



Area Planning Committee (North)

Date Thursday 26 January 2017
Time 2.00 pm
Venue Council Chamber, County Hall, Durham

Business

Part A

1. Apologies for Absence
2. Substitute Members
3. Minutes of the Meeting held on 12 December 2016 (Pages 3 - 4)
4. Declarations of Interest (if any)
5. Applications to be determined by the Area Planning Committee (North Durham)
 - a) DM/15/02817/FPA and DM/15/02818/LB Newfield Farm, Newfield Road, Newfield (Pages 5 - 26)

The Housing Application:

Demolition of existing listed building and rebuild with facsimile structure within application for substitution and remix of previous house types from previous application with additional 20 new plots (50 total). Demolition of existing farm labourer cottages and farmstead buildings, with new replacement cottages and new replacement farmstead building. Plots designated for new house types / remix included to plots 1-5, 192-194, 95, 105-121, 122-125, 126-129, 249-252, and the farm buildings / cottages units 1-9.

The Listed Building Application:

Demolition of existing farm labourer cottages and farmstead buildings.

- b) DM/16/01861/FPA - Land East of Ornsby Hill, Lanchester
(Pages 27 - 46)

8 luxury holiday chalets, plus site management building with residential accommodation for site manager and associated site infrastructure, including revised site access and sustainable drainage system.

6. Appeal Update (Pages 47 - 48)
7. Such other business as, in the opinion of the Chairman of the meeting, is of sufficient urgency to warrant consideration.

Colette Longbottom
Head of Legal and Democratic Services

County Hall
Durham
18 January 2017

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

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

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

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DURHAM COUNTY COUNCIL
AREA PLANNING COMMITTEE (NORTH)

At a Meeting of the **Area Planning Committee (North)** held in the Council Chamber, County Hall, Durham on **Monday 12 December 2016 at 2.00 pm**

Present:

Councillor I Jewell (Vice-Chairman in the Chair)

Members of the Committee:

Councillors B Armstrong, P Brookes, J Cordon, I Jewell (Vice-Chairman), O Milburn, L Taylor, O Temple and S Zair

1 Apologies for Absence

Apologies for absence were received from Councillors H Bennett, J Maitland, C Marshall, A Shield and S Wilson.

2 Substitute Members

There were no substitutes.

3 Minutes of the Meeting held on 24 November 2016

The minutes of the meeting held on 24 November 2016 were confirmed as a correct record and signed by the Chairman.

4 Declarations of Interest (if any)

There were no declarations of interest submitted.

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

a DM/16/03379/FPA Demolition of existing building and construction of new 90 bedroom residential care home plus associated parking and landscaping

The Committee considered a report of the Senior Planning Officer regarding an application for the demolition of existing building and construction of new 90 bedroom residential care home, plus associated parking and landscaping at Delves Lane Community Bar, Gloucester Road, Delves Lane, Consett (for copy see file of Minutes).

The Senior Planning Officer provided a detailed presentation of the application which included photographs of the site and a plan of the proposed layout. He further advised that the one representation received from a resident had now been withdrawn following amended plans to incorporate additional car parking spaces.

Councillor Temple commented that as a fairly local member, he welcomed the proposals and felt the development would enhance the area. In referring to condition 8 however, he commented that he did not feel that areas of species rich grassland were appropriate for the urban area and felt that residents would rather enjoy views of maintained planting and formal shrub beds. He therefore queried whether this part of the condition could be removed. In response the Senior Planning Officer advised that this was a recommendation of the County Ecologist whose specific intention was for biodiversity gain. He further commented that the county had adopted a natural approach to planting schemes across the county in recent years which had been very well received by the public.

After discussing this point Members agreed that condition 8 should remain unchanged.

Councillor Temple therefore **MOVED** that the application be approved subject to the conditions as listed within the report.

Councillor Brookes added that he was very happy with the design and location however queried on what basis determination of 90 beds had been made and whether Health & Social Care, had been consulted to ensure that there was demand for a home of this size. In response the Senior Planning Officer advised that this was not a planning consideration and as the development was a commercial scheme the applicant will have made determination regarding its viability as a business.

Councillor Cordon added that he supported the comments of Members and with such **SECONDED** the proposal.

Councillor B Armstrong asked whether the applicant's agent could advise how many jobs would be created. In response G Hodgson, Applicant's Agent advised that a mixture of 105 part and full time posts would be created. Councillor Armstrong added that this was brilliant news for the Consett area and added her full support for the application.

Following a vote being taken it was:-

Resolved:

That the application be approved subject to the conditions as listed within the report.

6 Appeal Update

The Committee received a report of the Principal Planning Officer, which provided an update regarding appeals received and determined.

Resolved:

That the content of the report be noted.

Planning Services

COMMITTEE REPORT

APPLICATION DETAILS

APPLICATION NOS:

DM/15/02817/FPA and DM/15/02818/LB

**FULL APPLICATION
DESCRIPTIONS:**

The Housing Application:

Demolition of existing listed building and rebuild with facsimile structure within application for substitution and remix of previous house types from previous application with additional 20 new plots (50 total). Demolition of existing farm labourer cottages and farmstead buildings, with new replacement cottages and new replacement farmstead building. Plots designated for new house types / remix included to plots 1-5, 192-194, 95, 105-121, 122-125, 126-129, 249-252, and the farm buildings / cottages units 1-9.

The Listed Building Application:

Demolition of existing farm labourer cottages and farmstead buildings.

NAME OF APPLICANT:

Persimmon Homes Ltd (Durham)

ADDRESS:

Newfield Farm, Newfield Road, Newfield

ELECTORAL DIVISION:

Pelton

CASE OFFICER:

Steve France

Senior Planning Officer

Telephone: 03000 264871

steve.france@durham.gov.uk

DESCRIPTION OF THE SITE AND PROPOSALS

The Site

1. The site constitutes the final phase of the Persimmon development site at Newfield, which with Pelton, are defined as a 'smaller town / larger village' in the County Durham Settlement Study 2012. The settlements offer a range of services, facilities and connections in their own right, including schools, a library, community centres, shops and pubs, and also sit within a hierarchy of larger settlements – the centre of Chester-le-Street with its connection to trains and the A1(M) motorway is 2 miles to the south-east, Stanley is 3 miles west.
2. The site is accessed from Front Street, south-east of the crossroads that forms the centre of the village. The residential form of the existing settlement is an eclectic mix of Victorian terracing, local authority built housing and small developments of 1960s – 1970s, with one and two storey elements visible. The new development consists of modern two storey detached and semi-detached dwellings, some with in roof

accommodation and bungalows. The site has areas of open space within it and on its peripheries. Public footpaths run along the northern boundary, within the site, and bisect it north to south. At the north-east corner of the site is a group of stone built farm buildings and cottages, subject to a grade II listing, that form part of these proposals.

3. The overall site is around 10ha. in area, with the extent of the current proposals being around 3.5ha of that.

The Proposals

The Housing Application

4. The housing application proposes a 'remix' of the approved scheme as the last phase of development on the site, substituting medium / smaller units for the larger dwellings originally approved, these having sold better elsewhere on the site. This results in an increase in numbers of 20 dwellings. The total number of units within the whole development, including the farm group is 293. Drainage and highways have detail changes from the approved scheme, with the SuDS bowl and children's play areas swapped in their respective locations. Extending the footpath at the north-east corner of the site towards the C2C cycle-path / long distance footpath remains part of the proposals.

The Listed Building Application

5. The application for the amended housing layout is accompanied in parallel by an application to demolish the listed farm buildings which during the course of housing development have fallen into such disrepair that they are contended dangerous and incapable of conversion as previously approved. The current application seeks to justify their demolition.
6. Within the housing application are proposals for erection of facsimile structures to replicate and replace the listed buildings, with 7 separate dwellings.
7. The application for housing is presented to Committee as a major proposal, the separate application for the demolition of the listed building on the basis it forms part of those proposals, and because of the importance of the issues involved.

PLANNING HISTORY

8. Planning permission was granted in in March 2009 for 'residential development comprising 248 dwellings with associated infrastructure', including conversion of the farm group to provide residential accommodation. There have been ten applications to vary elements of the scheme or introduce amendments approved since that main approval.

PLANNING POLICY

NATIONAL POLICY

9. The Government has consolidated all planning policy statements, guidance notes and many circulars into a single policy statement, the National Planning Policy Framework (NPPF), although the majority of supporting Annexes to the planning policy statements are retained. The overriding message is that new development that is sustainable should go ahead without delay. It defines the role of planning in achieving sustainable development under three topic headings – economic, social and environmental, each mutually dependant.
10. The presumption in favour of sustainable development set out in the NPPF requires local planning authorities to approach development management decisions positively, utilising twelve ‘core planning principles’.
11. In accordance with paragraph 215 of the National Planning Policy Framework, the weight to be attached to relevant saved local plan policy will depend upon the degree of consistency with the NPPF. The greater the consistency, the greater the weight. The relevance of this issue is discussed, where appropriate, in the assessment section of the report below.
12. The following elements of the NPPF are considered relevant to this proposal;
13. *NPPF Part 1 – Building a Strong, Competitive Economy* – reinforces the Government’s commitment to securing economic growth to create jobs and prosperity, ensuring the planning system supports this aim – ‘significant weight’ is to be placed on this aim. Planning policies should seek to address potential barriers to investment, setting out clear economic vision and strategy which proactively encourages sustainable economic growth, identifies sites and inward investment, and identifies priority areas for economic regeneration. There is no specific advice on decision making.
14. *NPPF Part 4 – Promoting Sustainable Transport* - notes the importance of transport policies in facilitating sustainable development and contributing to wider sustainability and health issues. Local parking standards should take account of the accessibility of the development, its type, mix and use, the availability of public transport, levels of local car ownership and the need to reduce the use of high-emission vehicles.
15. *NPPF Part 6 – Delivering a wide choice of high quality homes*. Housing applications should be considered in the context of a presumption in favour of sustainable development. Local Planning Authorities should seek to deliver a wide choice of high quality homes, widen opportunities for home ownership and create inclusive and mixed communities. Policies should be put in place to resist the inappropriate development of residential of residential gardens where development would cause harm to the local area.
16. *NPPF Part 7 – Requiring Good Design*. The Government attaches great importance to the design of the built environment, with good design a key aspect of sustainable development, indivisible from good planning.
17. *NPPF Part 8 – Promoting Healthy Communities* – the planning system is considered to have an important role in facilitating social interaction and creating healthy, inclusive communities, delivering social recreational and cultural facilities and services to meet community needs. Access to high quality open spaces and

opportunities for sport and recreation can make an important contribution to the health and well-being of communities.

18. *NPPF Part 11 – Conserving and enhancing the natural environment.* The planning system should contribute to and enhance the natural environment by; protecting and enhancing valued landscapes, recognizing the benefits of ecosystem services, minimising impacts on biodiversity and providing net gains in biodiversity where possible, preventing new and existing development being put at risk from unacceptable levels of soil, air, water or noise pollution or land instability, and remediating contaminated and unstable land.
19. *NPPF Part 12 – Conserving and Enhancing the Historic Environment.* Working from Local Plans that set out a positive strategy for the conservation and enjoyment of the historic environment, LPA's should require applicants to describe the significance of the heritage asset affected to allow an understanding of the impact of a proposal on its significance. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification. Substantial harm to or loss of a grade II listed building, park or garden should be exceptional. Where there is evidence of deliberate neglect of or damage to a heritage asset the deteriorated state of the heritage asset should not be taken into account in any decision.

NATIONAL PLANNING PRACTICE GUIDANCE:

20. The newly introduced National Planning Practice Guidance (NPPG) both supports the core government guidance set out in the NPPF, and represents detailed advice, both technical and procedural, having material weight in its own right. The advice is set out in a number of topic headings and is subject to change to reflect the up to date advice of Ministers and Government.
21. *Design -The importance of good design.* Good quality design is an integral part of sustainable development. The National Planning Policy Framework recognises that design quality matters and that planning should drive up standards across all forms of development. As a core planning principle, plan-makers and decision takers should always seek to secure high quality design, it enhancing the quality of buildings and spaces, by considering amongst other things form and function; efficiency and effectiveness and their impact on wellbeing.
22. *Flood Risk and Coastal Change* - The general approach is designed to ensure that areas at little or no risk of flooding from any source are developed in preference to areas at higher risk. Application of the sequential approach in the plan-making process, in particular application of the Sequential Test, will help ensure that development can be safely and sustainably delivered and developers do not waste their time promoting proposals which are inappropriate on flood risk grounds.
23. *Conserving and Enhancing the Historic Environment* – Explores the terms 'significance' and 'special architectural or historic interest' and 'harm', noting assessment of the impact on setting needs to take into account, and be proportionate to, the significance of the heritage asset under consideration and the degree to which proposed changes enhance or detract from that significance and the ability to appreciate it.
24. *Natural Environment* - Section 40 of the Natural Environment and Rural Communities Act 2006, which places a duty on all public authorities in England and Wales to have

regard, in the exercise of their functions, to the purpose of conserving biodiversity. A key purpose of this duty is to embed consideration of biodiversity as an integral part of policy and decision making throughout the public sector.

25. *Land Stability* - The guidance provides advice to local authorities and developers to ensure that development is appropriately suited to its location, and that there are no unacceptable risks caused by unstable land or subsidence.
26. *Planning obligations* - Planning obligations mitigate the impact of unacceptable development to make it acceptable in planning terms. Obligations should meet the tests that they are necessary to make the development acceptable in planning terms, directly related to the development, and fairly and reasonably related in scale and kind. These tests are set out as statutory tests in the Community Infrastructure Levy Regulations 2010 and as policy tests in the National Planning Policy Framework.

LOCAL PLAN POLICY:

27. The following are those saved policies in the Chester-le-Street District Local Plan 2003, relevant to the consideration of this application:
28. *Policy HP6 – Residential within settlement boundaries* – identifies Chester-le-Street as a settlement where residential development will be allowed on non-allocated sites that are previously developed land and meet the criteria of Policy HP9.
29. *Policy RL5 – Provision in New Developments* – subject to dwelling sizes and types proposed, and the level of local provision, there is a requirement for at least 125m² children’s play space and 250m² informal open space to be provided within the site for every 1 hectare of land developed or redeveloped for residential purposes, adjusted pro-rata for smaller sites.
30. *Policy HP9 – Residential Design Criteria (General)* – requires new development to; relate well to the surrounding area in character, setting, density and effect on amenity of adjacent property, to provide an attractive, efficient and safe residential environment, to provide adequate privacy and amenity, safe road access and retain existing landscape features.
31. *Policy HP13 – Affordable Housing* – the Council will seek to negotiate affordable housing within windfall sites, with Chester-le-Street falling within the Northern Delivery Area where a 15% provision is required.
32. *Policy T8 – Car Parking Provision* – States that new development should seek to minimise parking provision other than for cyclists and disabled users, other than in exceptional circumstances.
33. *Policy T15 – Access and Safety provisions in design* – Development should have safe access to classified road, should not create high levels of traffic exceeding the capacity of the local road network, have adequate links to public transport, with consideration for cyclists and service vehicles and emergency vehicles.

RELEVANT EMERGING POLICY:

34. 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 at the present time.

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

CONSULTATION AND PUBLICITY RESPONSES

STATUTORY RESPONSES:

The Housing Application:

35. *Highways* – The scheme has been redesigned in detail to meet the requirements of County Highways Engineers who now offer no objections to the proposal either in terms of layout or the effect on the surrounding highways network.
36. *Northumbrian Water* – confirm the additional twenty dwellings proposed have been factored into the overall discharge to the sewage network.

Listed Building Application:

37. *Historic England* – objected to the proposals noting demolition of a listed building should only be sanctioned when all other options have been considered. Local planning authorities are required to pay special regard to preserving the special interest of a listed building and its setting - this statutory requirement is enhanced by the NNPF which places the conservation of heritage assets amongst the core land use principles of sustainable development. Their demolition and rebuilding was contended to remove their authenticity as original structures and brings their listed status into doubt. The resulting harm caused by this application is substantial requiring a strong robust justification that is not provided by the applicant as originally submitted.
38. Following site meetings and submission of additional information a follow-up letter from Historic England concurred that the listed farmstead is in a very poor condition and that the ability to undertake a sympathetic repair is hampered by the unsafe condition of the building which necessitates a degree of demolition before accessing the site. They suggested considering whether the lower parts of the structures could be retained, acknowledging that the benefit of this to the significance of the listed building is hard to assess as it would be determinate on the amount of fabric still standing but could be enough to maintain some of the listed building's integrity and character, so it is worth pursuing. (Council Design and Conservation Officers have considered this eventuality and sought additional structural advice). Heritage England withdrew their previous objection subject to the Council pursuing a more cautious approach to dismantling.
39. They note however that the 'fact remains that this proposal would not have been necessary had the building been properly maintained and its repair and re-use tied into the redevelopment of the adjoining fields through planning agreements. Whilst hindsight does not help this building it is hoped that it serves as a reminder of the need to secure planning benefits and also to regularly monitor and maintain the

condition of historic buildings, and where this is not being undertaken by the owner to consider statutory action to affect this, either through urgent works or repairs notices’.

40. *The Council for British Archaeology* – objected to the scheme as submitted, requiring more justification of the proposal to demolish the listed building. They have not responded to a reconsultation following submission of additional information.
41. *The Society for the Preservation of Ancient Buildings* – likewise objected to the proposals inadequate justification against the tests set out in the NPPF. They also objected to the facsimile proposal on the basis that the existing structures should be retained, stabilised, repaired and reused. They have not responded to a reconsultation following submission of additional information.
42. *The Victorian Society* – ‘echoed’ Heritage England’s comments and objected to the proposed loss of the historic structures, with the proposals and their justification, ‘entirely unsatisfactory’. Following reconsultation, the Society sent a structural engineer to inspect the buildings. The Society have written again as this report is in its final stages of preparation offering the view that, subject to a repeat visit with a stonemason, the buildings are capable of retention, commenting, ‘it seems to me that if elements of roof structures are removed, then we are simply dealing with some rebuilding, and some stabilising of the thick wall structures. New roofs in the same form as the original will restrain the walls’. The Society have indicated an intention to submit additional information.

INTERNAL CONSULTEE RESPONSES:

Housing Application

43. *Contaminated Land* – In light of the previous approval, but noting the recommendations of reports submitted in 2007, a phase 2 condition is suggested.
44. *Affordable Housing Officers* – confirm the overall scheme provides the required 15% of affordable housing and their support is offered for the proposals.
45. *Drainage and Coastal Protection* - write that, ‘the alterations to the layout have no effect on flood risk within the site or to properties off site as the discharge rate has been restricted to greenfield run off’.
46. *Public Rights of Way* – The Rights of Way Officer notes the need for the applicants to check the need for a diversion of the existing north/south public footpath through the site, acknowledging the route is maintained. The formal diversion of the footpath that traverses the northern boundary of the site will conclude once it is constructed to an agreed standard. The link to the C2C will not be a Right of Way, but will form part of an agreement between the developer and Sustrans, the organisation responsible for that accessway.
47. *Education* – confirm, ‘there are sufficient primary and secondary school places in the area to accommodate additional pupils from this development’.
48. *Energy* - confirm no issue relating to the substitution of house types or indeed the extra 20 dwellings within the application site, but raise concerns and objection with the justification for the ‘fabric first’ approach proposed on the site against current advice.
49. *Trees* – protection is sought from construction operations for the trees on the site.

50. *Ecology* – note a report of a Barn Owl using the Farm Buildings in 2016, and therefore request a survey and mitigation / compensation as required.

Listed Building Application:

51. *Design and Conservation* – Despite the obvious poor condition of the buildings, the proposals for demolition of the listed building have not been supported up to this time as the applicants had failed to demonstrate the justification for their demolition as 'exceptional' as described in paragraphs 132 and 133 of the NPPF. Following concern from the County Council and objection from Historic England a revised Heritage Statement has been submitted which provides a more detailed assessment of the proposal against the NPPF. A condition survey which the justification in the Heritage Statement is based would now seem to be more detailed and two demolition reports are also provided. In addition, the proposed works for the facsimile building is explored in terms of its impact on the asset and the site.
52. The majority of the buildings forming the Newfield Farmstead and the pair of adjacent Farm labourer's cottages were listed as Grade II listed in 2008. The farmstead was considered a good example of planned farmstead dating from one of the most important phases in the history of farm building development. The buildings at this time were in a poor state of disrepair but it was considered feasible to retain a fair proportion of the existing building for conversion. Since this time the buildings have deteriorated and are now in such a poor state of repair that they were included in the Buildings at Risk Register. That the buildings are now in very poor condition is partly the result of long term poor management and protection of the assets.
53. In terms of assessment against the NPPF it is accepted that the structural condition of the building prevents its reasonable re-use. In this instance the circumstances are considered exceptional because the building has already suffered substantial harm as a result of the deterioration and collapse, this has already resulted in loss of significance and is an ongoing process which will result in further collapse and the total loss of significance of the structure.
54. The state of the building now prevents all reasonable uses of the heritage asset - evidence of this is provided in the submitted documents, the structural reports and associated drawings and photos that make it clear that repair is not an option. Following the analysis of the condition of the buildings and a consideration of all options, it is concluded that salvaging of materials would seem the most appropriate option.

PUBLIC RESPONSES:

55. Neighbours have been consulted, a site notice was posted, and a press notice was published in The Northern Echo. Two responses were received to the listed building application, one to the housing application:
56. For the Housing application, a correspondent asks for matters of estate planting and screening and public open space to be fully considered and integrated into the scheme in a positive way for the benefit of new and existing residents.
57. For the demolition, a letter of support has been received, 'the farm buildings have lain derelict for a long time and if they are past the restoration stage then to demolish and rebuild using the same foot print and similar materials appears to be the best way forward, as long as it is done in a sympathetic manner, reflective of the heritage of the area'.

58. An objection contended Persimmon, 'continually flout planning laws', site safety regulations and public rights on footpaths. Working hours, site fencing and signage were mentioned – the listed buildings were not.

APPLICANTS STATEMENT:

59. Covering their approach to both applications the applicants write:
60. 'This application is a full planning application seeking to remix previously approved housetypes and to add 20 additional homes to the ongoing Newfield Farm, Pelton residential development. The development of the site has been ongoing for some time now with the original permission being granted in 2009. Since this date development has commenced and construction is well advanced.
61. The application maintains all of the key development principles which have been established through previous approvals including road networks, development areas and areas of public open space, scale and appearance. The application seeks simply to remix the approved housetypes across part of the site to react to the changing housing demands of the local population. The remixing of the housetypes ensures that the Newfield development continues to provide the appropriate type and size of housing which the local population and potential purchasers are demanding.
62. As Councillors will note none of the remixed dwellings nor the additional 20 dwellings are proposed to be delivered as affordable homes. The Council's policy in this area is to seek 15% of new homes as affordable housing which would normally require that 15% (3 dwellings) of the additional dwellings proposed as part of this application be affordable. However across the wider site a total of 71 affordable homes have already been delivered which, when measured against a total of 293 dwellings, represents a 24% affordable housing provision. Therefore in this instance it has been agreed that no additional affordable provision be required as when considered as a whole the site has overprovided affordable housing against Council policy requirements.
63. The Farm buildings and Labourer's Cottages to the north east corner of the site form an important element of this application. Previously it was intended to retain and redevelop the Farm Buildings and Labourer's Cottages however this option is no longer viable as the building structures are in a very poor condition which significantly constrains the ability to undertake the sympathetic repair of the buildings and as such necessitates a degree of demolition before safe access to the site can be achieved. The applicant and the Council have worked closely with Heritage England and The Victorian Society as statutory consultees to develop a workable alternative solution to best facilitate the Farm building and Labourer Cottages' redevelopment, whilst ensuring the retention of as much of the historic fabric as possible.
64. It is proposed to partially demolish the buildings in a sensitive manner to the historic fabric of the building, retaining when possible materials to be stored securely for future reused in the reconstruction. It has been agreed that demolition is to be halted at an appropriate stage when the structure is made safe to reassess the feasibility of retaining any remaining parts of the building in situ as to maintain some of the listed building's integrity and character. Following an informed by this assessment a facsimile of the buildings is to be constructed incorporating retained fabric in situ if feasible, and reusing materials of historical and architectural merit salvaged from the initial demolition works.

65. The above approach will ensure that development can commence before the buildings fall further into disrepair whilst ensuring that the replacement buildings incorporate elements of the existing structure and fabric as much as possible.
66. Through the planning process consultation has been undertaken and the applicant and the Council have worked closely and proactively with consultees to find working find workable solutions to all issues which have arisen such that there are no outstanding objections from any Local Authority or statutory consultees. As such we request that Councillors support the officer's recommendation to approve the application such that development can commence without delay.'

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

PLANNING CONSIDERATIONS AND ASSESSMENT

67. Having regard to the requirements of Section 38(6) of the Planning and Compulsory Purchase Act 2004 the relevant Development Plan policies, relevant guidance and all other material planning considerations, including representations received, it is considered that the main planning issues for the housing application relates to layout and design, highway safety and the implications of the loss of the listed structures.
68. For the Listed building application, the Council must have regard section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990, and 'have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses'. Any grant or refusal of an application for listed buildings consent 'may grant or refuse an application for listed building consent and, if they grant consent, may grant it subject to conditions'.
69. The housing application must be assessed against the Development Plan through the planning balance set out in paragraph 14 of the Framework, with the listed building application assessed against section 16 and then the tests set out in the NPPF.

The Housing Application - Principle of the Housing Development

70. The application for the amended housing layout is a variation of a scheme already approved. Therefore the principle of development has therefore already been accepted. As the development has been in construction for some time, it may be worth noting that the location remains sustainable, accessible to a range of goods, services and facilities, and sustainable transport opportunities. The provision of new housing and the employment this creates are significant material positives of the scheme that lead officers to the conclusion that the development remains 'sustainable' in nature, and therefore benefits from paragraph 14's presumption in favour of such – noting that consideration of the potential loss of the listed buildings has been assessed through a different part of paragraph 14, where specific policies in the Framework indicate when development should be restricted. The development plan is silent on the loss of the historic structures.
71. Planning permission is also being sought for the demolition and rebuild, which is part and parcel of the development scheme as a whole. The acceptability of the housing scheme needs to be seen in the round to include the loss of/repairs to the listed buildings. The extent of dismantling / demolition of the listed buildings will only

become apparent through the development process. Consistent with the original consent, it is however considered essential that the historical presence of the buildings on the site is reflected – to an authentic degree as is possible.

72. The Housing Application - Impact upon the Surrounding Area and Neighbouring Amenity
73. There is the potential to affect existing residential amenity where the application includes the build-out of the dwellings on the front elevation of the site. The dwellings are set back behind the open visibility splay, and face North View, a development of local-authority built dwellings, which are likewise set back from the road behind a large green area. The facing arrangement exceeds all requirements for amenity and privacy and by default creates a pleasant extended separation. Newfield House, adjacent the site on Front Street offers a blank gable end to the development, with an arrangement comparable to that already approved. The development has proposed extended footpath links and play areas that would be available to the whole community, complementing the existing settlement.
74. Within the development, including those properties included in the farm group, residential amenity and privacy provision is considered acceptable. The development of the farm group and the eastern area of new housing subject to this development has no further effects on the surrounding area and existing residents over and above those already approved.
75. In adding to housing supply and enhancing available facilities, the housing proposals are considered to continue to have a positive impact on the surrounding area.

The Housing Application - Highway Safety

76. Sited at the entrance to the village, the additional traffic that will be generated by the currently proposed denser form of development are not considered detrimental to the safety of the surrounding road network of the existing village.
77. During the course of this application the proposals have been amended to comply with the detailed layout requirements of the Council's Highway Engineers. No objection has been offered to the implications of the additional units proposed on either the capacity of the estate junction or the surrounding highways network, it being noted that the scheme has already provided an additional roundabout in the A693, easing access onto the main road network and the A1(M). In addition financial contributions were made by the developer towards providing traffic calming in the village and a contribution towards public transport provision.

The Housing Application - Other considerations

78. The scheme continues to meet the requirement for provision of 15% affordable housing.
79. Issues relating to footpath links relate to the legal processes for diversion and realignment, and the conditions proposed to ensure the link to the C2C. The additional linkage is considered a sustainability positive of the overall scheme.
80. There are sufficient primary and secondary school places in the area to accommodate additional pupils from this development.
81. Sustainability Officers object to the detailed approach of the developer to their fabric first sustainability appraisal. The proposals, consistent with others currently under

construction with similar issues, are not wrong, but do not constitute best practice. Whilst they could be improved, this is not an issue that could constitute a refusal, particularly on a largely built-out scheme.

82. Contaminated land issues can be addressed through imposition of a proportionate standard condition.
83. A condition is proposed to protect retained trees on the site from development operations.
84. Areas of public open space including footpath links and communal play equipment are included within and on the periphery of the estate layout as requested by one of the public respondents. The section 106 will address the timing of the delivery of the equipped play area and the footpath link to the C2C.

The Housing Application – Section 106 Legal Obligation

85. The original consent included a number of requirements in terms of conditions and planning obligations – some of these such as the aforementioned roundabout, and the majority of affordable housing have already been met, others, including the detailed construction and adoption of the SuDS basin, the provision of on-site play-equipment and open space, the new footpath link to the C2C, public transport, public art, primary health care remain to be addressed in whole or by proportionate degree and are recommended repeated in any new consent, still meeting the tests of legal agreements set out in the NPPG, as being, ‘necessary to make the development acceptable in planning terms, directly related to the development, and fairly and reasonably related in scale and kind’.
86. Also considered necessary, and meeting the same tests, are a series of timing ‘triggers’ to ensure both that the farmyard development is commenced within a certain time – pegged to the construction of the housing development, and to reach an agreed point of substantially completeness before a second agreed point in the construction or occupation of the residential scheme.

The Listed Building Application – The Principle of Demolition

87. As previously stated the loss of the Listed Buildings is significant and very careful consideration needs to be given to the acceptability of this element of the development as a wholly separate element to the housing development. The Planning (Listed Buildings and Conservation Areas) Act 1990 ensures local authorities shall have regard to the desirability the building or its setting or any features of special architectural or historic interest which it possesses.
88. Further advice is set out in considering the proposal to demolish through the Framework’s starting point of paragraph 14. The development plan is silent on demolition of listed buildings. Specific policies in the Framework indicate where development should be restricted. The NPPF advises that, ‘where a proposed development will lead to substantial harm to or total loss of significance of a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss, or all of the following apply:
 - the nature of the heritage asset prevents all reasonable uses of the site; and
 - no viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation; and

- conservation by grant-funding or some form of charitable or public ownership is demonstrably not possible; and
- the harm or loss is outweighed by the benefit of bringing the site back into use.'

The Listed Building Application – Consideration

89. Whilst when listed the buildings were in poor repair, in terms of historic significance, they were considered a good regional example of a planned farmstead, and have a group value, originating from one of the most important phases in farm building development. The layout consists an E shaped plan with attached gin-gan, with detached farmhouse, labourer's cottages and pigsty (the detached farmstead and the pigsties were not included in the listings as the buildings have been compromised by alteration and disrepair, while it was considered that the cottages had special interest for their group value and represent simple workers housing of that period). It is a characteristic farm type of the north east but a regional survival of County Durham which illustrates the character and the development of local farming traditions within the context of the overall national patterns in farming history. The farm sat isolated from the village, prominent in the landscape.
90. Council Design and Conservation Officers have assessed the effect on the listed buildings in detail, systematically assessing against the tests set out (as above) in the NPPF, using the submitted revised Heritage Statement that describes the significance of the heritage assets affected, the contribution to its setting, and identifies and assesses the particular significance of the protected and associated Farm Buildings. Planning Officers conclude that:
91. Test 1 - *The nature of the heritage asset prevents all reasonable uses of the site:* The structural Surveys submitted by the applicant, carried out by a consultant with particular experience on traditional structures have been examined in detail by both the Council and specialist consultees, including Historic England. The latter have withdrawn their initial objection to the proposed demolition, deferring to the County Council to make the planning decision, on the basis that a cautious approach to dismantling the buildings is carried out. Conservation Officers have assessed a series of potential steps / alternatives involving different levels of demolition, and having consulted with a County Council Senior Engineer / Building Control Inspector as an independent advisor. The nature and poor condition of the heritage asset, set on the edge of a housing estate, is such that whether converted, by degree rebuilt, or replaced in its entirety, leads to a residential use as most appropriate, with no other obvious uses of the heritage asset reasonably apparent.
92. Test 2 - *No viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation:* Officers have been convinced that the structures are potentially beyond repair but propose to follow Historic England's advice through an agreed phased dismantling, giving appropriate regard to their protected status, to properly ascertain whether there is an amount of the original historic fabric that could be retained and either converted or reused. In its current state, only residential use or re-use gives the necessary returns that would achieve an end-use that would result in preservation scheme that reflects the significance of the heritage asset.
93. Test 3 - *Conservation by grant-funding or some form of charitable or public ownership is demonstrably not possible:* There is no obvious viable use of the asset as much because of the perilous condition of the asset; no form of grant aid or public ownership has been identified as available that will enable the asset to be retained,

nor financial input from third parties because of its structural instability and unsafe nature.

94. Test 4 - *The harm or loss is outweighed by the benefit of bringing the site back into use:* The Farm Group was listed because its form and layout represented a significant era in agriculture, on a site of particular prominence. Officers have worked with the applicant to propose a facsimile building, incorporating as much of the original historic fabric as possible that replicates the form and layout of the original group. This should be an ultimate fall-back position if the phased dismantling of the building does not identify an amount of structure that could be retained and either converted or incorporated into a replacement structure. The 'E' shaped main group, with projecting gin-gan (horse engine), and separate labourers cottages would be built to retain the visible structure as a prominent corner site of the development, as per the siting and context proposed for the converted listed building group in the 2009 approval. Window arrangement and detailing will be as per the approval to convert the buildings, as will parking arrangement and use of the open spaces around the buildings. Internally they will be subdivided differently from the approved conversion, providing for more, smaller, units. As much of the fabric of the original buildings as possible that can be re-used will be incorporated into the new structure. The new buildings will therefore provide a clear, historically legible reference to the historic use of the site, and its role and significance in the surrounding landscape, albeit it as absolutely acknowledged. The harm to the listed buildings is therefore considered outweighed by bringing this part of the site back into use – the use envisaged when the conversion of the listed buildings was approved, mitigated by the form in which that will happen – i.e. as a reflection of the asset.

The Listed Building Application – Outweighing the Harm

95. In line with the advice in paragraph 133, Officers acknowledge that the partial / substantial or total loss of the heritage asset is proposed, and that substantial public benefits are necessary to outweigh that harm or loss. That the proposed approach will help provide new housing that adds to the range of residential opportunities available in the area, in a form that allows for retention of a level of understanding of the historic evolution of the locale is considered highly material. It is noted that the effect of the new modern housing development has already been accepted in so far as it affected the isolated setting of the historic farm group, whether part retained or replaced, the form and massing of the farm group will still be apparent as far as the historic consent allows, with the consideration of the demolition application becoming a determination of how much historic fabric is retained, and how. Taking Heritage England's advice, this will only be apparent through phased dismantling.
96. Further relevant to considering the potential benefits of bringing the site back into use, are by degree, the economic benefits in terms of the construction cost, and attendant employment that the new building will provide – a build cost of £922,000 and 11 direct / 16 indirect jobs are envisaged.
97. As with the main development, there are potential social and environmental benefits that include widening the choice of homes available to the local community in what has been accepted a sustainable location, and the ultimately, the removal of structures that have become a visual and safety issue. This being included with the assessment of the planning balance.
98. To ensure that the new structure is a faithful external copy conditions are proposed to ensure external materials and detailing are as close to what would be expected of a historic structure as possible. In addition, to focus the attention of the developer on the erection of this important part of the development, as part of the s.106 legal

agreement proposed to accompany any consent, a series of 'triggers' to set the timing of the start of the facsimile buildings and their substantial completion is proposed, set against the erection and occupation of the market housing that forms the remainder of this proposal. This has been accepted in principle by the developer – the details still under discussion as this report is written. This approach has been assessed against the tests for the imposition of planning obligations set out in the NPPG, as being necessary to make the development acceptable in planning terms, directly related to the development, and fairly and reasonably related in scale and kind.

99. The late representation from the Victorian Society has been received with some surprise – the contention that the solution is 'simply dealing with some rebuilding' and partial re-roofing is at significant variance to specialist advice received to date. The Victorian Society are trying to arrange a structural survey that may be available before the Committee Meeting – Members will be advised accordingly. They consider, 'It is very important that they understand the complete situation and the importance of these buildings'.

CONCLUSION

The Housing Application

100. The remix of housing units, reacting to and reflecting the changes to demand for certain house types is a standard type of application received when large housing developments are phased over a number of years. This is considered to remain in accordance with the Development Plan. Officers are satisfied that the site and proposals remain sustainable development in a sustainable location, subject to the proposals ensuring provision of the wider community benefits of footpath links, open space, play space and the other issues outlined above proportionately increased to reflect the increase in house numbers, proposed achieved through a modified legal agreement. In terms of principle issues of Highways, Foul and Surface Water Drainage, Sustainability, the proposals are recommended as an acceptable evolution of an existing approval. That the site of the listed buildings will provide additional housing – in whatever detailed for this takes – will also raise the sustainability of the proposal as increasing the number and type of residential opportunities available on the site.

The Listed Building Application

101. That the listed buildings have reached a level of decay where demolition could be considered reflects well on neither the developer nor the Council. Unfortunately the structures are now in a condition where potentially significant or compete demolition is recommended approved by Officers. The Case has been discussed with Heritage England, who in withdrawing their objection have provided valuable and extensive advice. In approving the application the Council will retain strict control to ensure that as much historic fabric as practicable is retained or reused in a facsimile of the original building that is provided to replace the listed building to be lost and that these works are undertaken within a specified period of the market housing taking place through a legal agreement. Ultimately, Officers consider the 'exceptional' loss of the listed building can be justified, and the applications are both recommended approved on this basis.

102. Starting from their condition when they were listed, the buildings have potentially deteriorated towards a structural point of no return, which appears to be as much a result of a lack of active management, the applicant deferring the rebuilding of the listed structures to the end of the development as a result of their their location on the site, rather than as an act of deliberate neglect or damage.
103. Officers consider there are potential substantial public benefits in the appropriate reflection of the historic structures and that the four tests set out in paragraph 133, read together, have been examined and do not prevent an approval.

General Conclusion

104. Officers have worked through the planning balance of the development plan assessment and comparison to the advice and tests set out in the framework. The applications have been considered on their own merits and in parallel. Subject to the scheme of development and replacement proposed, it is concluded that the framework does not indicate that development should be restricted.

RECOMMENDATION

That the applications be **APPROVED** subject to the following conditions and the developer entering into a section 106 legal agreement:

Housing Application DM/15/02817/FPA

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.
Plan Reference Number:
Architectural Layout 244/A/GA/001 rev.42
Farmsteading Elevations PCLS-FS002b
Labourers Cottages Elevations PCLS-LC001
Clayton Housetype CA-WD06d
Hanbury Elevations 244/A/761/001
Hanbury Plans rev.M HB-WD20
Lumley Housetype LY-WD06m
Roseberry Housetype RS-WD06s
Chedworth Housetype CD-WD06n
Edlingham rev.J
Tiverton Housetype TV-WD06c
Winster Housetype WS-WD06t
Rufford Elevations 244/A/870/001
Rufford Plans rev.K RF-WD11
Hatfield Elevations 244/A/969/001
Hatfield Plans rev.J HT-WD11
Standard Garages rev.B SGD-01
Reason: To define the consent and ensure that a satisfactory form of development is obtained in accordance with the NPPF.

3. Before any demolition or dismantling of the farm buildings is undertaken, the developer must provide the following for approval in writing by the Local planning authority (said scheme to be implemented in full accordance with the written agreement):

- A methodology for a phased dismantling / demolition of the listed structures, identifying stages at which the remaining structure will be structurally reassessed with the Local planning authority for potential retention.
- A written scheme with plans and sections to show the retention of all parts of the historic structure that the methodology has identified for retention, and how this will be integrated into the new-build elements of the structure.
- Assessment of removed dismantled fabric for salvage and capable of re-use including details of safe storage.
- Full photographic record of the buildings and photos to identify design details to inform future design in a form acceptable for submission to the County Archive/HER, this document to be submitted so, before occupation of the last of the standard market houses hereby approved is occupied.

No demolition will take place except in accordance with the scheme approved in writing by the Local planning authority.

Reason: to ensure the special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses has been fully assessed with the advice in the Framework. Given the nature of this issue, this condition is considered required pre-commencement, the advice of Article 35 of the DMPO 2015 having been taken into account.

4. Once the report agreeing the extent of dismantling / demolition has been agreed in writing by the Local planning authority, and before undertaking new building operations on the site of the farm group, the developer must submit the following for approval in writing by the Local planning authority:

- Production of 1:20 detailed sections through the building and 1:5 details at locations and features agreed with the Local planning authority.
- Production of 1:50 elevations of the proposed farm group and cottages clearly identifying retained or reclaimed elements of the proposed structures.
- Detailed technical specification for all external fabric elements including samples of existing and new replacement materials, i.e. slate, stone sills, lintels and sample panels of stonework to show coursing and mortar.
- Details of rainwater goods to include, materials, colouring and fixings.
- Details of windows, doors, shutters and cart doors to include materials, colouring and recessing within openings.
- Details of all proposed and retained hard surfaces to vehicular and pedestrian routes.
- Retention of historic walls and details of all proposed boundary markers

Reason: to ensure the special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses has been fully assessed with the advice in the Framework. Given the nature of this issue, this condition is considered required pre-commencement, the advice of Article 35 of the DMPO 2015 having been taken into account.

5. Details of the provision of Play Equipment, including siting, surfacing, and specification must be submitted, agreed in writing, implemented in full and available for use before occupation of the 282nd residential unit on the whole development.

Reason: To increase the sustainability of the scheme in line with Part 8 of the NPPF and Policies HP9 and RL5 of the Development Plan.

6. Full construction details and a timescale for implementation of the proposed footpath link to the C2C footpath including surfacing, boundary markers where proposed and landscaping (to include: species, planting specification, planting density, timetable for

implementation, maintenance regime, and a schedule for replacing specimens that fail within five years of the implementation of the scheme) must be submitted to and approved in writing the Local planning authority, being implemented and available for use before occupation of the 282nd residential unit on the whole development.

Reason: To increase the sustainability of the scheme in line with Part 8 of the NPPF.

7. Prior to any demolition or any activity that would directly or indirectly disturb or impact nesting, a Barn Owl survey of the buildings should be conducted by a suitably qualified body or individual. If Barn Owls are found to be using the buildings for either nesting or roosting then appropriate mitigation and compensation for this species will be required, to be set out in writing for approval in writing by the Local planning authority. Demolition or other activities that could impact upon Barn Owl should not be commenced until all survey and mitigation works, if required, agreed with the LPA have been completed in full.

Reason: to ensure the rights of species protected by law. Given the nature of this issue, this condition is considered required pre-commencement, the advice of Article 35 of the DMPO 2015 having been taken into account.

8. A detailed landscaping scheme must be submitted to and approved in writing by the Local Planning Authority before construction of the 282nd standard housing unit on the development. No tree shall be felled or hedge removed until the landscape scheme, including any replacement tree and hedge planting, is approved as above. Any submitted scheme must be shown to comply with legislation protecting nesting birds and roosting bats.

The landscape scheme shall include accurate plan based details of the following:

- Trees, hedges and shrubs scheduled for retention.
- Protection to the current British Standard for Trees in relation to Construction of all trees identified for retention.
- Details of hard and soft landscaping including planting species, sizes, layout, densities, numbers.
- Details of planting procedures or specification and a schedule for implementation.
- Seeded or turf areas, habitat creation areas and details etc. Details of land and surface drainage.
- The establishment maintenance regime, including watering, rabbit protection, tree stakes, guards etc.

The local planning authority shall be notified in advance of the start on site date and the completion date of all external works. Planted trees, hedges and shrubs shall not be removed without agreement within five years.

Reason: In the interests of the visual amenity of the area and to comply with Policy HP9 of the development plan and the advice of the NPPF.

Listed Building - DM/15/02818/LB

1. Before any demolition or dismantling of the farm buildings is undertaken, the developer must provide the following for approval in writing by the Local planning authority (said scheme to be implemented in full accordance with the written agreement):
 - A methodology for a phased dismantling / demolition of the listed structures, identifying stages at which the remaining structure will be structurally reassessed with the Local planning authority for potential retention.

- A written scheme with plans and sections to show the retention of all parts of the historic structure that the methodology has identified for retention, and how this will be integrated into the new-build elements of the structure.
- Assessment of removed dismantled fabric for salvage and capable of re-use including details of safe storage.
- Full photographic record of the buildings and photos to identify design details to inform future design in a form acceptable for submission to the County Archive/HER, this document to be submitted so, before occupation of the last of the standard market houses hereby approved is occupied.

No demolition will take place except in accordance with the scheme approved in writing by the Local planning authority.

Reason: to ensure the special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses has been fully assessed with the advice in the Framework. Given the nature of this issue, this condition is considered required pre-commencement, the advice of Article 35 of the DMPO 2015 having been taken into account.

2. Once the report agreeing the extent of dismantling / demolition has been agreed in writing by the Local planning authority, and before undertaking new building operations on the site of the farm group, the developer must submit the following for approval in writing by the Local planning authority:

- Production of 1:20 detailed sections through the building and 1:5 details at locations and features agreed with the Local planning authority.
- Production of 1:50 elevations of the proposed farm group and cottages clearly identifying retained or reclaimed elements of the proposed structures.
- Detailed technical specification for all external fabric elements including samples of existing and new replacement materials, i.e. slate, stone sills, lintels and sample panels of stonework to show coursing and mortar.
- Details of rainwater goods to include, materials, colouring and fixings.
- Details of windows, doors, shutters and cart doors to include materials, colouring and recessing within openings.
- Details of all proposed and retained hard surfaces to vehicular and pedestrian routes.
- Retention of historic walls and details of all proposed boundary markers

Reason: to ensure the special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses has been fully assessed with the advice in the Framework. Given the nature of this issue, this condition is considered required pre-commencement, the advice of Article 35 of the DMPO 2015 having been taken into account.

STATEMENT OF PROACTIVE ENGAGEMENT

The Local Planning Authority in arriving at the recommendation to approve the application has sought to actively engage as appropriate with the applicant to secure a positive outcome in accordance with the NPPF in discussing the scheme in detail pre-submission, and in allowing further negotiation and submission of additional information on those points identified as lacking by consultees during the course of the application.

BACKGROUND PAPERS

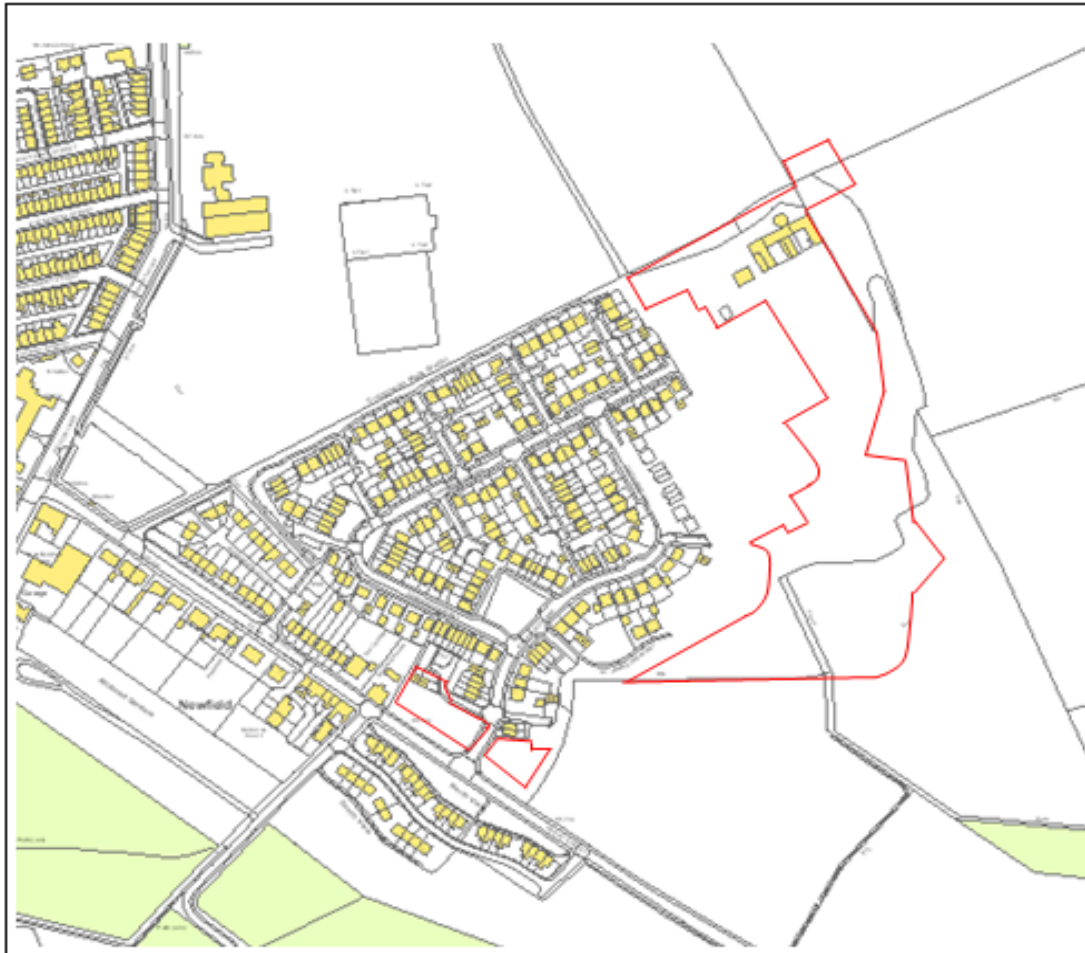
Submitted application form, plans supporting documents and subsequent information provided by the applicant.


The National Planning Policy Framework (2012)

National Planning Practice Guidance Notes

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

Statutory, internal and public consultation responses



 <p>Durham County Council</p> <p>Planning Services</p>	<p>Newfield Farm, Newfield Road, Newfield</p> <p>Application Numbers DM/16/02817/FPA and DM/16/02818/LB</p>	
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	<p>Date 26th January 2017</p>	<p>Scale 1:5000</p>

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Planning Services

COMMITTEE REPORT

APPLICATION DETAILS

APPLICATION NO:	DM/16/01861/FPA
FULL APPLICATION DESCRIPTION:	8 luxury holiday chalets, plus site management building with residential accommodation for site manager and associated site infrastructure, including revised site access and sustainable drainage system
NAME OF APPLICANT:	Holmside Developments Ltd
ADDRESS:	Land East of Ornsby Hill, Lanchester
ELECTORAL DIVISION:	Lanchester
CASE OFFICER:	Steve France Senior Planning Officer Telephone: 03000 264871 steve.france@durham.gov.uk

DESCRIPTION OF THE SITE AND PROPOSALS

1. The Site
2. The application site is 1.6ha of open countryside, 0.55 miles north of the centre of the village of Lanchester. Ornsby Hill is a small hamlet of around 10 dwellings adjacent the A6076 as it rises steeply to the north and heads towards first Maiden Law and then Annfield Plain. Lanchester is defined as a 'Local Service Centre' and Annfield Plain as a 'Smaller town / Larger Village' within the Durham Settlement Study, 2012.
3. The site is farmland, consisting of semi-improved grassland and is separated from similar to the north, east and south by mature hedging that incorporates protected trees. There are no public rights of way on or adjacent the site. To the east of the land is maturing protected woodland, screening the proposed development from the abovementioned main road, and through which the proposed site access would be taken, accessed adjacent the existing bus-stop. The site is within the Area of High Landscape Value (AHLV).
4. The existing eight properties grouped together on the cul-de-sac at Ornsby Hill are serviced from a short unadopted rear lane leading to a private track, known as Back Lane and a detached unoccupied older dwelling, Ornsby Hill House. A separate dwelling exists on the opposite side of the main road facing the cul-de-sac entrance.
5. The Proposal
6. The application is a resubmission of a scheme approved by Committee in July 2013 that has recently expired, unstarted. This application again proposes the erection of 8 architect-designed holiday chalets, a site management building, residential accommodation for a site manager and associated site access and infrastructure.

The entrance / egress uses an existing trackway through the woodland area, leading to an L shaped arrangement of buildings that mirrors the shape of the field. Additional tree planting is proposed within the eastern part of the field, with the hedging on all boundaries, but particularly adjacent Back Lane, enhanced. The existing gated access into the field, from the lane serving the dwellings in Ornsby Hill, would be closed and landscaped. The proposals are consistent with the previous approval, differing only in technical detail.

7. The application is reported to Committee at the request of the Parish Council due to the recommendation being contrary to their wishes.

PLANNING HISTORY

8. A series of applications between 2004/2005 led to the refusal of a proposal to site around 40 static caravans on the site, upheld at appeal.
9. In 2013 Committee approved consent for, 'Development of 8 no. Holiday lodges, site management building, site manager's accommodation and site infrastructure including revised site area access and sustainable drainage system'.

PLANNING POLICY

10. NATIONAL POLICY

11. The Government has consolidated all planning policy statements, guidance notes and many circulars into a single policy statement, the National Planning Policy Framework (NPPF), although the majority of supporting Annexes to the planning policy statements are retained. The overriding message is that new development that is sustainable should go ahead without delay. It defines the role of planning in achieving sustainable development under three topic headings – economic, social and environmental, each mutually dependant.
12. The presumption in favour of sustainable development set out in the NPPF requires local planning authorities to approach development management decisions positively, utilising twelve 'core planning principles'.
13. In accordance with paragraph 215 of the National Planning Policy Framework, the weight to be attached to relevant saved local plan policy will depend upon the degree of consistency with the NPPF. The greater the consistency, the greater the weight. The relevance of this issue is discussed, where appropriate, in the assessment section of the report below.
14. The following elements of the NPPF are considered relevant to this proposal;
15. *NPPF Part 1 – Building a Strong, Competitive Economy* – reinforces the Government's commitment to securing economic growth to create jobs and prosperity, ensuring the planning system supports this aim – 'significant weight' is to be placed on this aim. Planning policies should seek to address potential barriers to investment, setting out clear economic vision and strategy which proactively encourages sustainable economic growth, identifies sites and inward investment, and identifies priority areas for economic regeneration. There is no specific advice on decision making.

16. *NPPF Part 3 – Supporting a Rural Economy* – Requires planning policies to support economic growth in rural areas in order to create jobs and prosperity by taking a positive approach to sustainable new development, supporting all types of business and enterprise, promoting development and diversification of agricultural and rural business and supporting tourism and leisure activities that benefit rural businesses, communities and visitors whilst respecting the character of the countryside.
17. *NPPF Part 4 – Promoting Sustainable Transport* - notes the importance of transport policies in facilitating sustainable development and contributing to wider sustainability and health issues. Local parking standards should take account of the accessibility of the development, its type, mix and use, the availability of public transport, levels of local car ownership and the need to reduce the use of high-emission vehicles.
18. *NPPF Part 7 – Requiring Good Design* - the Government attaches great importance to the design of the built environment, with good design a key aspect of sustainable development, indivisible from good planning. Planning policies and decisions must aim to ensure developments; function well and add to the overall quality of an area over the lifetime of the development, establish a strong sense of place, create and sustain an appropriate mix of uses, respond to local character and history, create safe and accessible environments and be visually attractive.
19. *NPPF Part 8 – Promoting Healthy Communities* – the planning system is considered to have an important role in facilitating social interaction and creating healthy, inclusive communities, delivering social recreational and cultural facilities and services to meet community needs. Access to high quality open spaces and opportunities for sport and recreation can make an important contribution to the health and well-being of communities.
20. *NPPF Part 11 – Conserving and enhancing the natural environment.* The planning system should contribute to and enhance the natural environment by; protecting and enhancing valued landscapes, recognizing the benefits of ecosystem services, minimising impacts on biodiversity and providing net gains in biodiversity where possible, preventing new and existing development being put at risk from unacceptable levels of soil, air, water or noise pollution or land instability, and remediating contaminated and unstable land.

NATIONAL PLANNING PRACTICE GUIDANCE:

21. The newly introduced National Planning Practice Guidance (NPPG) both supports the core government guidance set out in the NPPF, and represents detailed advice, both technical and procedural, having material weight in its own right. The advice is set out in a number of topic headings and is subject to change to reflect the up to date advice of Ministers and Government. The main relevant topics include:
22. *Design - The importance of good design.* Good quality design is an integral part of sustainable development. The National Planning Policy Framework recognises that design quality matters and that planning should drive up standards across all forms of development. As a core planning principle, plan-makers and decision takers should always seek to secure high quality design, it enhancing the quality of buildings and spaces, by considering amongst other things form and function; efficiency and effectiveness and their impact on wellbeing.
23. *Planning and Flood Risk* – advises Local planning authorities in Strategic Flood Risk Assessment and a sequential risk-based approach to the location of development.

24. *Use of Planning Conditions* – advises on the tests required of conditions proposed attached to approvals and the approach that should be taken in imposing them.
25. *Natural Environment* - Section 40 of the Natural Environment and Rural Communities Act 2006, which places a duty on all public authorities in England and Wales to have regard, in the exercise of their functions, to the purpose of conserving biodiversity. A key purpose of this duty is to embed consideration of biodiversity as an integral part of policy and decision making throughout the public sector.

LOCAL PLAN POLICY:

26. The following are those saved policies in the Derwentside District Local Plan relevant to the consideration of this application:
27. *Policy GDP1 – General Development Principles* – outlines the requirements that new development proposals should meet, requiring high standards of design, protection of landscape and historic features, protection of open land with amenity value, respecting residential privacy and amenity, taking into account ‘designing out crime’ and consideration of drainage.
28. *Policy EN1 – Development in the Countryside* – will only be permitted where it benefits the rural economy / helps maintain / enhance landscape character. Proposals should be sensitively related to existing settlement patterns and to historic, landscape, wildlife and geological resources.
29. *Policy EN2 – Preventing Urban Sprawl* – Except where provision has been made in the plan, development outside built up areas will not be permitted if it results in: the merging / coalescence of neighbouring settlements; ribbon development or; and encroachment into the countryside.
30. *Policy EN6 - Development within Areas of High Landscape Value* - Development will only be permitted provided that it pays particular attention to the landscape qualities of the area in the siting and design of buildings and the context of any landscaping proposals.
31. *Policy EN9 – Works to trees covered by Preservation Orders* – Only allows the cutting down, lopping, pruning, topping or uprooting of protected trees if the work is necessary because of good arboricultural reasons or the survival or growth prospect of other protected trees is threatened, or if the tree is causing structural damage and no other remedial action is possible, or the tree is a danger to life or limb.
32. *Policy EN11 – Trees and Development* – states that throughout the district existing trees should be retained where possible. Consideration will be given to the effect of development on any affected trees, taking into account; landscape diversity, the setting of existing or proposed buildings, wildlife habitat and visual amenity.
33. *Policy EN23 – Wildlife Corridors* – when considering development proposals regard will be given to the need to maintain the nature conservation value of strategic wildlife corridors identified on the Proposals Map.
34. *Policy TO7 – Camping, Caravan and Chalet Development* – Permission will only be granted for these forms of development where; the proposal does not affect the landscape character of the area, where the site is adequately controlled by the local topography and tree cover in the control of the applicant, the scale, materials and design of chalet developments are appropriate to the locale, site services are limited

to the needs of site residents, the site is served by adequate infrastructure, and the proposal does not adversely affect the amenities of neighbours. Proposals for permanent new site warden's accommodation will not usually be approved.

35. *Policy TR2 – Development and Highway Safety* – relates to the provision of safe vehicular access, adequate provision for service vehicle manoeuvring, etc.

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

RELEVANT EMERGING POLICY:

36. 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 at the present time.

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

CONSULTATION AND PUBLICITY RESPONSES

STATUTORY RESPONSES:

37. *Highways* – County Highways Engineers have no objections to the proposal noting the previous consent.

INTERNAL CONSULTEE RESPONSES:

38. *Drainage* – Engineers accept the proposed greenfield run-off rate, but note connection to the outfall will need to be agreed. There is no historical evidence of flooding on the land. An interceptor channel will be needed on the site access, and more detail of the permeable road construction. Details of the sustainable drainage approach will need to be conditioned.
39. *Ecology* – The County Ecologist has required additional information and justification during the course of the application in relation to the Woodland Management Plan, the Hedgerow Survey and net bio-diversity gain. These issues have been or are close to resolution as this report is written, with the proposals capable of providing the net biodiversity gain required by the NPPF, NPPG and Wildlife and Countryside Acts.
40. *Landscape* – Note the site as within the AHLV and a 'Landscape Conservation Area'. Views of the site are restricted to distant partial views and seasonal views through trees, with the proposals described as having 'some adverse landscape and visual effects'.

41. *Archaeology* – have been disappointed by the response of the applicant to requests for site investigation and have suggested standard conditions to ensure the site's potential for interest is fully investigated, with mitigation as appropriate.
42. *Design and Conservation* – note the site is outside the Conservation Area, and that there is a listed building near the site access. There is no objection to the scheme in principle.

PUBLIC RESPONSES:

43. Neighbours have been consulted, a site notice was posted and a press notice was published in The Northern Echo. Objections have been received from Lanchester Parish Council and 7 local residents, with a representation received from the Village Partnership.
44. A range of objections are offered to the proposals, with some correspondents under the impression that the previous application had been refused.
45. The Parish Council point out some errors in the submission, and that in relying on documentation submitted with the original application, some information appeared out-of-date. Noting the site as within the AHLV, outside the settlement boundary, the proposals are contended to have an adverse visual impact, and will have a negative impact on the visual rural character of the Browney and Small Hope Valley areas. Flora and fauna and the wildlife corridor will be compromised. There are concerns that the development may set a precedent and lead to further proposals or a change of use to market housing. The entrance to the site and the nature of the existing highway with the volumes of traffic on it are raised as further issues.
46. It is contended that the number of dwellings and therefore people will be doubled at Ornsby Hill, and that the nature of holiday accommodation would disrupt residential amenity and noise levels. Robust conditions are required to ensure the accommodation remains in holiday use. Justification for the manager's lodge is questioned, along with the business case for the scheme. The proposed drainage arrangement is questioned in elements of detail. Reference is made to the covenant negotiations, and documents referring to this submitted by the applicants.
47. The Parish's objection covers most of the issues also raised in individual correspondent's letters. Also mentioned however are; the size and appearance of the proposed buildings in a rural location, additional pressure on village facilities, lack of existing woodland management, compromising existing residents ability to turn in the site access. The site and location are considered unsustainable – tourists should be directed to Beamish and Durham City.
48. Lanchester Village Partnership / Campaign to Protect Rural Lanchester acknowledges the previous approval, and the precedent that sets. Their concern extends to ensuring the use of Manager's house is properly tied to the holiday accommodation.

APPLICANTS STATEMENT:

49. An applicant's statement has not been submitted.

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

PLANNING CONSIDERATIONS AND ASSESSMENT

50. 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, consistent with its last assessment, the main planning issues in this instance relate to the principle of development, its location within a designated landscape and highway safety.
51. It is highly significant and material that the site has, until very recently, been subject to a planning approval for the same scheme, as approved by Planning Committee in 2013. The following report therefore largely revisits the previous assessment, updated as appropriate in response to any issues that have changed.
52. The scheme must again be assessed against the Planning balance – in the first instance proportionately using those saved policies in the Development plan, and then against the advice in the Framework itself.

The Principle of Development

53. In the development plan, saved Policy TO7 states permission will only be granted for camping, caravan and chalet development where; the proposal does not affect the landscape character of the area, where the site is adequately controlled by the local topography and tree cover in the control of the applicant, where the scale, materials and design of chalet developments are appropriate to the locale, where site services are limited to the needs of site residents, the site is served by adequate infrastructure, and where the proposal does not adversely affect the amenities of neighbours.
54. This approach is partially consistent with the advice in the NPPF which at paragraph 28 states LPAs should support sustainable rural tourism and leisure developments which respect the character of the countryside. This should include supporting the provision and expansion of tourist and visitor facilities in appropriate locations where identified needs are not met by existing facilities in rural service centres.
55. The Government's 'Good Practice Guide on Planning for Tourism' referred to in the previous application was rescinded in 2014, but does not appear to have been directly replaced – a more general document was published in 2016 – the 'Tourism Action Plan'; which states that 'Tourism is one of the UK's most important industries, directly responsible for 1.6 million jobs at all entry levels throughout the UK'. That report sets out how the Government is working to do this through action on: the tourism landscape, skills, common sense regulation, transport and 'a GREAT welcome'.
56. At a local level the Durham Tourism Management Plan 2012-2016 that justified the original consent outlined a vision for County Durham that by 2020 the County's visitor economy would account for 17% of the county's economy. This aim is repeated in the 2016-2010 Management Plan – 'this will represent an increase of £111.4 million from £752 million (2014) to £863.4 million in 2020. Using the national (VisitEngland) and regional standard (£53k = 1 FTE job), this would create 2,101 additional jobs by 2020'.
57. The County set out to interconnect the various tourism offers whilst developing local distinctiveness and specifically increasing the contribution of Durham's rural areas to

the overall value of the county visitor economy. Therefore visitors based near Lanchester, whilst in a rural location, are in easy access of Weardale and the Pennines, have the attraction of a historic rural village and its services and businesses, but are also in short reach of Durham City as both a destination and as a transport node for the A1(M), A19 and East Coast Main Line to explore the wider County and the region beyond. A report prepared for the Visit County Durham Section of the Council by the Hotel Solutions Consultancy on October 2012 identified 'the potential for additional self-catering provision around Durham and Beamish where leisure demand is boosted by corporate and University demand', with 'a gap in the market for 4 bedroom self-catering cottages for extended families and also scope for additional 'super cottages' that can cater for large family and friends get-togethers. The lack of good quality lodge accommodation remains an issue in the new management Plan.

58. The planning system, by taking a pro-active role in facilitating and promoting the implementation of good quality tourism development, is crucial to ensuring that the tourism industry can develop and thrive, thereby maximising these valuable economic, social and environmental benefits. At the same time, the planning system aims to ensure that these benefits are achieved in the most sustainable manner possible.
59. This approach is consistent with that set out in the NPPF to encourage sustainable economic development, Part. 3, 'Supporting a prosperous rural economy' requires support to the sustainable growth and expansion of all types of business and enterprise in rural areas, both through the conversion of existing buildings and well-designed new buildings, supporting sustainable rural tourism and leisure developments that benefit businesses in rural areas communities and visitors and which respect the character of the countryside'.
60. The consideration of the principle of development set out the potential for benefit to the general economy for economic generation from the holiday use of the site. Also material are the potential economic gains to the local economy from the build process, which are acknowledged in principle, as without detailed quantification by the applicant, and can only be attributed this general weight in this instance. Officers consider the application conforms with the NPPF and policy i.e. Policy TO7 supports holiday accommodation in principle subject to detailed criteria considered below.

The Landscape Character and Setting

61. The landscape setting is the first of the TO7 Policy constraints, informed by the site's location in the AHLV, for which Policy EN6 refers. Policy EN6, which is partially consistent with the NPPF, notes development will be permitted where it pays particular attention to the landscape qualities of the area in the siting and design of buildings in the context of landscaping proposals. Previously, both pre-submission and in response to formal consultation during the application process the Council's Senior Landscape Architect, acknowledging the site's location within the Area of High Landscape Value confirmed that the visibility of the site would be limited, as evidenced by the photo-montages that again accompany the application. In response to the current application the same consultee noted 'some adverse landscape and visual effects'. Planning Officers consider these limited to a degree that is not significant. In the intervening period since the previous refusal, the adjacent woodland (subject to recently reconfirmed formal Preservation Orders and in the control of the applicant) has grown further to provide additional screening for a form of development that is far less intrinsically obtrusive than that previously considered. The development site itself will be wholly screened by existing woodland from the adjacent main road. The detrimental effect of the visibility of the proposed access

has been addressed by its relocation, with the gap in the plantation previously proposed no longer an element of the proposals, ensuring the plantation is not compromised as a characterful landscape feature at the approach to the village.

62. The effect on the village, and the Conservation Area at its heart will be minimal, assisted in part by the topography, the site sitting on a shelf on the sloping valley side, with development proposed hugging the existing mature trees and hedges. The view from the Roman Camp identified by objectors, at nearly 1.3 miles distance on the other side of the wide river valley will be visible within trees – representing neither an obtrusive landscape feature nor one that has any effect on that Heritage Asset, the fort being a Scheduled Ancient Monument. The woodland management plans and details of existing tree protection required to ensure the tree cover used to previously reach this conclusion by the Council’s Senior Landscape Architect are proposed conditioned in the event of an approval. The existing tree cover and topography are considered to work for the site, in line with the second criterion of Policy TO7.
63. This topic is both a policy constraint and intrinsic to the three strands to sustainable tourism development that were set out in the good practice guide. These are; where the development is located – developments need to be located where they are accessible to visitors and where they do not have an adverse impact upon sensitive environments; how they are designed – developments should be attractive to users, they need to work well in functional terms and they need to use natural resources in an efficient manner; and how they fit into their surroundings – developments need to respect their environs and complement them rather than detract from them. They should be designed to have a positive impact upon landscape, the historical setting and upon ecology.
64. Previous to the approved scheme, the application site had previously been considered for tourism related development in the form of 39 static caravans. This proposal was refused at appeal in 2006 where the landscape implications of that use were instrumental in its refusal by the Council and the Planning Inspector. The Inspector identified four main issues in that case; the effect on the character and appearance of the area, the effect on the wildlife corridor, highways issues, and the effect on local residents, using the first three to dismiss the appeal. In previously approving the scheme, Members accepted that the increased screening both proposed and that which has occurred naturally, and in the revised highways arrangement, that the development is materially different to the previous application and has overcome the reasons for its refusal. Detailed consideration of the topics is again set out in the sections below to indicate why it was and is believed the resubmitted scheme had overcome or addressed those previous reasons for refusal.

Highways

65. A previous version of the proposals to develop this land included the site access to the rear of the existing terrace through the existing field gate and during the course of the last application the scheme had been changed to use the existing access and track through the woods in the location of the bus stop, 50m south of the access to the terrace. Policy TR2 of the Local Plan states that development will only be granted where the applicant can satisfy the Council that the scheme incorporates a clearly defined and safe vehicular access and exit, space for service vehicles, turning and parking space, access for emergency vehicles, satisfactory access to the public transport network and a satisfactory access onto the adopted highway. It is acknowledged that access is to a degree restricted on what is a busy road that is subject to overflow parking pressures associated with the nearby school. However the lack of objection from the County’s consulted Senior Highways Engineers who

have assessed the volume of traffic the development will produce in relation to the speed of traffic on the adopted highway and the visibility available from the revised site entrance is again considered to make any technical objection on highways grounds unsustainable. There are bus stops at the entrance to the site, and access to the nearby National Cycle Route 14 is only 0.63 miles away, which gives traffic free access to Durham and Consett, connecting to route 20 that gives off-road access to Bishop Auckland.

66. Members are aware that the siting of development in rural locations must be well located to existing services to be considered 'sustainable' – a requirement of all new development, whether achieved by locational sustainability, or in the 'balance' against economic benefits – as a total reliance on motor vehicles can undermine the sustainability credentials of schemes. As holiday accommodation the short distance to both the main village, and to the services offered by the nearby petrol filling station is considered appropriate and proportionate to meet what would be the reasonable expectations of self-catering holiday accommodation, with access to the formal footpath network, the cycle-path in the village and bus stops, including that at the site entrance, ensuring the siting can be assessed positively.

Design Issues

67. Part 7 of the NPPF is consistent with the approach that good design is important for tourism because: tourism is essentially a commercial activity and its success will depend upon how attractive it is to visitors. In areas with many tourist attractions, it is important that each attraction is perceived as contributing to the overall experience; and wherever tourist proposals are to be situated, it is important that they complement and improve the wider built and natural environment. The architect designed chalets are neat, modern single storey chalet units proposed constructed in sustainable materials and to allow for sustainable technology to be incorporated – i.e. photovoltaic panels. That this element of the scheme is noted to have elicited no objection except in relation to the size of the chalets in a village that pays particular regard to design issues is noted as potentially significant. Subject to a standard condition to ensure control over materials on site, the proposals are considered in line with Policy GDP1(a) of the Local Plan which seeks appropriate control of such issues.
68. That the scale, materials and design are appropriate is a requirement of Policy TO7 – the proposals being considered acceptable in this regard.

The Proposed Manager's accommodation

69. Policy TO7 of the local Plan, states 'proposals for permanent new site warden's accommodation will not usually be approved'. It is noted that for many types of holiday parks, a residential managerial presence is often essential, to achieve quality service to the customer, security for the property, and to meet the obligations of health and safety regulations. Accommodation may sometimes also be needed for key members of staff. As far as possible, suitably located existing dwellings should be used to meet these accommodation needs. But where this is not a feasible option, and particularly in locations where suitable housing is not available, or is unaffordable, it may be necessary to provide new, on-site accommodation for managerial and/or other staff. In such cases the conversion of any suitable available existing buildings should be considered first in preference to the construction of new and potentially intrusive housing development in the countryside.
70. Planning conditions can ensure that such accommodation is occupied for this purpose only. There are a number of site-specific elements of the proposals that

could be argued to justify the permanent wardens accommodation proposed here. Site management will be required for site security and general maintenance, particularly when the site is vacant along with servicing of the communal areas of the site, access, footpaths and woodland area. The proposed warden's accommodation would be a new dwelling in the countryside, but in supporting development of sustainable tourism and leisure that benefits businesses in rural areas as per paragraph 28 of the NPPF, is potentially considered to meet the requirements for special circumstances for such as set out in paragraph 55 of that document.

71. A condition is proposed to ensure the Managers lodge shall only be occupied by persons whose main occupation is the security, servicing, maintenance and management of the holiday lodge development in order to ensure the dwelling is only used for the purpose accepted as its special circumstances for erection in the countryside

Control of occupancy

72. The applicant asks for the use of the site for the full 12 months of the year. Whilst extension of the full season has economic advantages, the demand for the accommodation often occurs in areas where the provision of permanent housing would be contrary to national or local policies which seek to restrict development, for example in order to safeguard the countryside, as is the case here, protected by paragraph 55 of the NPPF. However a break in tenure, specified at a time of minimal demand, potentially helps the Local Authority ensure that the lodges proposed are not used as residential accommodation.
73. Consistent with the last report, in order to assess the eventuality of the holiday chalets being used as dwellings it is as well to consider the potential identifiable differences between a holiday and residential use of a chalet. This is in essence that the holiday accommodation should not be the occupant's only or main residence and therefore not the property in which they would normally reside to the extent that it could be described as their "home". This can be evidenced in a number of ways - residential property will attract Council Tax, whereas a holiday chalet within a commercial holiday operation will attract uniform business rates under the managing commercial enterprise in which the property is situated. Similarly, a residential property could be the location at which a person is registered to vote or from which children attend school. The holiday accommodation should not be a registered postal address and likewise should not be used as an address for registering, claiming or receipt of any state benefit or further should not be occupied in a manner, which might cause the occupation to be (or to become) a protected tenancy.
74. The planning system seeks to reconcile these objectives through the use of occupancy conditions designed to ensure that holiday accommodation is used for its intended purpose. Planning authorities commonly impose such conditions when granting permission for self-catering holiday accommodation. One type of condition frequently used for holiday accommodation, particularly in holiday areas, is known generically as a 'holiday occupancy condition'. The aim of such conditions is generally to ensure that the premises are only used by visitors and do not become part of the local housing stock.
75. There are three principal reasons why a planning authority might seek to do this; in order that national or local policies on development of the countryside are not compromised; to avoid occupation by permanent households which would in turn put pressure upon local services. Permanent households may place demands on local schools and social and health services that would not normally arise from visitors. Moreover, in remote locations the cost of providing these services is greater. It may

therefore be reasonable for the planning authority to place an occupancy condition when properties are being built or converted for residential use; and to strengthen tourism in a particular area by ensuring that there is a wide range of properties available to encourage visitors to come there on holiday. Planning authorities must frame these conditions according to local circumstances, and in accordance with general Government advice that conditions should be reasonable and fair. They must also need to frame them so that they can be readily enforced by the authority but in a way that is not unduly intrusive for either owners or occupants. A condition seeking to achieve this aim is again proposed attached to any approval.

76. To ensure the break in the holiday use of the site is clear, the proposed condition now suggests a full month break, rather than the two weeks previously conditioned. The applicant will be also required, through the imposition of the condition, to ensure the lodges are occupied for holiday purposes only and shall not be occupied as a person's sole or main place of residence. The owners/operators of the site will be required to maintain an up-to-date register of the names of all owner/occupiers of individual lodges on the site, and of their main home addresses, submitting this to the Council on an annual basis for inspection. On that basis it is considered that the scheme meets the requirements of Development Plan and paragraph 55 of the Framework.

Ecology

77. Legislation requires consideration of the impact of the development upon any species or habitat protected by law and the applicants have submitted an ecology survey which has been supplemented during the course of the previous and current application at the request of the County Ecologist. The countryside location and surrounding woodland provides a rich ecology resource, and a 'wildlife corridor' is established along this side of the main river valley reflecting this. The applicant has provided information to show that the development will not have an adverse effect on species protected by law. In this particular case, the two main issues which have the potential to impact upon protected species (bats) are the undertaking of works to two Chestnut trees at the entrance to the site and the provision of lighting on the site. The detail of the extent of works required for the two chestnut trees has been resolved between the applicants and the Council's Ecologist who is satisfied that there will be no adverse impact upon bats. These agreed works are to be controlled by the imposition of a condition. It is also considered that a lighting scheme can be designed which would not adversely impact upon bats and the location and level of lighting to be provided on the site can be controlled through a condition (see condition 6). As a result, it is considered that subject to the imposition of these conditions, the proposed development will not interfere with any protected species or habitat and as such, the Council has discharged its duty under the Habitats Directive and part 11 of the NPPF. There was detailed work still being undertaken on the form and evidence base of the wildlife reports as this report is written that may necessitate detailed changes to the proposed condition in regard of reference to specific documents.

Other Issues

78. Residents of the adjacent terrace have again complained at potential for loss of residential amenity should the development proceed, albeit it is noted that there were 7 objectors this time, compared to the previous 25. With a separation distance of 35m between the nearest chalet to an existing dwelling, separated by existing and proposed trees and hedges, this is not considered an unreasonable relationship and therefore not contrary to the last criterion of Policy TO7. The elevation of the existing property is further noted to be the rear, with the gardens and main living room

windows of that property, and therefore the main amenity of that dwelling, on the opposite side of the house. The Inspector assessing the proposal for the caravan site came to a similar conclusion when caravans were proposed within 30m of the dwellings. The scheme is assessed as acceptable against Policy GDP1(h) of the Local Plan.

79. Drainage of the site is proposed to take the foul through a solid pipe gravity system to the existing Northumbrian Water system. Northumbrian Water had no objection to this arrangement subject to connections to their specification. Surface water will be drained through a Sustainable Drainage System into a nearby woodland water course. Paved areas within the development will include permeable surfaces and filtration, ensured by condition. The arrangement replicates natural drainage systems to manage flood risk at source. The lodges will incorporate rainwater harvesting to recycle water and reduce surface water run-off. The Environment Agency has previously examined a scheme that has been redesigned at their behest during the course of the planning application and on the basis that only surface water is discharged into the SUDS system, offered no objection. The scheme is considered compliant, as required, by Policy GDP1(i) and (j) of the Local Plan, with detailed run-off rates suggested by Council Drainage Officers included in the proposed condition. Northumbrian Water had previously asked for foul drainage to be connected to their system. The proposals reflect the previously agreed scheme.
80. With a less dense form of development proposed compared to the refused scheme for caravans, and a redesigned access to ensure there is no break in the woodland cover, the site is not considered to undermine the wildlife corridor protected by Policy EN23 of the Local Plan in allowing the free and safe movement of wildlife within the area and therefore the integrity of this feature.
81. The Coal Authority have previously inspected the detailed Coal Mining Risk Assessment submitted with the proposals, and raised no objection subject to their standard condition.
82. Referred to by objectors, the legal covenant restricting development within the woodland area is not material to the determination of the planning application.
83. The County Archaeologist requires that the site be investigated for potential interest before the development takes place, and whilst this ideally should lead an application, is ultimately capable of being addressed by condition. Given the nature of this issue, this investigation is considered required pre-commencement of development works.
84. Various aspects of precedent are raised by the Parish Council and other objectors, including references to conveyance discussions, the shape of the access road and the remaining undeveloped extent of the applicant's landholding. Any proposals for future development would be fully under the control of the Council as Local planning authority and would be considered on their own merits.

CONCLUSION

85. The proposed development is considered to be broadly compliant with the development plan. In terms of the planning balance of assessment of the proportionate weight given to policies in the Development Plan and when further assessed against the National Planning Policy Framework, and also in terms of the wider material policies and drivers of Durham County Council that seek to drive

economic regeneration and prosperity, particularly as set out in the Durham Tourism Management Plan, the basic principle of the development is considered acceptable.

86. To the extent that relevant policies in the Development Plan are out of date, the paragraph 14 presumption applies. There are no policies in the NPPF to indicate that development should be restricted, and no adverse impacts have been identified that significantly and demonstrably outweigh the benefits when assessed against the Framework as a whole.
87. Finally, as a resubmission, there have been no significant changes to the physical or policy environment since the previous approval of the same proposals that would indicate that an alternate recommendation is appropriate.

RECOMMENDATION

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

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

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

2. The development hereby approved shall be carried out in strict accordance with the following approved plans; Site Layout PA1, Site Manager's Building Dwg.4, Lodge Type B Dwg.3, Lodge Type A Dwg.2, Access layout A025647/21/CS/SK006-P1, Foul Water Drainage J6037-CD-101-P1

Reason: In the interests of the amenity of the area in accordance with Policies GDP1, EN1, EN2, EN6, EN9, EN11, EN23, TO7 and TR2 of the Derwentside District Local Plan 1997 (saved 2009)

3. Notwithstanding any details of materials submitted with the application no part of the buildings hereby approved shall commence until details of the make, colour and texture of all walling, window, guttering and roofing materials and the siting of all photo-voltaics have been submitted to and approved in writing by the Local planning authority. The development shall be constructed wholly in accordance with the approved details.

Reason: In the interests of the amenity of the area in accordance with Policies GDP1, EN6 and TO7 of the Derwentside District Local Plan 1997 (saved 2009)

4. In advance of its construction, details of the surface treatment and construction of all hard-surfaced areas, both vehicular and pedestrian, shall be submitted to and approved in writing by the Local planning authority. The development shall be undertaken wholly in accordance with the approved details.

Reason: In the interests of the amenity of the area in accordance with Policies GDP1, EN6, TO7 and TR2 of the Derwentside District Local Plan 1997 (saved 2009)

5. Prior to the occupation of the site manager's dwelling or the use of any individual chalet, details of site management and maintenance including refuse

arrangements, refuse collection areas and their design shall be submitted to and approved in writing by the Local planning authority. The development shall be constructed and operated in accordance with the approved details.

Reason: In the interests of the amenity of the area in accordance with Policies GDP1, EN6, TO7 and TR2 of the Derwentside District Local Plan 1997 (saved 2009)

6. Prior to the occupation of the site manager's dwelling or the use of any individual chalet a scheme of low level lighting for the chalets and the site access, to include details of siting, type, height, levels of illumination and construction and implantation in relation to the existing and proposed trees must be submitted to and approved in writing by the Local planning authority. The design of the lighting scheme must be informed by the potential effect on protected species, and bats in particular, with this accommodation explained within the submitted details. The development shall be constructed and operated in accordance with the approved details.

Reason: In the interests of the amenity of the area in accordance with Policies GDP1, EN6, TO7 and TR2 of the Derwentside District Local Plan 1997 (saved 2009)

7. The lodges shall be occupied for holiday purposes only and shall not be occupied as any person's sole or main place of residence. The owners/operators of the site shall maintain an up-to-date register of the names of all owner/occupiers of individual lodges on the site, their occupation of the lodges and of their main home addresses and shall submit this information annually in January to the Local planning authority. None of the lodges shall be occupied in any way between 7th January and 7th February in any calendar year.

Reason: To ensure an appropriate form of development in the countryside, in accordance with Policies GDP1, EN1, EN2, EN6, TO7 and TR2 of the Derwentside District Local Plan 1997 (saved 2009)

8. The Manager's lodge shall only be occupied by persons whose main occupation is the security, servicing, maintenance and management of the Holiday Lodge development to which this approval relates and their dependants. The Manager's lodge shall only be occupied once all the holiday lodges hereby approved are completed and available for occupation.

Reason: To ensure an appropriate form of development in the countryside, in accordance with Policies GDP1, EN1, EN2, EN6, TO7 and TR2 of the Derwentside District Local Plan 1997 (saved 2009)

9. Before development is commenced a detailed Woodland Management Plan, based on the details set out in the 'Habitat Survey at Ornsby Hill, Lanchester, MD2, 16th April 2013' and the 'Tree Report: review and updating of the 2006 report and expanded woodland management proposals for woodland ant Ornsby Hill, Lanchester, Issue 2, MD2, 11th April 2013', including maintenance of the permissive footpath proposed must be submitted to and approved in writing by the Local planning authority, being thereafter implemented in full in accordance with a timescale to be included with said Plan.

Reason: In the interests of the woodland and wildlife amenity of the area in accordance with Policies GDP1, EN9, EN11, EN23, of the Derwentside District Local Plan 1996 (saved 2009). Given the implications of this issue, this element of

the scheme is considered required pre-commencement, the advice of the DMPO 2015 having been taken into account.

10. Notwithstanding the information submitted with the application, the development shall not be occupied or brought into use until a detailed landscaping scheme has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of the timing of the works including a start and completion date. No tree shall be felled or hedge removed until the landscape scheme, including any replacement tree and hedge planting, is approved as above. Any submitted scheme must be shown to comply with legislation protecting nesting birds and roosting bats and all contractors on site must be made aware by the developer of their responsibilities to such. The landscape scheme shall include accurate plan based details of the following:

- Trees, hedges and shrubs scheduled for retention.
- Details of hard and soft landscaping including planting species, sizes, layout, densities, numbers.
- Details of planting procedures or specification.
- Finished topsoil levels and depths.
- Details of temporary topsoil and subsoil storage provision.
- Seeded or turf areas, habitat creation areas and details etc.
- Details of land and surface drainage.
- The establishment maintenance regime, including watering, rabbit protection, tree stakes, guards etc.
- The Local planning authority shall be notified in advance of the start on site date and the completion date of all external works.

Trees, hedges and shrubs shall not be removed without agreement within five years. Any specimens that fail within that time period must be replaced and maintained to the original agreed specification.

Reason: In the interests of the woodland and wildlife amenity of the area in accordance with Policies GDP1, EN6, EN9, EN11, EN23, of the Derwentside District Local Plan 1997 (saved 2009)

11. Before development is commenced a detailed plan, schedule and working methods for tree works and tree protection measures during construction works must be submitted to and approved in writing by the Local planning authority, being thereafter implemented in full against said agreement.

Reason: In the interests of the woodland and wildlife amenity of the area in accordance with Policies GDP1, EN9, EN11, EN23, of the Derwentside District Local Plan 1997 (saved 2009). Given the implications of this issue, this element of the scheme is considered required pre-commencement, the advice of the DMPO 2015 having been taken into account.

12. Development must be carried out in line with the recommendations of the 'Coal Mining Risk Assessment Report', 10 Sept. 2012, requiring a further site investigation prior to the commencement of development. In the event that these investigations identify the need for remedial works to treat identified areas of shallow mine workings and/or other mitigation measures to ensure the safety and stability of the proposed development, these works must also be undertaken prior to the commencement of development.

Reason: To protect the development against potential Coal Mining legacy issues that may affect the site. Given the implications of this issue, this element of the scheme is considered required pre-commencement, the advice of the DMPO 2015 having been taken into account.

13. Before any development of the lodges or manager's accommodation hereby approved commences a full levels survey of the site, to include existing and proposed heights, including detailed sections of the lodges and vehicular access and circulation must be submitted to and approved in writing by the Local planning authority. The development shall be constructed in full accordance with the approved details.

Reason: To protect the development against potential Coal Mining legacy issues that may affect the site and ensure an appropriate form of development in accordance with Policies GDP1, EN1, EN6, EN9, EN11, TO7 and TR2 of the Derwentside District Local Plan 1997 (saved 2009)

14. Before development commences, a Drainage Strategy and scheme of SUDS Drainage shall be submitted to, and approved in writing by the Local Planning Authority in accordance based upon plan J6037-CD-103 and the specifications submitted with this application, including but not restricted to sections and construction details of the proposed physical mitigation measures, with construction details of hand dig where appropriate in the vicinity of trees. The scheme must be fully implemented in accordance with said agreement before the Managers Lodge and/or any holiday lodge is brought into use. The scheme must include and demonstrate a maximum green-field run-off rate of 5 l/s. The scheme must include a drainage channel to intercept any run off from the site onto the A6076, this drained to a suitable outfall. The scheme must include detail on the permeable road construction. Only surface water may be drained into the SUDS system.

Reason: To ensure drainage and flooding issues have been fully considered and addressed accordance with Policy GDP1 of the Derwentside District Local Plan 1996 (saved 2009). Given the implications of this issue, this element of the scheme is considered required pre-commencement, the advice of the DMPO 2015 having been taken into account.

15. No development shall take place unless in accordance with the recommendations and mitigation of a habitat survey, assessment and mitigation document to be approved in writing by the Local planning authority including, but not restricted to adherence to detailed specified biodiversity mitigation measures, including details of timing and spatial restrictions; working methods; provision of mitigation in advance; undertaking confirming surveys as stated; adherence to precautionary working methods; provision of an owl and bat boxes and implementation of species rich meadow planting.

Reason: To ensure interests of species protected by law are fully considered and protected through development works, as required by Part 12 of the NPPF

16. No development shall take place until the applicant has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation that has been approved in writing by the Local Planning Authority. The Scheme shall provide for:

- i; Measures to ensure the preservation in situ, or the preservation by record, of archaeological features of identified importance.
- ii; Methodologies for the recording and recovery of archaeological remains including artefacts and eco-facts.
- iii; Post-fieldwork methodologies for assessment and analyses.
- iv; Report content and arrangements for dissemination, and publication proposals.
- v; Archive preparation and deposition with recognised repositories.

vi; 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 strategy.

vii; Monitoring arrangements, including the notification in writing to the County Durham Principal Archaeologist of the commencement of archaeological works and the opportunity to monitor such works.

viii; A list of all staff involved in the implementation of the strategy, including sub-contractors and specialists, their responsibilities and qualifications.

The archaeological mitigation strategy shall be carried out in accordance with the approved details and timings.

Reason: To comply with paragraph 135 and 141 of the NPPF because the site is of potential archaeological interest. Given the implications of this issue, this element of the scheme is considered required pre-commencement, the advice of the DMPO 2015 having been taken into account.

17. 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.

Reason: To comply with paragraph. 141 of the NPPF which ensures that any archaeological information that may be gathered becomes publicly accessible.

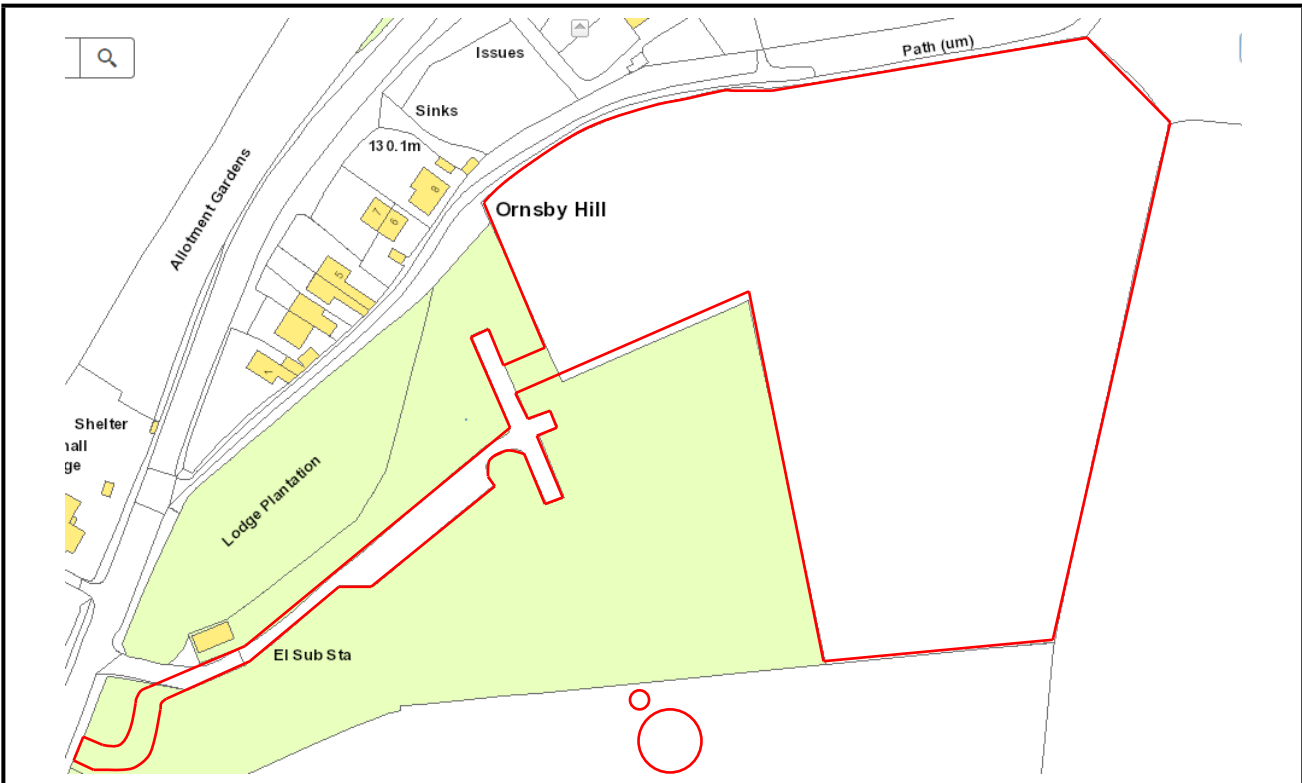
STATEMENT OF PROACTIVE ENGAGEMENT


89. The Local Planning Authority in arriving at the recommendation to approve the application has sought to actively engage as appropriate with the applicant to secure a positive outcome in accordance with the NPPF in discussing the scheme in detail pre-submission, and in allowing further negotiation and submission of additional information on those points identified as lacking by consultees during the course of the application.

BACKGROUND PAPERS

- Submitted Application Forms, Plans and supporting documents, including updated and amended documents.
- Statement of Community Involvement Report, 16 Nov' 2012, MD2.
- Design & Access Statement, Ross Architectural, Nov' 2012.
- Planning and Sustainability Statement MD2 updated June 2016
- Hedgerow Survey, Land at Ornsby Hill, 23 Nov' 2012 MD2.
- Tree Report: review and updating of the 2006 report and expanded woodland management proposals for woodland at Ornsby Hill, Lanchester, Issue 2, MD2, 11th April 2013
- Habitat Survey, Ornsby Hill, Lanchester, 16 April 2013, MD2.
- Prelim. Ecological Appraisal, Ecosurv, 24/05/2016
- Surface and Foul Drainage Systems Scheme, SC Consulting Engineers, Jun 2013.
- The National Planning Policy Framework.
- Derwentside District Local Plan 1997 (saved 2009).
- Consultation response from internal and external consultees.
- Durham Tourism Management Plan 2012-2016.
- Durham Tourism Management Plan 2016-2020.

- County Durham Visitor Accommodation Futures, Executive Summary, Hotel Solutions Consultancy, Oct' 2012.
- Good Practice Guide on Planning for Tourism, Dept. Communities & Local Govt. July 2006.
- Tourism Action Plan, CLG, 2016
- Seasonal and Holiday Occupancy Conditions for Caravan & Chalet Parks - Rural & Urban Planning Consultancy Ian Butter FRICS MRTPI, April 2012 (accessed 09/07/2013).



 <p>Planning Services</p>	<p>Land East of Ornsby Hill, Lanchester</p> <p>Application Number DM/16/01861/FPA</p>	
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	<p>Date 26th January 2017</p>	<p>Scale 1:1250</p>



Planning Services

COMMITTEE REPORT

AGENDA ITEM NUMBER:

APPEAL UPDATE REPORT

APPEALS DETERMINED

Appeal against the refusal of planning permission for the erection of a first floor side and rear extension and single storey rear extension at 1 Angus, Ouston (DM/16/01851/FPA).

The application was refused under delegated powers on the following grounds:

'The proposed extension would result in inadequate car parking for vehicles being provided within the curtilage of the property contrary to criteria iii) of Policy HP11 of the Chester-le-Street District Local Plan.'

The appeal was dealt with by written representations following a site visit on the 22nd November 2016.

The Inspector stated that the proposal may increase the number of bedrooms from three to four and may increase the number of occupants of the dwelling however, it is not inherent that this would lead to an increase in the level of car ownership at the property or that the current provision of two spaces within the site would be inadequate.

Furthermore, it was noted that no substantive evidence has been provided to demonstrate that there are existing on-street car parking problems in the area or that the proposal would create such issues to a degree that would justify the refusal of planning permission.

The Inspector concluded that the proposal would provide suitable off road parking and would not be detrimental to highway safety. The proposal therefore complies with Policy H11 of the Chester Le Street District Local Plan 2003 which states that residential extensions should not impair highway

safety or lead to inadequate car parking provision within the curtilage of the property.

The appeal was allowed.

Appeal against the refusal of planning permission for the change of use from a car park to a car wash, including the siting of a cabin, water recirculation system and flood lighting (retrospective) at Lintzford Garden Centre, Lintzford Road, Hamsterley Mill, Newcastle upon Tyne, NE39 1DG (DM/15/01106/FPA)

The application was refused under delegated powers on the following grounds-

- Noise and disturbance from the development would have a detrimental impact upon the quality of life of occupiers of neighbouring properties.
- The proposed car washing facility would have inadequate wastewater drainage and management leading to significant impacts upon the wider natural environment over a prolonged period of time.
- The proposal fails to satisfy the three strands of sustainability, with limited social and environmental benefits.

The appeal was dealt with by written representations following a site visit on the 9th November 2016.

The Inspector considered that the impact upon the living conditions of the occupiers of the neighbouring properties in terms of noise and disturbance would not be significantly harmed due to the distance between the development and the closest neighbour, the background noise from the adjacent main road, the daytime limitation of the use and the buffer created by the cabin, fence and landscaping which lie between.

The information provided with regards to waste water drainage and management of the car wash operation was deemed insufficient to satisfy the Inspector that the development would not have a harmful impact upon the natural environment.

The Inspector considered that the development would have some benefit to the area economically and socially; however felt that the benefit would be limited given the number of jobs created and the location of the site in a rural, sparsely populated area. The Inspector however noted that the development would not conserve and enhance the natural environment and therefore would not have adequate regard to the principles of sustainable development.

The Inspector dismissed the appeal.

Reports prepared by Tracey Outhwaite and Jayne Pallas (Planning Assistants)