able to support it. Within the limits to development of towns and villages, as shown on the Proposals Map development will be allowed provided it meets the criteria set down in Policy GD1 and conforms to the other policies of this plan.
23. *Policy H15: Affordable Housing:* The District Council will, where a relevant local need has been established, seek to negotiate with developers for the inclusion of an appropriate element of affordable housing on development sites.
24. *Policy H22 Community Benefit* On sites of 10 or more dwellings the local authority will seek to negotiate with developers a contribution, where appropriate, to the provision and subsequent maintenance of related social, community and/or recreational facilities in the locality.
25. *Policy H24: Residential Design Criteria* New residential developments and/or redevelopments will be approved provided they accord with the design criteria set out in the local plan.
26. *Policy T1 General Policy – Highways* All developments which generate additional traffic will be required to fulfil Policy GD1 and i) provide adequate access to the developments; ii) not exceed the capacity of the local road network; and iii) be capable of access by public transport networks.

*The above represents a summary of those policies considered most relevant in the Development Plan the full text, criteria, and justifications of each may be accessed at <http://www.durham.gov.uk/media/3403/Wear-Valley-local-plan-saved-policies/pdf/WearValleyLocalPlanSavedPolicies.pdf>*

## **RELEVANT EMERGING POLICY:**

### **The County Durham Plan -**

27. 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 has withdrawn the CDP from examination, forthwith. In the light of this, policies of the CDP can no longer carry any weight.

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## **CONSULTATION AND PUBLICITY RESPONSES**

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### **STATUTORY RESPONSES:**

28. *Highways Authority*: Object to the development as it would be prejudicial to highway safety and is in an unsustainable location where there would be a high reliance on private car travel. In particular, the A689 is a high speed principal road and the number of properties accessing the A689 at the Pipe Row junction would increase by a factor of almost 2. There is already a record of personal injury road accidents at the nearby A689/Green Lane junction and additional turning movements between the A689 and Pipe Row increases potential for accidents. Additional dwellings also creates potential for more occupants to cross the high speed A689 to access the allotments and north west bound bus stop where a serious accident involving a pedestrian occurred early 2015.
29. *Coal Authority*: Has no objection subject to a planning condition requiring intrusive site investigations because the site falls within the Coal Authority High Risk Area and a mine entry within the application site, mine gas and shallow mine workings potentially pose a risk to public safety and the stability of the proposed development. The Coal Authority would expect the finalised site layout to be informed by the presence of any mine entries located within the site and an appropriate 'no build zone' should be defined around each of the mine entries, to ensure that development does not occur above or too close to these mining hazards.
30. *Northumbrian Water*: Request a condition for a detailed scheme of foul and surface water disposal.
31. *Environment Agency*: Object as the application proposes the use of non-mains foul drainage system and no assessment of the risks of pollution to the water environment has been provided.
32. *NHS*: No response.

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

33. *Planning Policy*: Object to the development. Given its isolation, impact on landscape and impact on the existing settlement in terms of scale and form, it is not considered that the proposal represents sustainable new development and it does not therefore benefit from a presumption in its favour. Overall, it is considered that the adverse impacts, significantly and demonstrably outweigh the benefits when assessed against the policies of the Framework as a whole.
34. *Landscape Section*: Object to the development. As a result of the loss of the large sycamore at the Pipe Row junction and the hedgerow along Pipe Row, in addition to the removal of an agricultural field from the landscape to a development utterly different to High Grange in appearance due to layout, density and lack of readable orientation, the effect on the landscape (an Area of High Landscape Value) and visual character of the area would be strongly negative, and it conflicts strongly with landscape related policies.
35. *Trees*: Notes that the large sycamore at the Pipe Row junction is classed as category A (trees of high quality and value) but requires removal along with the Pipe Row hedgerow and a willow classed as category C (adequate condition to remain) and questions whether an alternative access can be utilised to avoid removing these trees and hedgerows.
36. *Design and Conservation*: Object to the development. Development in the form proposed would cause substantial harm to the wider landscape and constitute



an incongruous form of development contrary to local plan policy and the principles set out in Building for Life 12.

37. *Education*: Object to the proposal because while there are sufficient primary and secondary school places available in the area, the walking route to the nearest primary school in Howden le Wear is likely to be deemed unsafe, which would incur home to school transport costs for the Council.
38. *Environmental Health (Noise)*: Recommends a condition for a Noise Assessment because of proximity to a busy main road to the main road, as well as a construction hours condition to protect the amenity of neighbouring residential properties.
39. *Environmental Health (Contaminated Land)*: Recommends a condition for a scheme to deal with contamination because of potential for made ground on the site (coal mining) and a need for mine gas monitoring.
40. *Ecology*: Concern that a single activity survey of trees proposed for removal has not been undertaken, but otherwise pleased that some species-rich grassland has been included into the site design. Details and management will need to be defined at reserved matters stage.
41. *Archaeology*: Recommends a condition for a scheme of archaeological investigation because the results of the geophysical survey demonstrate that archaeology may be present on the site. Trial trenching should be carried out prior to submission of reserved matters to understand the extent of archaeology and any necessary mitigation.
42. *Public Rights of Way*: No objections as the public footpath lies outside the site, but it must remain unobstructed during construction.
43. *Drainage and Costal Protection*: No objection. According to the EA and Durham County Council SFRA data there does not appear to be a risk of flooding to the development site. An overland flow route is evident running across the site from a North East to South West direction. This should be taken into consideration when setting finished levels and drainage design.
44. *Affordable Housing*: Concern - The applicant suggests an off-site contribution for affordable housing, but we would not want to go down this route as current policy would require the contribution to be spent within close proximity of the High Grange site, which would make it very difficult for the Council to identify interest from developers / registered providers to deliver a scheme incorporating affordable housing that would qualify to use the contribution. If the development goes ahead 10% affordable provision should be onsite, and that this should be delivered as 75% affordable rent and 25% affordable home ownership with evidence provided of interest from a registered provider to take the affordable rent units.

*The above represents a summary of the comments received on this application. The full written text is available for inspection on the application file which can be viewed at [http://plan-1:8080/IDOXSoftware/IG\\_search?app\\_id=1002&FormParameter1=DM%2F15%2F00373%2FOUT](http://plan-1:8080/IDOXSoftware/IG_search?app_id=1002&FormParameter1=DM%2F15%2F00373%2FOUT)*



## **PUBLIC RESPONSES:**

45. The application has been publicised by way of press notice, site notice, and neighbour letters. There have been 13 letters of objection and 8 letters of support.

### Objections

46. The letters of objection are from residents of High Grange and the points of objection can be summarised into the following categories –

#### Highways

- The main road passing the site is unsafe and has been the scene of accidents, while the access road for the development would be too narrow.
- Concern relating to relocation of bus stop further from the main village and without a footpath to access it.
- The proposed replacement parking areas for existing properties on High Grange would not be sufficient to meet the needs of residents

#### Environmental Issues

- The location is not sustainable because of the lack of facilities and employment in the village.
- Damage to landscape and wildlife from loss of trees, hedgerows and hay meadow on the site.
- The main road adjacent to the site is prone to flooding in heavy rain and additional surface water runoff from the development will add to the problems.
- Concern over coal mining risk at the site.
- Access to the new development via the access road proposed would lead to noise and disturbance to existing properties.
- The development will not be in keeping with the unique character of the village and will be socially divisive by creating an “us and them” situation.

#### Other Issues

- No need for 15 executive homes in the area.
- Loss of value to existing high grange dwellings

### Support

47. Of the 8 letters of support 5 are anonymous, while 1 appears to be from the land owner. The reasons for support can be summarised as -

- The development would make the village more desirable and will attract high end clientele who will support local businesses.
- The site is well located for access to Bishop Auckland/Crook and the wider motorway network.
- The development will make access to High Grange safer.
- New gardens and landscaping will provide a benefit to local wildlife in the area.

*The above is not intended to repeat 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: <https://publicaccess.durham.gov.uk/online-applications/search.do?action=simple&searchType=Application>*

## **APPLICANTS STATEMENT:**

48. The housing application put forward by the applicants is a revision of a previously submitted scheme. The scheme was revised to take account of as many points that arose in connection with the previous proposals as possible. This involved reducing the proposed numbers, alterations to the access

arrangements, means of landscaping as well as to the overall form and layout. Significantly more open space has been provided with reductions to the trees on and around the site.

49. The revised scheme seeks to provide a modest number of self-build plots for which there is understood to be a particular need across the country generally and in Co Durham in particular. Strong expressions of support from potential purchasers have already been received.
50. The submitted layout seeks to provide a type of dwelling and layout which offers something a little different from the existing terraces that make up the current character of High Grange. It is unashamedly different and attractive to potential occupants for this very reason. It would allow “trade ups” to take place from within High Grange as well as those who want to come to the area but can’t find housing that meets their needs.
51. It is expected that the development would grow at a modest pace and therefore not present a ‘shock’ to High Grange.
52. County Durham has set out ambitious plans for growing its population and providing a wider choice of housing to those within and who want to move into the county. This application responds to that challenge by providing upmarket self-build plots in an ideal location to help the needs of the County be met.
53. The occupants of such forms of housing will not rely upon the use of public transport for their day to day existence and therefore those aspects of the sustainability credentials simply are not relevant to the way in which these properties would be used. Indeed, with the growing use of supermarket and other on line delivery options as well as increasing number of those that work from home, use of public transport is now less of a concern at a local level. Simply put, this is a development that will work, contribute to the Council’s clear growth strategy and deliver much needed housing to assist the supply shortfalls that have been referred to in recent appeals. We hope that members will take a positive view of these proposals.

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## **PLANNING CONSIDERATIONS AND ASSESSMENT**

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54. 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 principle of development, impact on character and appearance and highway safety.

### Principle of Development

55. The site lies in the countryside beyond any limits to development defined in the Wear Valley Local Plan. Development of the site for housing therefore represents a departure to saved policy ENV1 of the Wear Valley Local Plan and consideration must be given to whether there are any other material considerations and benefits to outweigh this conflict.
56. The NPPF is an important material consideration. Section 6 of the NPPF seeks to significantly boost the supply of housing and states housing applications should be considered in the context of the presumption in favour of sustainable

development. Local Planning authorities should seek to deliver sustainable, inclusive and mixed communities, while avoiding isolated homes in the countryside. Section 4 requires development to be located where the need to travel will be minimised; key facilities such as primary schools and local shops should be located within walking distance of most properties. Section 7 requires development to improve the character and quality of an area and the way it functions. Section 8 requires local planning authorities to plan positively for the provision and use of shared space and community facilities. Section 9 states that the planning system should contribute to and enhance the natural and local environment

57. The housing policies of the Wear Valley Local Plan and the definition of settlement limits, date back to 1997 and are therefore considerably out of date and carry no weight. Following the recent High Court decision to quash the Inspector's Interim CDP Report the housing policies of the CDP can no longer be given any weight either. A revised CDP will be progressed in the coming months and will gather weight as it proceeds through the stages of plan preparation.
58. In these circumstances and regardless of 5 year land supply, the NPPF in para 14 advises that developments should be approved unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies of the NPPF as a whole. The main purpose of the NPPF is to achieve sustainable development. This includes the provision of housing, the need to move towards a low carbon economy and the need to protect and enhance the natural environment.
59. High Grange is a small hamlet of just 62 dwellings. It has no services of its own. It lies approximately 4km from the major services and facilities in both Bishop Auckland and Crook. All services and facilities are beyond walking distance from the site and there are in any case no pedestrian footways along the connecting roads in the vicinity of the site to facilitate safe walking. The nearest primary school is over 2km away in Howden le Wear. The Council's Education Section has commented that the walk to the nearest primary school at Howden le Wear would be considered un-safe, which would incur cost to the County Council in terms of needing to provide transport. Other primary schools in Hunwick and Witton Park are also over 2km away and the same concerns apply. The site does have access to a regular bus service between Crook and Bishop Auckland from bus stops immediately outside the site on the A689, but that alone does not make the site highly accessible because it is not possible to safely walk to any local services, particularly local shops and schools, as required by NPPF paragraph 38. The location of the site and the nature of the development as an executive housing estate is such that occupants of the proposed dwellings would in practice place a high reliance on private car journeys to access services and facilities, a fact even acknowledged in the applicant's submission. The site is therefore considered to be isolated in respect of NPPF paragraph 55 and does not represent a sustainable location for new housing development. The Council's Planning Policy Section and the Highway Authority object on this basis.
60. The current evidence in the Strategic Housing Market Assessment identifies a shortage of executive housing. The proposal could make a minor contribution in that respect; however, the provision of executive homes is not one of the special circumstances within NPPF paragraph 55 to justify isolated homes in the countryside so the proposal has to be considered on normal planning grounds. The site does not in any case represent an ideal location for executive housing

as it is not well related to the major urban conurbations or strategic employment centres in the region and lies around 10 km from the A1 motorway. In addition the application does not shy away from the fact the development would be unashamedly different to the existing development it would sit alongside in terms of the size and affordability of the dwellings. The landscape implications of this are discussed in more detail later in the report, but the huge contrast in housing type and size that would lie so divisively between the proposal and existing terraced houses would not sit comfortably with NPPF aims of creating socially inclusive communities, and therefore local concerns in relation to creating an “us and them” situation in this respect are considered to be reasonably founded. It is not therefore considered to be a suitable location for executive housing, which should in any case be within sustainable locations, which this is not. In addition, the Council’s Housing Section have confirmed that any affordable housing would have to be delivered on the site in this location, rather than through an off-site financial contribution, which would not be compatible with the proposed scheme.

61. Taking all the above into account, it is considered that the proposal is poorly located and does not represent a sustainable form of development. Accordingly there is serious in-principle conflict with the aims of the NPPF in this respect and therefore the proposal does not benefit from the presumption in favour of sustainable development.

## Highways

62. Details of the access to the development would be a reserved matter. Nonetheless this matter does need careful consideration at this stage, as clearly the development could not progress if it was not possible to provide a safe highway access to meet the requirements of Wear Valley Local Plan Policies GD1 and T1, as well as Part 4 of the NPPF. The applicant has carried out a detailed transport survey and the recommendations of this form the basis of the highway matters considered.
63. The application site is situated immediately to the north west of the A689, which is a busy A Road linking Bishop Auckland with Howden Le Wear and Crook, and is subject to a 60mph speed limit at this point. Just south of the centre of the application site a junction intersects with the C93, Grange Bank. Bus stops are located on both sides of the A689 carriageway near to the western corner of the application site.
64. It is proposed to access the site via an existing narrow residential lane (known as Pipe Row), which leads from the A689 and currently serves terraced properties immediately adjacent to the application site. At its northern end this road ceases to be adopted highway and becomes a track, crossing a section of grass before re-joining an unadopted mixed surface street, which serves further terraces and the businesses within the old school buildings. The road then heads in a north westerly direction, linking up with the wider road network at Green Lane.
65. The application suggests widening of Pipe Row, junction alterations with the A689 and relocation of the bus stop further to the east beyond the required visibility splay.
66. The Highway Authority has objected to the proposal raising significant concern in relation to highway safety. Concerns about highway safety are also a concern in nearly all the objections from local residents.

67. There is a record of road accidents at the A689/Green Lane junction involving personal injury. The Highway Authority considers that the development would lead to increased potential for rear end shunt -type accidents in association with vehicles turning right in to Pipe Row, as well as increased potential for pedestrian related incidents crossing the A689, noting serious accidents of both types recently.
68. The Highway Authority is also concerned that drivers exiting the development looking to use Green Lane to get to Hunwick and North Bitchburn would turn right at Pipe Row to take the shortcut over the unadopted path and mixed surface street past the old school, rather than heading down to the A689 and turning right into Green Lane. The same could occur for reverse journeys. These unadopted paths are wholly unsuitable to serve the development and it is considered that increased vehicular use from the proposed development would be detrimental to the safety of all users of those paths.
69. The objections from local residents also raise concerns about moving the bus shelter further to the east. It would have to be moved to achieve required sight visibility to the east if the development is to use Pipe Row as an access. There are reasonable grounds for concern as this is the stop in the direction of Bishop Auckland and would be moved further away from the existing residents who would be most likely to want/need to use it. While the bus stop would not be moved to a significant degree it would nevertheless prejudice some existing residents, some of whom would be over 200m from the bus stop, therefore it is not desirable and adds to the overall concerns over access arrangements.
70. Taking the above into account, particularly the objection from the Highway Authority, it is considered that a safe and suitable access could not be achieved for all people, including existing and new residents. The residual cumulative impacts of the development on highway safety and road user amenity are considered severe in this case.
71. The proposal is therefore in conflict with Wear Valley Local Plan Policies GD1(Highways and Transport) and T1, as well as NPPF paragraph 32.

#### Impact on Character and Appearance

72. All detailed matters are reserved for future consideration so it is not possible to make a full landscape assessment of the proposal, however indicative plans have been submitted and the likely layout, density and scale of an executive housing scheme across the site can be considered.
73. The site lies within an attractive rural landscape which is designated in the Wear Valley Local Plan as an Area of Landscape Value. Policy ENV3 of the Wear Valley Local Plan states that development will not be allowed which affects the special landscape character, nature conservation interests and appearance of Areas of Landscape Value. More generally policy GD1 requires that new development be in keeping with the character and appearance of the area and be designed to be appropriate in terms of form, mass, scale, layout, density and materials to the town or village in which it is to be situated. Policy GD1 also requires that new development has regard and is appropriate to the setting of neighbouring buildings, landscape features and open spaces of the surrounding areas. These objectives are in general accordance with the aims of NPPF Sections 7 and 11 and can therefore be given considerable weight.

74. The site is currently open and its rural nature frames the existing High Grange Terraces when approaching from the south east. High Grange is a tight knit residential development of typical Colliery legacy found throughout the Durham Coalfield area and is well anchored within the landscape.
75. While acknowledging that this application is in outline only, the provision of 15 executive dwellings would in all likelihood see a development of large properties at a low density, as demonstrated in the indicative layout. Such a scheme would result in a form of development that would be considerably at odds with the adjacent existing development and an alien type of development within the rural Coalfield landscape. It would be very difficult to successfully integrate with the existing development it would sit alongside, as well as with the surrounding countryside. The size of the site is greater than the existing High Grange hamlet and therefore in addition to being an alien form of development it would, despite its low density, result in a significant intrusion of development into open countryside within an attractive and highly prominent setting. As a result it is considered that the development would detract from the landscape quality and rural character of the immediate area, as well as contributing further to wider problems of fragmentation of the Coalfield landscape, caused predominantly by mining legacy and scattered villages. Landscaping within the site would not sufficiently mitigate the harm, particularly when the site rises steeply northwards and is highly visible from the adjacent roads and footpath. The Council's Landscape, Policy and Design and Conservation Sections all object on this basis. Concerns are also expressed from local residents in this respect.
76. The Landscape Section has also raised specific concerns surrounding the likely loss of the hedgerow along Pipe Row and the large Sycamore tree at the Pipe Row junction with the A689. Again, while the scheme is in outline it is inevitable that these landscape features will be lost to accommodate a suitable access to the development and therefore the concerns are legitimate considerations.
77. Both the hedgerow and Sycamore tree are considered to be important landscape features that make a positive contribution to the character and appearance of the area. The hedgerow forms the field boundary and is shown on historic maps circa 1856-1865. It is species rich and is identified within the ecology report as a habitat of principle importance under the NERC Act 2006. This would satisfy the criteria for determining importance under the Hedgerow Regulations. The hedgerow is also important in respect of serving to screen cars which are parked on Pipe Row and softens the edge of the High Grange terraces. The Sycamore tree is highly prominent within the landscape and is a category A high quality tree. The County Durham Landscape Character Assessment for the Coalfields stresses the importance of preserving hedges and field systems that still exist noting that the fragmentation of boundary networks has consequences for both the character and biodiversity of the landscape. Objective WD4 of the Strategy for the area is to conserve, enhance and restore characteristic features of the Coalfield landscape. The loss of both the hedgerow and Sycamore tree, identified as important landscape features, would cause considerable harm to the landscape and general amenity of the locality. This would be in addition to the harm from the scale and form of the proposed development generally.
78. Taking all the above into account it is considered that the development would have a severe negative impact on the character and appearance of the area and Area of Landscape Value designation. It would not conserve or enhance the natural environment and would fail to contribute positively to making this part of the countryside a better place for people. Accordingly the proposal is in

## Other issues

79. The development site is located within the Coal Authority High Risk Area. A Risk Assessment has identified a mine entry within the application site. Mine gas and shallow mine workings could also potentially pose a risk to public safety and the stability of the proposed development. This is a cause for concern and brings into doubt whether the proposed development could be delivered as indicated in the indicative layout because it does not appear to have taken account of the mine entry. However, as this is an outline application with all matters reserved there would be scope to address the issue at reserved matters stage and through conditions. As a result and because the Coal Authority have not objected, it is felt that there are not sufficient grounds for refusal in this respect.
80. Local residents have raised concerns about flooding on the highway and the potential for the development to make the situation worse. However, the application site falls within Flood Zone 1. It is nevertheless a matter to take account of at the detailed application stage, but it is likely that a suitable drainage scheme could be designed to limit any surface water runoff from the site to greenfield rates to ensure the development would not make the situation worse, and this could be conditioned. There have been no in principle objections from The Environment Agency, Northumbrian Water or the Council's Drainage and Coastal Protection Section on flooding grounds. The Environment agency objection in relation to disposal of foul sewerage with non mains drainage is noted, however this relates to a detailed matter which could be addressed at reserved matters stage and through relevant conditions.
81. An archaeological assessment has been undertaken which has included a Geophysical Survey on the site. The survey demonstrates that features of archaeological interest may be present on the site and therefore the Archaeology Section recommends that the geophysics results are tested through trial trenching which should allow the character and extent of the archaeology on the site to be understood so that mitigation in the form of avoidance or further investigation could be agreed upon. This could be addressed by conditions.
82. Local residents have also raised concerns about the noise impact from additional vehicles using Pipe Row and effect on property values. The Environmental Health Section (Noise) have recommended construction hours conditions because of the proximity of neighbouring properties, however, other than construction impacts the development is not of a scale that would be likely to lead to significant noise from traffic. The development itself would have to take into account road noise from the A689, but that could be dealt with by conditions. The effect on property values is not a material planning consideration that can be given any weight in the determination of the application.

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## **CONCLUSION**

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83. NPPF Paragraph 14 advises that developments should be approved unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies of the NPPF as a whole.

84. A presumption in favour of sustainable development is at the heart of the NPPF, but the proposed development is at odds with this presumption because of the site's location, which is isolated from local services and facilities and would rely on the use of non-sustainable modes of transport. In addition the development would have serious adverse impacts on the landscape and character and appearance of the area, as well as highway safety. The minor contribution to the provision of executive housing where a shortfall has been identified is acknowledged, but the site and development is wholly unsuitable for the reasons identified.

85. It is therefore considered that the adverse impacts of the development on this occasion would significantly and demonstrably outweigh any benefits when assessed against the policies of the NPPF as a whole.

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## **RECOMMENDATION**

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

1) The site, by reason of its location, remote from local amenities and education, would lead to an isolated form of development where occupiers of the dwellings would be highly reliant on private car travel. The proposal therefore conflicts with NPPF paragraphs 14-17, 34-38 and 55 and does not represent a sustainable form of development.

2) The proposal would be likely to give rise to conditions prejudicial to highway safety and road user amenity by leading to an increased risk of collisions in an area where there is a record of accidents involving vehicles and pedestrians, as well as potentially leading to increased use of nearby unsuitable unadopted roads for northwards travel. The proposal therefore conflicts with Wear Valley Local Plan Policies GD1(xx and xxi) and T1, as well as NPPF paragraph 32.

3) The development, by reason of its scale, intrusion into open countryside and the likely loss of important landscape features, would be detrimental to the character and appearance of the surrounding area and wider rural landscape. The proposal therefore conflicts with Wear Valley Local Plan Policies GD1(i)(ii)(iii)(xi) and ENV3, as well as NPPF paragraphs 56 and 109.

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## **BACKGROUND PAPERS**

Submitted application form, plans supporting documents  
The National Planning Policy Framework (2012)  
National Planning Practice Guidance Notes  
Wear Valley Local Plan  
The County Durham Plan (Submission Draft)  
County Durham Settlement Study 2012  
The County Durham Landscape Character Assessment  
All consultation responses and representations received





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# COMMITTEE REPORT

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## APPLICATION DETAILS

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<b>APPLICATION NO:</b>	DM/15/02604/FPA
<b>FULL APPLICATION DESCRIPTION:</b>	Demolition of existing farm buildings and erection of 3no. dwellings
<b>NAME OF APPLICANT:</b>	Mr Stephen Lee
<b>ADDRESS:</b>	Low Etherley Farm 2 Low Etherley Bishop Auckland DL14 0EU
<b>ELECTORAL DIVISION:</b>	Evenwood
<b>CASE OFFICER:</b>	Tim Burnham Senior Planning Officer 03000 263963 <a href="mailto:tim.burnham@durham.gov.uk">tim.burnham@durham.gov.uk</a>

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## DESCRIPTION OF THE SITE AND PROPOSALS

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1. The application site comprises approximately 0.35 hectares of land within a redundant farm complex and an adjacent field to the rear of 2-6 Low Etherley. The farm complex currently contains a variety of farm buildings in varying states of disrepair.
2. The farm complex falls within the current development limits of Etherley and Toft Hill while the adjacent field between the farm and garden of 6 Low Etherley lies outside the development limits.
3. The application seeks full planning permission for the demolition of existing buildings and erection of three detached dwellings with access improvements.
4. The application is reported to the Planning Committee at the request of Cllr Heather Smith because of concerns about the principle of development and impacts on neighbouring properties, highway safety, ecology and drainage.

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## PLANNING HISTORY

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5. There is no planning history on the application site relevant to the consideration of this application.
6. An outline application for up to 13 dwellings was recently approved on nearby land to the south of the B6282 (ref: DM/14/01540/OUT).

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## PLANNING POLICY

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## NATIONAL POLICY

7. The Government has consolidated all planning policy statements, guidance notes and many circulars into a single policy statement, the National Planning Policy Framework (NPPF). However, the NPPF does not change the statutory status of the development plan as the starting point for decision making. Proposed development that accords with an up-to-date Local Plan should be approved and proposed development that conflicts should be refused, unless other material considerations indicate otherwise.
8. *NPPF Part 4 – Promoting sustainable Transport.* 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. On highway safety, there must be safe and suitable access to the site for all people. Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.
9. *NPPF Part 6 – Delivering a Wide Choice of High Quality Homes.* Housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites. Local planning authorities should seek to deliver a wide choice of high quality homes, widen opportunities for home ownership and create sustainable, inclusive and mixed communities. To promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities; however, isolated homes in the countryside should be avoided.
10. *NPPF Part 7 – Requiring Good Design.* The Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people. Planning policies and decisions should aim to ensure that developments will function well and add to the overall quality of the area, establish a strong sense of place, optimise the potential of the site to accommodate development, respond to local character and history, create safe and accessible environments and are visually attractive. Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.
11. *NPPF Part 10 – Meeting the Challenge of Climate Change, Flooding and Coastal Change.* Planning plays a key role in helping shape places to secure Local Planning Authorities should adopt proactive strategies to mitigate and adapt to climate change. Inappropriate development in areas at risk of flooding should be avoided.
12. *NPPF Part 11 – Conserving and Enhancing the Natural Environment.* The Planning System should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes, geological conservation interests, recognising the wider benefits of ecosystems, minimising the impacts on biodiversity, preventing both new and existing development from contributing to or being put at unacceptable risk from pollution and land stability and remediating contaminated or other degraded land where appropriate.

*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 [https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/6077/2116950.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/6077/2116950.pdf)*

## LOCAL PLAN POLICY:

13. The following policies of the Teesdale Local Plan are relevant to the application; however, in accordance with paragraph 215 of the National Planning Policy Framework, the weight to be attached to relevant saved local plan policies will depend upon the degree of consistency with the NPPF. The greater the consistency, the greater the weight.
14. *Policy GD1: General Development Criteria:* All new development and redevelopment within the district should contribute to the quality and built environment of the surrounding area and includes a number of criteria in respect of impact on the character and appearance of the surrounding area; avoiding conflict with adjoining uses; and highways impacts.
15. *Policy ENV1: Protection of the Countryside.* This policy restricts the type of development that would be permitted in the Countryside. Tourism and recreation developments would be considered acceptable where compliant with other policy and where they do not unreasonably harm the landscape and wildlife resources of the area.
16. *Policy ENV8: Safeguarding plant and animal species protected by law:* Development should not significantly harm plants or species protected by law and where appropriate adequate mitigation measures should be provided.
17. *Policy H4: Infill Development on Sites of Less Than 0.4 Hectare:* Small scale housing development will be permitted on sites of less than 0.4 hectare, comprising previously developed land, within the development limits of the settlements listed below. Proposals should satisfy the criteria contained in policy GD1. Tandem development will not be permitted. Backland Development will only be permitted where it would not cause unacceptable harm to the privacy or overall residential amenity of the occupants of neighbouring dwellings and an adequate and safe access can be provided.
18. *Policy H12: Design:* The local planning authority will encourage high standards of design in new houses and housing sites, in terms of layout and organisation of public and private open space, including meeting the needs of the disabled and elderly and the consideration of energy conservation and Local Agenda 21. Residential proposals should comply with the criteria of policy GD1 where relevant to the development involved.
19. *Policy TR10: Development affecting public rights of way –* development should adequately incorporate existing public rights of way.

*The above represents a summary of those policies considered most relevant in the Development Plan the full text, criteria, and justifications of each may be accessed at <http://www.durham.gov.uk/media/3403/Wear-Valley-local-plan-saved-policies/pdf/WearValleyLocalPlanSavedPolicies.pdf>*

## RELEVANT EMERGING POLICY:

### The County Durham Plan -

20. 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 has withdrawn the CDP from examination. In the light of this, policies of the CDP can no longer carry any weight.

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## **CONSULTATION AND PUBLICITY RESPONSES**

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### **STATUTORY RESPONSES:**

21. *Highway Authority*: No objection. The layout, parking and sight visibility at the access point are acceptable. Details of footway construction on part of the site should be conditioned.
22. *Coal Authority*: No objection. The site falls within the High Risk Area; however the Coal Authority concurs with the recommendations of the submitted Coal Mining Risk Assessment and recommends a condition requiring intrusive site investigations prior to commencement of development to determine whether any remedial works are required.
23. *Northumbrian Water*: No objections. A public sewer cross the site, but NWL will be liaising directly with the developer in this respect.

### **INTERNAL CONSULTEE RESPONSES:**

24. *Landscape Section*: No objection. The loss of a tree and the hedgerow are accepted for the reasons detailed in the tree survey. Details of the new tree and hedge planting should be conditioned.
25. *Trees*: No objection. The loss of an Ash tree is accepted because it is in severe decline, as is the removal of small insignificant trees and shrubs. The removal of hedge, which is predominantly Elder shrub, is accepted as it is un-maintained. Remaining trees and hedges should be protected and a replacement planting scheme should be incorporated in the final design.
26. *Environmental Health (Noise)*: No objection. Conditions are recommended to control construction related impacts and site drainage.
27. *Environmental Health (Contaminated Land)*: No objection. A Contaminated land condition should apply though because the development constitutes a change to a more sensitive receptor. This requires a scheme to investigate and deal with any contamination to be approved.
28. *Public Rights of Way*: No objection. Footpath 49 runs through the site and will require diversion. A condition is recommended for the existing route to remain open and available for public use until diversion has been approved and confirmed.
29. *Ecology*: No objection. The likely risk or presence and hence impact on bats is low. However, there is evidence of nesting birds within some of the existing buildings and therefore demolition and vegetation clearance must be timed to avoid breeding birds.

30. *Design and Conservation*: Considers the houses to be too tall and formal for the site. House 3 is considered to be overly large and has no garaging. Generally, it would be preferable if the stone was random rubble rather than sawn stone and if the roofs were Welsh slate, which is traditional to the area. Overall, would like to see amendments to reduce the size and scale of the development in order to provide a more satisfactory form of development, which integrates satisfactorily with the surrounding village environment.

## **PUBLIC RESPONSES:**

31. The application has been publicised by way of press notice, site notice, and neighbour letters. Letters of objection were received from 7 addresses in relation to the development. Grounds of objection are summarised below.

### Principle of development

- One of the houses falls outside the development limits of the village and the development generally represents backland development, which is not in keeping with the linear form of the village. Concern about setting a precedent in this respect.
- The location is not sustainable because of a lack of local services and poor bus accessibility.
- There is no need for more dwellings in High Etherley, particularly as outline approval has been granted for up to 13 dwellings across the road.

### Highway safety

- The access is onto a busy road (B6282) which is subject to speeding and a large number of heavy goods vehicles. The dwellings would accommodate large families and the increased vehicle movements onto the B6282 would increase the potential for accidents.

### Impact on character and appearance of the area

- The new dwellings would be more prominent than the existing buildings.
- Landscape impact from loss of trees, hedges and intrusion into agricultural land.
- The small gardens are not in keeping with other properties in the area, which have larger gardens.
- The lack of garaging would make parked cars highly visible to the detriment of the area.
- The size and appearance of the dwellings will look out of place and would not be in keeping with the character of existing agricultural buildings on the site. Clay pantiles would be more appropriate than blue slate.

### Impact on neighbouring properties

- The development would lead to loss of countryside views for 4 Low Etherley and Tree Tops, as well as being overbearing and causing loss of light to those properties.
- There would also be inadequate separation distances to prevent loss of privacy to those neighbours and plot 1 includes an external staircase facing the neighbours.
- Vehicles entering/leaving the site would cause disturbance to neighbours.

### Impact on local infrastructure

- The development would add to local drainage and flooding problems.
- The development would put further pressure on local gas, water, sewerage and electricity supplies.

### Other environmental issues

- Concern over mine workings beneath the site and contamination if the land is disturbed.

- Impacts on bats, breeding birds and other wildlife from loss of trees, hedges and buildings.

*The above is not intended to repeat 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://plan1:8080/IDOXSoftware/IG\\_search?app\\_id=1002&FormParameter1=DM%2F15%2F00373%2FOUT](http://plan1:8080/IDOXSoftware/IG_search?app_id=1002&FormParameter1=DM%2F15%2F00373%2FOUT)*

## **APPLICANTS STATEMENT:**

32. This application has undergone detailed discussions with planning officers, first commenced via a Pre-application Enquiry in March 2015, followed by the submission of the present application in August 2015. The development comprises a small scale housing development, discreetly behind the roadside, utilising the site of a redundant farm complex and a small parcel of adjoining grazing land. The applicant's family have had links to farming in the village for generations prior to the dairy farm operations at Low Etherley Farm ceasing at the end of 2013, for economic and health reasons. The land associated with the farm is now rented out for cattle grazing, whilst the farm complex stands redundant. The proposed site is one of very few developable locations in Low Etherley. An opportunity is presented which would accommodate three new, high quality family homes within the existing structure of the village and would be considered to be the type of development supported by the NPPF and the Local Development Plan.
33. It is acknowledged that part of the application site lies outside of the defined development limits of Etherley and Toft Hill. However it is clear that this parcel of grazing land is contained within the physical structure of the village and would benefit from being incorporated in the redevelopment of the farm complex giving its limited use for agriculture. This would be consistent with the NPPF, which looks to provide a wide choice of high quality homes and promote sustainable development in rural areas where it would enhance and maintain the vitality of rural communities. Low Etherley, as part of the grouped settlement of Etherley and Toft Hill share various services and facilities. The site is in a sustainable location and any development can only be seen to support these existing facilities. The site also benefits from links to public transport within walking distance. Low Etherley is not a remote rural settlement; the edge of Bishop Auckland is only some 1.8km to the east along the B6282.
34. It is noted that several representations have been lodged in objection to the application. However, the issues raised within the representations will have been considered accordingly by the planning officer and it is believed that on balance, the development would not create any adverse impacts which would significantly and demonstrably outweigh the benefits. It is firmly believed that the development proposed can be regarded as acceptable in terms of physical form, layout and appearance; planning policy, both local and national; sustainability and viability, and it is hoped that the Planning Committee will regard the application as a positive addition to the structure and layout of the village of Low Etherley.

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## **PLANNING CONSIDERATIONS AND ASSESSMENT**

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35. 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 principle of



development, impact on character and appearance of area, highways, impact upon residential amenity, ecology and other issues.

#### Principle of development

36. Two of the proposed dwellings (plots 2 and 3) fall within the current settlement boundary and would occupy land that contains a number of existing buildings. These dwellings would be compliant with Teesdale Local Plan Policy H4, subject to detailed assessment. The third dwelling (plot 1) would however occupy agricultural land outside of the settlement boundary. This element of the proposal therefore represents a departure to Teesdale Local Plan Policy ENV1 in respect of development in the countryside. Consideration must however be given to whether there are any other material considerations and benefits to outweigh this conflict as well as to the compliance of these relevant policies with up to date planning guidance.
37. The NPPF is an important material consideration. Section 6 of the NPPF seeks to significantly boost the supply of housing. Local planning authorities should seek to deliver sustainable, inclusive and mixed communities, while avoiding isolated homes in the countryside. Section 4 requires development to be located where the need to travel will be minimised.
38. In accordance with paragraph 215 of the NPPF, the weight to be attached to relevant Teesdale Local Plan policies depends upon the degree of consistency with the NPPF. In this respect the settlement boundary policies of the Teesdale Local Plan are housing policies and date back to 2002. These policies cannot be considered as being up to date or compliant with the NPPF and can no longer be given any weight. Accordingly, whether the proposal complies or not with these policies is not a factor which can be given any weight. In addition, following the withdrawal of the County Durham Plan (CDP) after the recent High Court decision to quash the Inspector's Interim Report, the housing policies of the CDP can no longer be given any weight either.
39. In these circumstances where there are no up to date local housing policies, the NPPF in paragraph 14 advises that developments should be approved unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies of the NPPF as a whole.
40. The main purpose of the NPPF is to achieve sustainable development, but the sustainability of the site has been questioned by objectors pointing to a lack of local facilities and poor bus access. Low Etherley is classed as a Tier 4 settlement in the Council's Settlement Study, which reflects the limited range of services on offer. However, at the same time, it could not be said to be a remote rural settlement. Low Etherley is grouped with Toft Hill and High Etherley as one settlement for the purposes of the Teesdale Local Plan. The settlements merge into one another and share services including community facilities and a primary school (Toft Hill). There are lit, adopted footpaths between the settlements. The edge of Bishop Auckland, a major centre in respect of services, employment and education, lies just 1900m to the east along the B6282. Bishop Auckland College, St John's Catholic School and Bishop Barrington Schools lie around 2700m from the application site.
41. Accordingly, the site is reasonably located in relation to major services, employment and education and cannot therefore be considered as isolated in the context of NPPF paragraph 55. The small scale of development proposed, even in conjunction with the recent approval of up to 13 dwellings on the other side of the road is entirely commensurate with the role of Low Etherley, High Etherley and Toft Hill within the

County's settlement hierarchy and is not a scale of development that would overwhelm local infrastructure.

42. In addition, 2 of the 3 dwellings proposed would occupy land which has been previously developed, which is the majority of the application site. The reuse of previously developed land is supported in the NPPF.
43. The scale of development proposed is not subject to any affordable housing or open space contribution requirements.
44. Taking all the above into account the proposal is considered to represent a sustainable form of development and complies with the key aims of the NPPF. Compliance with the NPPF overrides the out of date housing and settlement limit policies of the Teesdale Local Plan. Therefore, subject to further consideration of detailed matters the proposal represents development that should be approved unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits.

#### Impact on character and appearance of area

45. The application site lies towards the eastern end of the village which comprises mostly linear development along the B6282. The site itself however lies behind the main roadside frontage development and there are numerous buildings already on the site. The replacement of those existing buildings with 2 of the proposed dwellings does not therefore conflict with the established village form. It is also noted that there is some development behind the frontage at West View and Hillside slightly further to the west. Development behind the roadside frontage on the north side of the B6282 is not therefore a wholly unusual feature.
46. The third dwelling (plot 1) would be located within part of the adjacent field that lies between the existing farm yard and the garden of 6 High Etherley. The garden of 6 High Etherley was only recently given planning permission for its extension northwards into the same field that plot 1 would be located in (ref: DM/14/01947/FPA). In that application it was noted that the land was not likely to be of agricultural value, had limited visibility and would not be viewed as harmful in the context of overall settlement form and landscape character. The same applies to this proposal, but even more so in respect of lack of agricultural value of the remaining field given the fragmentation caused by the garden of 6 High Etherley. The proposed development would in effect be rounding off the edge of the settlement at this point and there is no objection from the Landscape Section. The proposed 1.5m high stone wall and native species hedgerow would be an appropriate treatment to this boundary and an appropriate planting mix can be conditioned.
47. Objectors have also raised concerns about the loss of an Ash tree and the hedge along the western boundary of the farm yard to facilitate development in the field. However, both the Landscape and Tree Sections consider this to be acceptable. The Ash tree is in a severe state of decline and the hedge is predominantly unmaintained Elder shrub. The Ash tree is not suitable for retention and the hedge would not be classed as an important hedgerow under the Hedgerow Regulations. A suitable landscaping scheme within the development and protection measures for remaining trees and hedges during construction can be conditioned. This would also control planting at the site entrance.
48. The concerns of the Design and Conservation Section are noted in respect of the scale of the proposed dwellings and use of materials. Objectors have raised similar concerns also noting the development would not have an agricultural character and

would be more visible than the existing buildings. However, in considering whether the proposal is appropriate in these respects, the site does not lie within a conservation area or any special landscape designation where strict design requirements apply. The existing dwellings in the surrounding area comprise of a vastly different range of styles, size, age and materials such that there is no uniform character. In accordance with NPPF paragraphs 59 and 60 it would be unreasonable in this context to be overly prescriptive to insist on a maximum height of 8m as suggested by the Design and Conservation Section, or for the development to replicate a scheme of conversion of agricultural buildings when it is not one. It is however appropriate to seek local distinctiveness generally in terms of character and materials.

49. The proposed dwellings would be built in an appropriate traditional character and the use of stone and slate is entirely appropriate to the local area. It is however agreed that the use of random rubble laid to courses would be more locally distinctive and in keeping with other stone-built properties in the area than the proposed use of sawn stone, which is not locally distinctive. The specific details of the finish of the stonework and type of slate are matters that can be dealt with by conditions requiring samples to be approved.
50. In terms of height, the dwellings would be two storeys high and well proportioned. They would be located approximately 30m back from the existing dwellings and have a floor level set around 2m lower than the existing properties resulting in ridge heights that would not exceed those of the nearest neighbouring properties, numbers 2, 4 and tree Tops. They would not therefore be viewed as unreasonably large in this context.
51. Each property would have sufficient private amenity and parking space. Again, there is no uniform garden size in the area and there is no local requirement for a specific garden size, except that sufficient amenity space is provided, which it has. Additional bin storage would be provided at the site entrance, likely to be in the form of a simple enclosure and further details can be conditioned. The presence of parked cars would be contained entirely within the curtilage of each property with very limited visibility from the surrounding area and is therefore not an issue of concern. Lighting from 3 residential dwellings on the edge of an established settlement and in a landscape without any special designation is also not a concern.
52. Taking all the above into account it is considered that the development could be comfortably accommodated on the site without detriment to the character and appearance of the surrounding area, subject to a number of conditions controlling materials and landscaping. Therefore, while the dwellings would be more visible than the existing buildings on the site, they would not be unacceptable. There is no conflict with Teesdale Local Plan Policies GD1 and H12 and the development is considered to be in accordance with NPPF Parts 7 and 11 in respect of design and impact on the countryside.

## Highways

53. The issue of highway safety was similarly raised by objectors during the consideration of the larger outline proposal for up to 13 dwellings on the opposite side of the road. Representations have again been made in respect of the busy nature of the B6282 and tendency for vehicles to exceed the speed limit through the village with the potential for new development served off this stretch of road to be prejudicial to highway safety.

54. This is however an even smaller scale of development and makes use of, and proposes improvements to, an existing access that could presently serve all manner of agricultural vehicles. Notwithstanding a 1992 appeal decision on the site across the road with highway concerns, the Highway Authority had no objection to the larger outline scheme and again has no objection to this proposal.
55. As previously advised by the Highway Authority, the road is part of the classified road network, intended for carrying inter-urban traffic. Despite cars sometimes being parked on the highway near the application site the road is not of substandard width under current highway guidance and does not carry an atypical traffic flow for a B road in the County. A development of 3 dwellings, even in combination with the outline approval across the road would not have a material effect on traffic flows on this section of the B6282, particularly given the existing use of the site, and can be easily accommodated by the existing highway network. Ample off street parking would be provided within each property and sight visibility at the access point with the B6282 is considered acceptable. Details regarding the engineering construction of the footway area to be created can be dealt with by condition.
56. On this basis and given the lack of objection from the Highway Authority, it is considered that the proposed development would be served by a safe and suitable access arrangement, and the development would not be prejudicial to local highway safety conditions. The proposal does not therefore conflict with Teesdale Local Plan Policy GD1 and NPPF Part 4 in this respect.

#### Impact upon residential amenity

57. The proposed development would be visible to the rear of the existing residential dwellings that sit to the south and west of the application site; numbers 2 to 6 Low Etherley. Numbers 2 and 4 are located behind the existing farm complex, but number 2 is the applicant's property. Tree Tops currently enjoys open views of the countryside across the field where the third dwelling (plot 1) would be located. Plot 1 would be located only marginally past the boundary of number 6. All 3 of the neighbouring properties outside the applicant's ownership have objected to the proposal on the grounds of overbearing, overshadowing, loss of privacy and loss of view.
58. The development would significantly change the rear outlook of the neighbouring properties. However, there is no right to a view over another person's land so loss of view is not one of the issues that can be given any weight in the consideration of the application.
59. In terms of the other issues raised, the proposed dwellings would be located directly to the north and could not therefore cause any loss of light to the neighbouring properties.
60. In terms of overbearing and loss of privacy the proposed dwellings would be located significantly back from the existing properties to the extent where the distance between habitable rooms would be over 30m. This is well in excess of 21m separation distances normally applied to modern residential developments. The forward projecting garage on Plot 1 would be the closest part of the development to the neighbouring properties (Tree Tops and 6 Low Etherley), but at just 6.5m high, 19m from Tree Top's conservatory and 20m from the rear of number 6, this element of the development could not be considered as overbearing. The external staircase to the gym within the roofspace of the garage is not a feature that would unacceptably impact on the privacy of those neighbours.

61. Other concerns were raised in the objections in respect of disturbance to neighbouring properties from traffic movements associated with the development, but the development is not a scale that would lead to such impacts and there was no objection from Environmental Health (Noise) in this respect. Environmental Health (Noise) has recommended conditions to control construction related impacts. However, these construction-related effects are matters which the planning system cannot reasonably prevent or control and there are controls outside of planning that deal with noise nuisance and other disturbance, which would be more appropriate controls than planning conditions for such a small scale of development. Such conditions would not meet the requirements of necessity in this case.
62. Taking all the above into account it is considered that the development would have an acceptable relationship with neighbouring properties and impacts on residential amenity. The proposal does not conflict with Teesdale Local Plan Policy GD1 and NPPF Part 11 in this respect.

## Ecology

63. The presence of protected species such as bats is a material consideration in accordance with Circular 06/05. Teesdale Local Plan Policy ENV8 does not permit development that would significantly harm a protected species or its habitat unless mitigation is achievable and the overall effect would not be detrimental to the species as a whole. This is consistent with the guidance in NPPF Part 11 which seeks to minimise impacts on biodiversity, as well as the general requirements of the Habitats Regulations and Wildlife and Countryside Act (1981) for England, Scotland and Wales.
64. A bat survey was submitted with the application, but concluded that the potential of bats being present within the buildings and the Ash Tree to be removed were low, and hence the risk to the species was low. The Council's Ecologist has agreed with the findings.
65. It is however noted that bird nests were found in the outbuildings and hedges can be an important nesting habitat for birds. It is an offence to intentionally or recklessly disturb nesting birds and therefore demolition and vegetation clearance works will need to be sensitively timed to avoid the nesting season. This can be conditioned. The field itself is considered to have very little ecological interest because of past agricultural use.
66. The proposal does not conflict with Teesdale Local Plan Policy ENV8, NPPF guidelines in Par 11 and wildlife regulations, subject to suggested condition on timing of works.

## Other Issues

67. The objections have raised concerns in relation to previous incidents of flooding in the area, similar to the concerns raised for the larger outline scheme across the road. However, the application site and immediate surroundings fall within Flood Zone 1, which is the area at least risk of flooding. Previous problems were attributed to highway drainage issues and surface water from extreme rainfall. The development proposal is under no obligation to address or improve any existing problems with highway drains and is not a scale of development that is likely to significantly worsen the existing situation, particularly as most of the site already contains buildings. There is no objection from Northumbrian Water subject to diversion of the sewer crossing the site. They will take that issue up separately with the developer, but in any case it can be covered in a condition requiring a detailed

scheme of foul and surface water drainage to be submitted for further approval. The proposal therefore complies with Teesdale Local Plan Policy GD1 and NPPF Part 11 in respect of flooding.

68. Objectors have raised other issues in relation to sewerage, electric, gas and water supply, but those are matters to be taken up with the relevant providers and cannot be afforded any weight in the consideration of this application.
69. The application site falls within the Coal Authority High Risk Area where underground mining activity is recorded to have been undertaken at shallow depths and local concerns have been expressed in this respect. A coal mining risk assessment has been undertaken which recommends that intrusive investigation works are undertaken to establish the nature of the issues at the site. The Coal Authority has assessed the Report and agrees with the conclusions and recommendations, recommending that the further intrusive works are conditioned. Subject to the inclusion of a condition requiring these works, the Coal Authority has raised no objection. As a result and because the Coal Authority have not objected, it is felt that there are not sufficient grounds for refusal in this respect and the proposal complies with NPPF Part 11.
70. A public footpath no.49 currently passes through the access and the site. Minor re-alignment would be required along a new pedestrian footway adjacent to the access road, which would also need a separate diversion consent. It is noted that the Public Rights of Way Section has no objection to this and it is considered that the proposal makes safe provision for users of the footpath and would not lead to an unacceptable reduction in the amenity of the footpath. The obstruction and/or diversion of public rights of way is covered by other means and therefore a condition is not necessary; an informative would suffice. The proposal complies with Teesdale Local Plan Policy TR10.

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## **CONCLUSION**

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71. NPPF Paragraph 14 advises that where relevant development plan policies are out of date, as is the case in this instance, developments should be approved unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies of the NPPF as a whole.
72. A presumption in favour of sustainable development is at the heart of the NPPF. The site is reasonably located in relation to major services, employment and education and represents a small scale of development appropriate to its location. It can be accommodated without causing unacceptable harm to the character and appearance of the area, amenity of neighbours, highway safety and ecology. Issues regarding drainage and land stability can be dealt with by conditions.
73. It is therefore considered that the development represents a sustainable form of development and complies with the key aims of the NPPF. This compliance with the NPPF overrides the proposal's partial non-compliance with the out of date housing and settlement limit policies of the Teesdale Local Plan. There is no conflict with other policies of the Teesdale Local Plan, namely GD1, ENV8, H12 and TR10.
74. All representations have been carefully considered, however when taking all matters into account, there have not been any adverse impacts identified to outweigh the presumption in favour of granting permission in this case. The proposal is therefore recommended for approval.

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## RECOMMENDATION

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

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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 and documents.

ML01 – Proposed Site Plan/Proposed Street Scene

ML02 - Proposed Site Sections

ML03 - House Type 1

ML04 - House Type 2

ML05 - House Type 3 Received 20<sup>th</sup> August 2015.

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

3. Notwithstanding any details of materials submitted with the application and condition 2, the external walls shall be formed using random rubble laid to courses and the roofs of natural slate. Prior to the commencement of development a sample panel of the proposed stone and pointing to be used in the construction of the walls shall be erected on site for the inspection and a sample of the slate shall be submitted for approval to the local planning authority . The written approval of the local planning authority for the sample panel and slates shall be received prior to the commencement of the building works and the sample panel shall be retained for reference on site throughout construction. The development shall be constructed in accordance with the approved details.

*Reason: In the interests of the appearance of the area and to comply with Policies GD1 and H12 of the Teesdale Local Plan. The details are required before commencement as the external appearance of the materials are fundamental to the appearance of the area and relate to matters at the start of the development process.*

4. No development other than remediation works shall commence until a detailed scheme for the disposal of foul and surface water, to include provision for any diversion of public sewers crossing the site, has been submitted to and approved in writing by the local planning authority. The development shall be carried out and implemented in accordance with the approved scheme and timings thereafter.

*Reason: In the interest of the adequate disposal of surface water in accordance with Policy GD1 of the Teesdale District Local Plan.*

4. No development other than remediation works shall commence until a detailed landscaping scheme has been submitted to and approved in writing by the Local Planning Authority. The scheme of landscaping shall include details of hard and soft landscaping, planting species, sizes, layout, densities, numbers, method of planting and maintenance regime. It shall also include details for the protection of all retained trees and hedges, which

shall be put in place prior to commencement of development and retained throughout the construction period.

*Reason: In the interests of visual amenity having regards to Policy GD1 of the Teesdale Local Plan. The details are required before commencement as the landscaping of the site is fundamental to the appearance of the area.*

5. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first available planting season following the practical completion of the development and any trees or plants which within a period of 5 years from the substantial completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

*Reason: In the interests of visual amenity having regards to Policy GD1 of the Teesdale Local Plan.*

6. Prior to their installation/erection, details of means of enclosure shall be submitted to and approved in writing by the Local Planning Authority. The enclosures shall be constructed in accordance with the approved details prior to the occupation of the dwelling to which they relate and shall be retained for the lifetime of the development.

*Reason: In the interests of the appearance of the area and to comply with Policy GD1 of the Teesdale District Local Plan.*

7. No development shall commence until intrusive investigation works relating to coal mining risk have been undertaken at the site and the results of the investigative work and any necessary scheme of remedial/mitigation works have been submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be undertaken in accordance with the approved remedial/mitigation scheme.

*Reason: To ensure that the site is safe and stable to accommodate the proposed development in accordance with NPPF paragraphs 120-121. The details are required before commencement as they relate to fundamental issues regarding the stability of the site which need addressing at an early stage.*

8. No development shall take place unless in accordance with the mitigation and recommendations detailed within Section E, Bat Survey for the site carried out by Dendra Ltd Ecology dated August 2015.

*Reason: To conserve protected species and their habitat in accordance with Policies GD1 and ENV8 of the Teesdale Local Plan.*

9. Notwithstanding condition 8, no demolition or vegetation clearance shall take place between 1st March and 31st August or at any time while birds are nesting within the site, unless an Ecologist has confirmed the absence of any nesting birds.

*Reason: To secure the long term protection of the species. In accordance with the NPPF and policies GD1 and ENV8 of the Teesdale Local Plan.*

10. No dwelling shall be occupied until a footway has been constructed between the rear of B6282 footway and new walled boundary in accordance with engineering details which shall first have been submitted to and approved in writing by the local planning authority. The footway shall thereafter be retained as such for the lifetime of the development.

*Reason: In the interests of Highways Safety in accordance with Policy GD1 of the Teesdale Local Plan.*



11. No dwelling shall be occupied until suitable provision has been made for the storage of bins at the site entrance in accordance with details which shall first have been submitted to and approved in writing by the local planning authority. The bin storage shall thereafter be retained as such for the lifetime of the development.

*Reason: In the interests of the appearance of the area in accordance with Policy GD1 of the Teesdale Local Plan.*

12. The development hereby permitted shall not commence until a scheme to deal with contamination has been submitted to and agreed in writing with the Local Planning Authority. The scheme shall include the following:

#### **Pre-Commencement**

- (a) No development approved by this permission other than preliminary site excavation and remedial works shall commence until a Phase 1 Preliminary Risk Assessment (Desk Top Study) has been carried out, to identify and evaluate all potential sources and impacts on land and/or groundwater contamination relevant to the site.
- (b) If the Phase 1 identifies the potential for contamination, a Phase 2 Site Investigation and Risk Assessment is required and shall be carried out before any development commences to fully and effectively characterise the nature and extent of any land and/or groundwater contamination and its implications.
- (c) If the Phase 2 identifies any unacceptable risks, remediation is required and a Phase 3 Remediation Strategy detailing the proposed remediation and verification works shall be carried out. 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 and timescales.

#### **Completion**

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

*Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, 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.*

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## **STATEMENT OF PROACTIVE ENGAGEMENT**

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75. In arriving at the decision to recommend approval of the application the Local Planning Authority has assessed the proposal against the NPPF and the Development Plan in the most efficient way to ensure a positive outcome through appropriate and proportionate engagement with the applicant, and carefully weighing up the representations received to deliver an acceptable development. The

use of pre commencement conditions is deemed necessary are fundamental to the appearance of the area and relate to matters at the start of the development process

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## **BACKGROUND PAPERS**

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Submitted application form, plans supporting documents

The National Planning Policy Framework (2012)

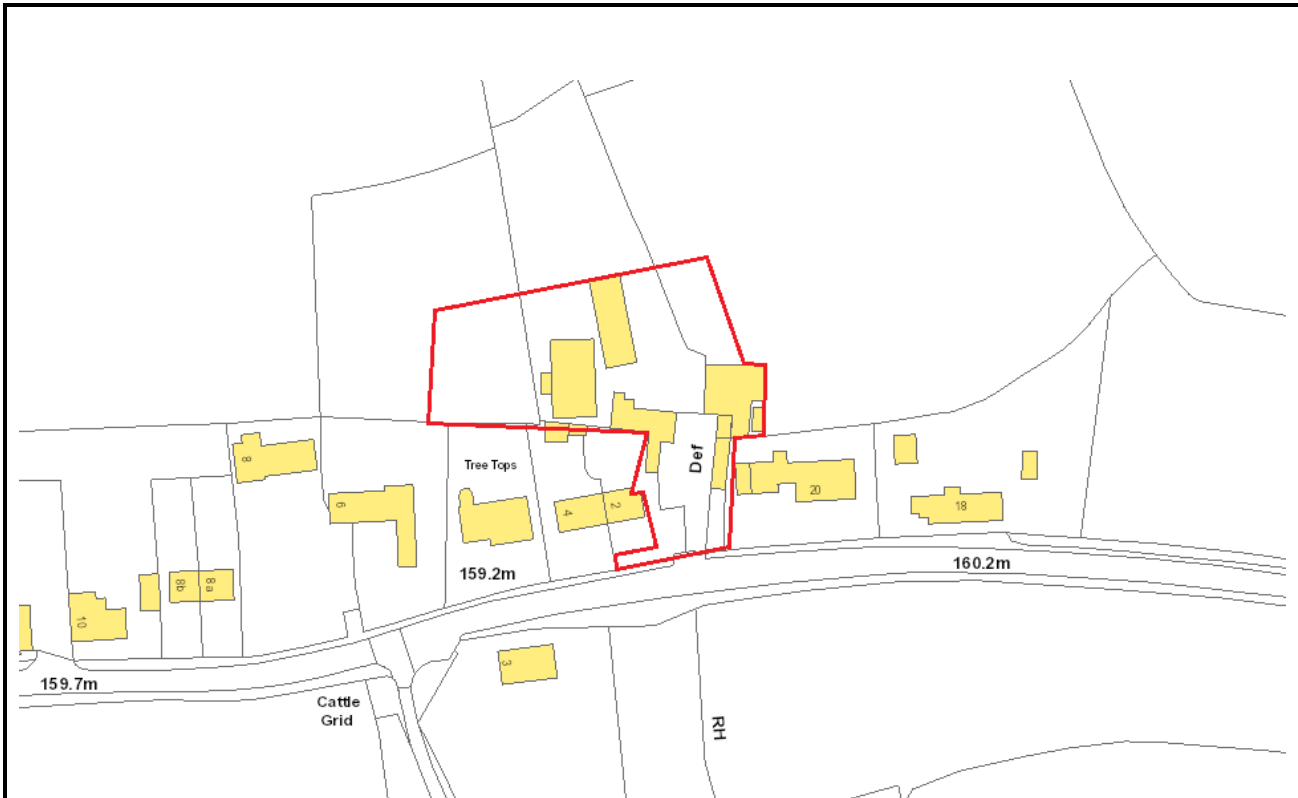
National Planning Practice Guidance Notes

Teesdale Local Plan

The County Durham Plan (Submission Draft)

County Durham Settlement Study 2012

All consultation responses received



**Planning Services**

Erection of 3no. dwellings and associated works

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19<sup>th</sup> November 2015

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## Planning Services

# COMMITTEE REPORT

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### APPLICATION DETAILS

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<b>APPLICATION NO:</b>	DM/15/02533/FPA
<b>FULL APPLICATION DESCRIPTION:</b>	Change of use from use class B8 (Warehousing) to use class B2 (General Industry)
<b>NAME OF APPLICANT:</b>	LCP Investments Limited
<b>ADDRESS:</b>	Unit B To C, Enterprise City, Green Lane Industrial Estate, Spennymoor
<b>ELECTORAL DIVISION:</b>	Tudhoe
<b>CASE OFFICER:</b>	Steven Pilkington, Senior Planning Officer, 03000 263964, <a href="mailto:steven.pilkington@durham.gov.uk">steven.pilkington@durham.gov.uk</a>

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### DESCRIPTION OF THE SITE AND PROPOSALS

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1. The application site measures 0.10 ha in area and relates to an unoccupied storage and distribution unit located to the north east of Spennymoor. The 8130sqm building forms part of a wider commercial and industrial complex known as Enterprise City, located within Greenlane Industrial Estate a Prestige Business Area for employment purposes. The site is accessed off Meadowfield Avenue via an internal estate road which also serves an adjoining Boots distribution centre and Durham Constabulary police dog training centre. The Durham Gate redevelopment site lies to the south, comprising housing and land allocated for commercial units.
2. This application seeks planning permission for the change of use the existing 8130 sqm storage and distribution unit (use class B8) and associated hardstanding to a B2 use (General Industrial). No external changes are proposed to the building.
3. This application is being reported to Planning Committee as it falls within the definition of a major development involving a change of use with a floor area in excess of 5,000 sqm.

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### PLANNING HISTORY

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4. There is no relevant planning history associated with the application site. However the units were constructed in the 1980's and is now currently empty with the previous occupier vacating the site.

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## **PLANNING POLICY**

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### **NATIONAL POLICY**

5. The Government has consolidated all planning policy statements, guidance notes and many circulars into a single policy statement, the National Planning Policy Framework (NPPF), although the majority of supporting Annexes to the planning policy statements are retained. The overriding message is that new development that is sustainable should go ahead without delay. It defines the role of planning in achieving sustainable development under three topic headings – economic, social and environmental, each mutually dependant.
6. The presumption in favour of sustainable development set out in the NPPF requires local planning authorities to approach development management decisions positively, utilising twelve 'core planning principles'. The following elements of the NPPF are considered relevant to this proposal.
7. *Part 1 – Building a strong, competitive economy.* The Government is committed to securing economic growth in order to create jobs and prosperity, building on the country's inherent strengths, and to meeting the twin challenges of global competition and a low carbon future.
8. *Part 4 – Promoting sustainable transport.* Transport policies have an important role to play in facilitating sustainable development but also in contributing to wider sustainability and health objectives. Smarter use of technologies can reduce the need to travel. The transport system needs to be balanced in favour of sustainable transport modes, giving people a real choice about how they travel. However, the Government recognises that different policies and measures will be required in different communities and opportunities to maximise sustainable transport solutions will vary from urban to rural areas.
9. *Part 10 – Climate Change.* Meeting the challenge of climate change, flooding and coastal change. Planning plays a key role in helping shape places to secure radical reductions in greenhouse gas emissions, minimising vulnerability and providing resilience to the impacts of climate change, and supporting the delivery of renewable and low carbon energy and associated infrastructure. This is central to the economic, social and environmental dimensions of sustainable development.

### **LOCAL PLAN POLICY:**

10. In accordance with paragraph 215 of the National Planning Policy Framework, the weight to be attached to relevant saved local plan policies will depend upon the degree of consistency with the NPPF. The greater the consistency, the greater the weight. The relevance of this issue is discussed, where appropriate, in the assessment section of the report, however, the following policies of the Sedgefield Borough Local Plan are considered relevant.

11. *Saved Policy IB1 – Types of Industry and Business Areas* – Sets out that development proposals, , that maintain in appropriate locations a range of land available for industry and business comprising, prestige business areas, general industrial estates, local industrial areas and business areas.
12. *Saved Policy IB2- Designations of Type of Industrial Estates* - Designates a range of industrial estates for different types of uses, including Green Lane which is designated as 83ha for Prestige Business uses.
13. *Saved Policy IB 5 – Acceptable uses in Prestige Business Areas* – Sets out that within Prestige Business Areas, business, general industry and warehousing uses will be considered acceptable. Planning permission for material reclamation, lorry parks and retail developments will normally be refused. Development proposals for other uses will be decided taking into account of the purpose of prestige business areas, while a high standard of site layout, building design and landscaping will be required in accordance with policy D4.
14. *Saved Policy D2 – Design for people* – Sets out that the requirements of a development should be taken into account in its layout and design, with particular attention given to personal safety and security of people.
15. *Saved Policy D3 - Design for access* - Requires that developments should make satisfactory and safe provision for pedestrians, cyclists, cars and other vehicles.
16. *Saved Policy D4 – Layout and Design of new Industrial and Business Development* – Sets out that the layout and design of all new industrial and business development will normally be expected to have a high standard of building design, accommodate traffic generated by the development without causing danger or inconvenience to other road users and have an appropriate standard of landscaping including screening of open storage areas.

*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://content.durham.gov.uk/PDFRepository/SedgefieldLPSavedPolicies.pdf> and*

#### **EMERGING PLAN:**

17. In 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 has withdrawn the CDP from examination. In the light of this, no weight can be afforded to the CDP at this stage.

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## **CONSULTATION AND PUBLICITY RESPONSES**

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## STATUTORY RESPONSES:

18. *Highway Authority* – Advise that the development of this nature would be expected to provide a degree of car parking on site. It is identified that the unit has an amount of hardstanding which is utilised for vehicle manoeuvring and informal parking, this should be laid out and formalised.
19. *Spennymoor Town Council* – No comments received

## INTERNAL CONSULTEE RESPONSES:

20. *Environmental Health (Pollution Control)* - Offer no objections recommending a conditional approach to mitigate potential noise generated from the development and to control any means of extraction.
21. *Environmental Health (Air Quality)* – Advises that the development is not located within or in close proximity to an Air Quality Management Area and the impact of the proposal on local air quality is not likely to be significant. However it is considered that further information should be provided on the likely average vehicle trips generated by the development due to the large floor area to establish whether further assessments on air quality are required.

## PUBLIC RESPONSES:

22. The application has been publicised by way of press and site notices, and individual letters to neighbouring businesses. No representations have been made.

*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=NT137WGDLLWB00>*

## APPLICANTS STATEMENT:

23. The end user of the unit will be ADM Pressings who are currently located in Gateshead and Scotswood, Newcastle upon Tyne. This site will be their third manufacturing location and they will invest some £1.5 million in the region to provide a paint processing facility.
24. Over recent years ADM customers have showed an increasing interest in buying higher level modular assemblies which are ready to fit directly to the final product on their production lines. This generally means the supplier needs to have the ability to surface finish and paint products and then complete the final assembly of components that will facilitate direct line fit at the customers plant. In order to be able to offer this increased level of service at a competitive rate ADM needs to establish a new facility to accommodate the additional processes required. The key elements are a new electro-phoretic paint facility and powder coating line. This will be installed in a new facility providing factory space of between 60000 to 90,000 sqft with additional yard space for material handling. The project will create over 25 new positions including a senior management roll, a chemist, a material scheduler, plant supervisors and maintenance technicians.



25. In addition, the facility allows for expansion of ADM's assembly and pack operations that will offer the opportunity for further job creation. The location in Spennymoor was chosen as it provides the correct size facility, with good transport links in the direction of travel from our existing manufacturing facilities to our biggest Customers in the Midlands.

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## **PLANNING CONSIDERATIONS AND ASSESSMENT**

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26. Having regard to the requirements of Section 38(6) of the Planning and Compulsory Purchase Act 2004, the relevant Development Plan policies, relevant guidance and all other material planning considerations, including representations received, it is considered that the principal planning issues raised relate to the principle of development, highway safety and amenity of adjacent land uses.

### The Principle of Development

27. The application site is designated for employment purposes as a prestige business area by policy IB2 of the Sedgefield Borough Local Plan as part of the wider Green Lane Industrial Estate. The Local Plan defines prestige business areas under Policy IB1 as high quality major industrial sites capable of competing against attractive sites elsewhere in the country. It recognises a requirement for a high standard of accessibility in terms of road connection, telecommunication links, availability of a skilled workforce and proximity to areas of housing, shopping, education and leisure facilities while seeking to promote a high standard of building design and landscaping.
28. Policy IB5 of the Local Plan states that business, general industry and warehousing will normally be considered acceptable within Prestige Business Areas. The proposed change of use of the building from B8 (Warehousing) to use class B2 (General Industry) would therefore conform with Local Plan Policy in this respect.
29. The Sedgefield Borough Local Plan was adopted in 1996 and consideration of more up to date guidance provided by the National Planning Policy Framework and National Planning Policy Guidance is necessary. The key emphasis of national guidance is delivering sustainable development. The NPPF recognises the need to build a strong, competitive economy. The NPPF also states that significant weight should be placed on the need to support economic growth and investment in business. In this respect the proposed development would bring inward investment into the County providing direct employment in an appropriate location for business and industry contributing to the economic dimension of the NPPF.
30. The development would represent the change of use of an existing underutilised unit on an established employment site, in line with the sites designated employment use in the Local Plan. The development is therefore considered acceptable in principle, subject to a detailed analysis of the potential impacts of the proposal.

### Highway Safety

31. Saved Local Plan Policy D3 requires that development proposals achieve a satisfactory means of access onto the wider highway network while seeking to protect highway safety in terms of vehicle movements and traffic generation.
32. The site is accessed off Meadowfield Avenue through an internal estate road which also serves an adjoining Boots distribution centre and Durham Constabulary police dog training centre. The Highways Authority offer no objections to this access. However it is advised that provision should be made for staff parking within the site.
33. The current use is served by a large hardstanding area to the southern elevation of the building measuring approximately 3600 sqm in area. Although predominately used for vehicle manoeuvring, informal areas of parking are evident on site. The Highways Authority advise that this will need to be formalised to ensure that there is sufficient onsite car parking, space for vehicle turning and storage of materials as required. A conditional approach to this is recommended.
34. Overall it is considered that the proposed development could be served by an appropriate means of access, while an appropriate level of car parking would be secured by condition.

#### Impact on amenity of adjacent land users.

35. Local Plan Policy D1 highlights that developments should have regard to the sites relationship to adjacent land users and activities. In this respect the development site is substantially surrounded by other businesses on the estate the nearest residential dwelling is located approximately 170m away. In considering the potential uses permitted under a B2 use class, no objections in principle are raised to the development by the Council's Environmental Health Unit but a conditional approach is recommended in order to mitigate potential noise generated from the development informed by an acoustic report. This would deal with internal operations and would likely include the installation of acoustic attenuation where necessary once the exact nature of the operations and machinery involved are understood.
36. The Council's Air Quality Section advise that the application site is not located within or close proximity to a designated Air Quality Management Area (Durham City and Chester-le-Street). Whilst the impact of the proposal on local air quality is not likely to be significant, it is advised that further information should be provided on the likely average vehicle trips generated by the development due to the large floor area. This has not been included as part of the application. In considering this request, mindful of the longstanding lawful use of the site as a storage and distribution unit and indicated staff numbers, it is considered highly unlikely that there would be an increase in traffic from the site to a level that would require further scrutiny or this matter.
37. It is also highlighted that the new industrial activities in themselves may give rise to air quality pollutants. However other primary legislation control emissions from specific industrial operations and it is not considered that it is the role of the Planning Authority to regulate this matter. Notwithstanding this subject to securing an appropriate means of extraction and odour abatement it is considered that amenity of neighbouring land uses could be protected.

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## CONCLUSION

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38. The proposed development represents a business development investment opportunity on an established employment site for general industrial purposes. The scheme would involve the change of use of a large existing warehouse unit in line with the sites designated employment use in the Local Plan. The indicated end use would bring jobs and investment into the County and enable the expansion of an established firm in the North East, consistent with the economic dimension of the NPPF.
39. The existing scale and location of the unit on the industrial estate is such that it would not give rise to conditions that would have a negative impact on the amenity from neighbouring land users or highway safety, subject to appropriate conditions.
40. There are no other material considerations which indicate otherwise and the development is recommended for approval.

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## RECOMMENDATION

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That the application is **Approved** subject to the following conditions:-

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

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

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

Location Plan, ref 10-855/02, Received 13<sup>th</sup> August 2015

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

3. Prior to the first use of the building hereby approved, a site plan setting out areas of external storage, vehicle parking and circulation space shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details thereafter and outside storage shall be limited to the areas approved.

*Reason: In ensure that sufficient space remains on site for the parking and motor vehicles and the unloading of goods in the interests of highway safety in accordance with policies D1, D3 and D4 of the Sedgefield Borough Local Plan.*

4. The use hereby approved shall not commence until an acoustic report has been submitted to and approved in writing by the Local Planning Authority. The report shall establish whether sound attenuation measures are required to protect adjacent residents from sound emanating from the building and detail appropriate mitigation measures. The approved mitigation scheme shall be implemented prior to the first use of the building hereby approved and permanently retained thereafter.

*Reason: In the interests of the residential amenity of future occupants in accordance with policies D1 and D4 of the Sedgefield Borough Local Plan.*

5. Notwithstanding the submitted information, prior to their installation, full details any means of external mechanical extraction or ventilation shall be first submitted to any approved in writing by the Local Planning Authority. The approved scheme shall be implemented in accordance with the approved details and retained thereafter.

*Reason- In order to control odours and noise generated by the development in the amenity of neighbouring land users in accordance with policy D1 of the Sedgefield Borough Local Plan.*

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## **STATEMENT OF PROACTIVE ENGAGEMENT**

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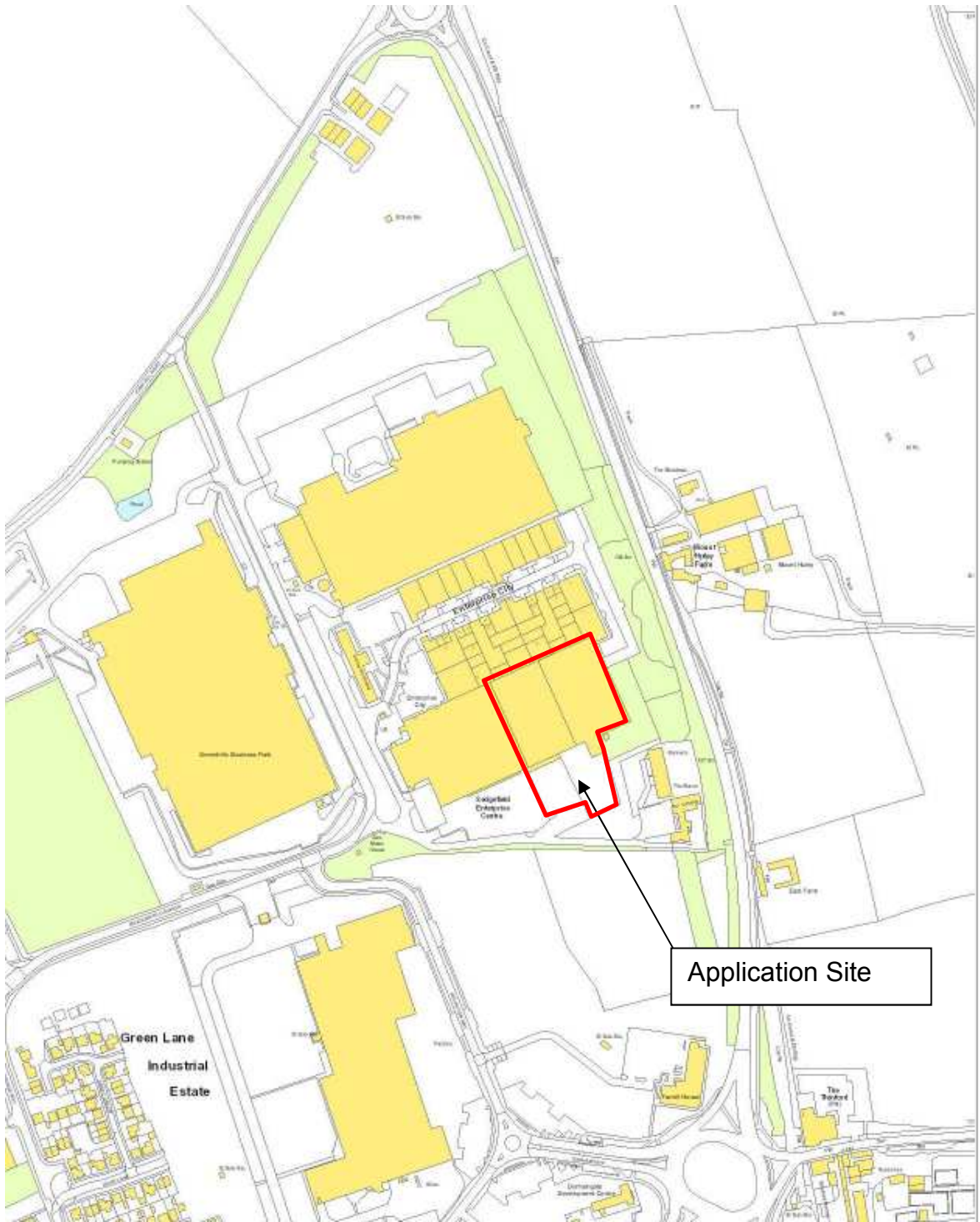
In assessing the application, the Local Planning Authority has worked with the applicant in a positive and proactive manner to seeking to resolve issues during the application process.

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## **BACKGROUND PAPERS**

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Submitted Application Forms, Plans and supporting documents  
National Planning Policy Framework  
Sedgefield Borough Local Plan  
Statutory responses from Highway Authority.  
Internal responses from Environmental Health.



**Planning Services**

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**Comments**

**Date** October 2015

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