



Area Planning Committee (North)

Date Thursday 30 March 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 23 February 2017 (Pages 3 - 8)
4. Declarations of Interest (if any)
5. Applications to be determined by the Area Planning Committee (North Durham)
 - a) DM/16/03157/FPA - Land To The West Of Fulforth Way, Sacriston (Pages 9 - 32)
Erection of 73 dwellings with associated landscaping and garaging.
 - b) DM/16/03633/OUT - 7 The Paddock and land to south of 7 The Paddock, Lanchester (Pages 33 - 56)
Outline planning permission for residential development (C3) of up to 14 dwellings with all matter reserved except access, including demolition of no.7 The Paddock (re-submission of application ref DM/16/00871/OUT)
 - c) DM/17/00202/FPA - Land to the rear of Pleasant View, Medomsley, Consett (Pages 57 - 70)
Proposed change of use from allotments to equestrian use and erection of stable for horses for personal use and hay storage
 - d) DM/17/00384/FPA - Stanfield House, Joicey Square, Stanley (Pages 71 - 78)
Change of use from former nursing home into a new 25 bed hotel (C1 Use Class)

6. Appeal Update (Pages 79 - 82)
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
22 March 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 **Thursday 23 February 2017 at 2.00 pm**

Present:

Councillor C Marshall (Chairman)

Members of the Committee:

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

1 Apologies for Absence

Apologies for absence were received from Councillor O Milburn, K Shaw and S Wilson.

2 Substitute Members

There were no substitutes.

3 Minutes of the Meeting held on 26 January 2017

The minutes of the meeting held on 26 January 2017 were confirmed as a correct record.

4 Declarations of Interest (if any)

There were no declarations of interest.

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

a DM/16/03157/FPA Land to the west of Fulforth Way, Sacriston

The Committee considered the report of the Planning Officer regarding an application for 73 dwellings with associated landscape and garaging at land to the West of Fulforth Way, Sacriston (for copy see file of Minutes).

The Planning Officer advised that since the production of the report a petition containing 106 signatures had been received objecting on the grounds of access.

Councillor Liddle, local Member, addressed the committee to raise some concerns regarding the proposed highways scheme and impact upon current highway

arrangements. She advised that in her opinion the development would result in increased traffic flow and would exacerbate issues of waiting cars on Front Street and the bottleneck which already existed. She further queried whether it was necessary for the development to have 3 access points and added that residents were concerned, that this may impact upon the existing Stopping Up Order which was in place on Acorn Close and result in a rat run used by cars and increase the likelihood of anti-social behaviour.

Mr G Ludlow, local resident addressed the committee to outline his concerns regarding the application. He to, noted that although there were no specific concerns regarding the development of the site the 3 access points proposed were unnecessary and would increase the risk of accident to pedestrians and road users. He further noted that the site was directly opposite a school and he had major concerns regarding the safety of school children crossing in this area.

Mr R Harrison, Sacriston Parish Council, addressed the committee to object to the application. He agreed that access was the main issue with the application and reiterated the concerns relating to road safety already raised. The access proposed on the main road was opposite a school, bus stop, close to a medical centre and was already an extremely busy route. He further noted that this was a popular route taken by road users from Durham to Stanley. He further raised points relating to works traffic, delivery vehicles and noted that he considered access via Sacriston Lane to be the only suitable option.

The Chair then welcomed S Harrison, Applicant Agent to the meeting who addressed the committee to support the application. She advised that the developers were proposing that all construction traffic use Sacriston Lane only to access and exit the site. Regarding the issue of multiple access points for residents, she advised that the highways scheme proposed was in line with DCC standards where multiple access points were encouraged in order to more efficiently disperse traffic.

Regarding issues of anti-social behaviour and the potential rat run created, she advised that this would be secured by design standards which had been considered following the advice of police.

In conclusion she further provided some background regarding the developer and their aim to promote a quality development for the area. It was further noted that a number of resident consultation events had been undertaken and all residents and local organisations had been invited to attend.

Councillor Brookes raised a query regarding likely highway issues or impacts should the access via St Cuthberts estate be amended. The Highways Officer in response, advised that the highways scheme would have to be remodelled. The current model was based upon the presumption that there would be approximately 1 vehicle exiting the estate every 3 minutes. This was deemed acceptable in highways terms. He further noted that although accidents had been recorded at the junction of St Cuthbert's Drive, they had not been attributed to the junction itself.

Councillor Cordon added that he could see some positives in the application however did feel that Members would of benefited from a site visit. He therefore proposed that the application be deferred until a site visit can be undertaken.

Councillor Thompson added that a plan of the development would also have been useful in the pack of papers circulated and asked whether this could be considered in future. He further queried what the current 5 year supply of housing was and how far short the county fell. In response the Planning Officer advised that the council was just short of 5 year supply. The Solicitor advised that due to the 5 year shortage and local plan policies being outdated, this was enough to tip the council into a presumption of favour of sustainable development as outlined in the NPPF. Councillor Cordon, in following this point up advised that permission had been given for over 14,000 dwellings in the last four years, however only 6,000 had actually been built.

Councillor Robinson added that he did consider 20 additional cars at peak times to be a concern, when so close to the school and suggested that a condition be added to protect the school access.

Councillor B Armstrong commented that she was aware that the high street in Sacriston was a very busy road and noted that the council were currently spending thousands on enforcing 20mph speed limits outside schools. By allowing access via St Cuthbert's this could potentially impact upon that scheme. She therefore added that in her opinion the only viable access would be to take off Sacriston Lane.

She further agreed that a site visit would be beneficial and **MOVED** that the application be deferred on the basis that a site visit should be undertaken and a revised highways model be submitted. Councillor J Robinson **SECONDED** the proposal.

Resolved:

That the application be deferred on the grounds that revised highways scheme be submitted and a site visit be undertaken by Members of the Committee.

b DM/16/03893/FPA Former Bust Station and Co-op Buildings Sites, Front Street, Stanley

The Committee considered a report of the Senior Planning Officer for the erection of an Aldi food store with associated vehicular, pedestrian and cycle access; car parking and landscaping at the Former Bust Station and Co-op Buildings Sites, Front Street, Stanley (for copy see file of Minutes).

Mr Binny, local resident addressed the committee to speak in support of the application. He advised that Stanley Town Centre had seen major changes in its characteristics and economic and social aspects in past years and the area was run down and desperately in need of investment. The application to bring Aldi to Stanley would have both a positive social and economic impact and create jobs, introduce competition for other retailers and produce additional footfall in the town centre, hopefully helping to boost business for other retailers.

Mr Stamp, local resident addressed the committee to speak in support of the application. He noted that Stanley had become so run down in previous years and many people felt that Stanley was the forgotten town in North West Durham. Most money was also thought to be spent in Consett and focus had always been around the loss of jobs at the Steelworks, however over 6,000 jobs had also been lost in Stanley over the years and there had been little investment in the area since. He added that he would welcome any new store to the area which would provide more choice for local residents.

Councillor Marshall as local member commented that he was proud of the residents who had spoken today and their support given to the application. The application could only be seen as a positive for the area as the town centre was so desperate for investment. He further added that he whole heartedly welcomed the application and hoped that if approved would act as a catalyst for other traders to invest in the area.

He further commented that he wished to thank Aldi for the work undertaken to date and for the consultation events with public which had taken place prior to submission of the application.

Councillor Jewell commented that the issues in Stanley Town Centre were well documented and he found the application to be extremely positive for the area. He further agreed that Stanley did once have a vibrant town centre and hoped that this application would encourage further development of the area. As a point of clarification, Councillor Jewell asked what the arrangements for delivery access would be and how the parking would work at plot 2. In conclusion he thanked the residents for their attendance.

Councillor Shield queried why there were no comments from Stanley Town Council within the report. He added that the only concerns he had were relating to the number of car parking spaces provided and asked what provision there was for staff parking and whether restricted time limits would be imposed. He also asked whether clarification could be given regarding safeguards for pedestrians crossing sites and to the existing business which were adjacent to the bus station.

In response, The Senior Planning Officer advised that the highway between the two plots would be narrowed and levelled. The taxi company who also used this access had been consulted and were happy with proposals. Regarding deliveries there would be unrestricted hours as it was considered that there would be little disruption to residents. The nearest property was approximately 40-50 metres away.

The issue of car parking had been discussed in depth and although the number of spaces to be provided was below the recommendations for the size of store there were access to numerous other car parks in the town centre. The Senior Planning Officer further advised that based upon experience it would be likely that parking time limit restrictions would be put in place.

Regarding comments received from Stanley Town Council, it was noted they were fully supportive of the application.

The Chair then welcomed S Plumb, Aldi to the meeting who provided a brief overview of the consultation which had been undertaken with business and residents.

He advised that the level of interest in the new store had surpassed any other store development in the north east area. Regarding parking, he advised that the level of car parking to be provided was felt to be adequate. As already stated numerous other car parking facilities were available in the area and in addition excellent pedestrian access was to be provided, with open access onto Front Street. Most shoppers spent on average 30 minutes in the store however it was likely that any time limit enforced on parking would be 90 minutes. Aldi also had in place a green travel plan for staff, although it was hoped that the majority of staff employed at the store would live locally.

Councillor Temple added that he to welcomed the application and agreed that the store could potentially be of enormous help to existing businesses in the town centre.

Councillor Jewell **MOVED** and Councillor Cordon **SECONDED** that the application be approved.

Resolved:

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

c DM/16/03863/FPA The Moorside Hotel, Todd Hill farm Road, Moorside, Consett

The Committee considered a report of the Senior Planning Officer for the erection of 12 houses with associated parking and landscaping (revised and resubmitted) at The Moorside Hotel, Todd Hill farm Road, Moorside, Consett (for copy see file of Minutes).

The Chair noted that unfortunately due to adverse weather conditions Mr Kavanagh, the applicant's agent was unable to be in attendance to answer any questions the committee may have.

Councillor Shield commented that the site had been in a derelict state for some time and considered the proposals to be a welcomed improvement to the area. In addition he noted that the land was classified as brownfield and the local member Councillor Hicks, was in full support of the proposals.

Councillor Temple asked for some clarification regarding access to driveways and garage provision on site. The Senior Planning Officer advised that all 4 bed properties had a garage next to the property. All other properties had an allocated space either in front of the dwelling off the main road, or in the hammerhead section within the estate.

Councillor Shield **MOVED** that the application be approved subject to the conditions listed within the report. Councillor Temple **SECONDED** the proposal.

Resolved:

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



Planning Services

COMMITTEE REPORT

APPLICATION DETAILS

APPLICATION NO:	DM/16/03157/FPA
FULL APPLICATION DESCRIPTION:	Erection of 73 dwellings with associated landscaping and garaging
NAME OF APPLICANT:	Cheviot Holdings Limited
ADDRESS:	Land To The West Of Fulforth Way Sacriston DH7 6AH
ELECTORAL DIVISION:	Sacriston
CASE OFFICER:	Nick Graham Planning Officer Telephone: 03000 264 960 nicholas.graham@durham.gov.uk

DESCRIPTION OF THE SITE AND PROPOSALS

The Site

1. Sacriston is a large village that sits on a crossroads of the B6312 and B6532, approximately 3 miles south west of Chester-le-Street, Based around the Charlaw and Sacriston Collieries, the village was most recently extended in the late 20th Century by Local Authority built housing on the east of Front Street and latterly estates of private residential development within the same area.
2. The application site is some 2.55ha in size and sits to the north west of the village within the designated settlement boundary, as indicated on the Chester-le-Street District Local Plan Proposals Map. There is no relevant planning history at the site, however the last known use is considered to be agricultural / grazing land provisionally graded at Level 3, with the former Colliery Baths building located to the north east of the site, adjacent to Lingey Close and Acorn Close. The southern boundary of the site is shared with a modern residential development on St Cuthbert's Meadow, and its eastern boundary with 1970s Local Authority built housing.
3. Fulforth Wood bounds the site to the west, part of which is designated Ancient Woodland, with Charlaw Industrial Estate located to the north. A field gate currently accesses part of the site from the northern boundary. The site levels fall away gently

from west to east towards the woodland. A Public Right of Way bounds the site to the west, which a bridleway intersects to the north. Part of the site, particularly to the north and east, is designated as Amenity Open Space within the Council's Open Space Needs Assessment (OSNA), which would be lost as a result of the proposal. Sacriston is identified within the County Durham Settlement Study 2012 as a 'Smaller Town and Larger Village'.

The Proposal

4. The application proposes a residential development of 73 houses, along with associated landscaping and garaging at the site. The scheme as originally submitted incorporated three access points to the site, at Lingey Close to the north, Acorn Close to the east, and St Cuthberts Meadow to the south. The scheme was presented to the committee on 23 February 2017 when consideration of the application was deferred for a site visit by members, and in order to enable the developer to consider an alternative layout which did not incorporate a vehicular access from St Cuthberts Meadow.
5. Following lengthy negotiations between the developer, Highways Engineers and Planning Officers, two vehicular access points are proposed, at Lingey Close to the north and Acorn Close to the east, with proposals to widen both accesses to adoptable standards. Other highways alterations include the omission of two of the cul-de-sacs to the south of the site to form a continuous loop road, and the extension of adopted highway to other cul-de-sacs to reduce driveway lengths. A single road would intersect the site on a north-south line, with cul-de-sacs and the access to Acorn Close taken off this and a pedestrian link from the site to the south at St Cuthberts Meadow. The woodland to the west of the site is retained, with the housing layout led by the topography of the site. A set-back site frontage onto Lingey Close integrates the development into the adjacent housing estate.
6. The dwellings include a mix of detached, semi-detached and terraced properties. Twenty-four of the dwellings would have 2 bedrooms, thirty-one would have 3 bedrooms and eighteen would have 4 bedrooms. No affordable housing is proposed at the site on viability grounds. Associated garaging accompanies some of the house types, whilst an extensive landscaping scheme is proposed, particularly between the proposed development and the 1970s housing at Acorn Close, Fulforth Way, and Derwent Close, with a large area of public open space provided within the site.
7. The application is presented to Committee as it is classed as major development and is being re-presented following a deferral at the February meeting.

PLANNING HISTORY

8. There is no relevant planning history at the site.

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 dependent.

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.
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. 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.
17. *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:

18. *Design* - The importance of good design. Good quality design is an integral part of sustainable development. The National Planning Policy Framework recognises that design quality matters and that planning should drive up standards across all forms of development. As a core planning principle, plan-makers and decision takers should always seek to secure high quality design, it enhancing the quality of buildings and spaces, by considering amongst other things form and function; efficiency and effectiveness and their impact on wellbeing.
19. *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.
20. *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.
21. *Land affected by Contamination* - When dealing with land that may be affected by contamination, the planning system works alongside a number of other regimes including Building Control and Environmental Protection. To ensure a site is suitable for its new use and to prevent unacceptable risk from pollution, the implications of contamination for a new development would be considered by the local planning authority to the extent that it is not addressed by other regimes.

LOCAL PLAN POLICY:

22. *Policy HP6 – Residential development within settlement boundaries* – identifies Sacriston as a settlement where residential development will be allowed on non-allocated sites that are previously developed land and meet the criteria of Policy HP9.
23. *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.
24. *Policy HP13 – Affordable Housing* – the Council will seek to negotiate affordable housing within windfall sites, with Sacriston falling within the Northern Delivery Area where a 15% provision is required.
25. *Policy HP15 – Community Provision* – the Council will seek to negotiate, where appropriate, a contribution to the provision and subsequent maintenance of related social, community, infrastructure and leisure facilities in the locality where such provisions are necessary and directly related to the development being proposed.
26. *Policy T6 – Provision for Public Transport: General* – Development proposals should be designed to encourage use of public transport and reduce reliance upon the private car by locating accesses close to bus routes and footpath links. Where new transport links are required an appropriate contribution will be sought from the developer through a Section 106 obligation.

27. *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.
28. *Policy T17 – General Transport Policy* – All new developments should have regard to and be consistent with the provision of a safe and accessible transport network, in particular through reducing reliance on the private car, encouraging the use of public transport and promoting cycling and walking.
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.

RELEVANT EMERGING POLICY:

30. *The County Durham Plan* – Paragraph 216 of the NPPF says that decision-takers may give weight to relevant policies in emerging plans according to: the stage of the emerging plan; the extent to which there are unresolved objections to relevant policies; and, the degree of consistency of the policies in the emerging plan to the policies in the NPPF. The County Durham Plan was submitted for Examination in Public and a stage 1 Examination concluded. An Interim Report was issued by an Inspector dated 15 February 2015, however that report was Quashed by the High Court following a successful Judicial Review challenge by the Council. As part of the High Court Order, the Council has withdrawn the CDP. In the light of this, policies of the CDP can no longer carry any weight.

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:

31. The *Highways Engineer* noted the Lingley Close / B6532 junction was highlighted to be considered for a protected right hand turn arrangement from Front Street onto Lingey Close. Amendments to the internal highway layout were requested in regard to the access points to the site, parking standards and locations, and road widths, with amendments being made in relation to the location of visitor parking spaces, drive lengths and turning heads. A contribution for the protected right hand turn has been secured via a Section 106 agreement.
32. Following the application being deferred, amendments were made to the internal highways layout, including the removal of the St Cuthberts Meadow vehicular link. The Highways Engineer has subsequently offered no objections to the amended highways and parking arrangement, with the findings of the Transport Assessment also considered to be acceptable, subject to a suitable condition requiring the full highways engineering details being provided prior to works commencing.

INTERNAL CONSULTEE RESPONSES:

33. The *Contaminated Land Officer* has noted the Phase 1 Report submitted is largely sound and agrees a Phase 2 investigation is undertaken including gas monitoring, and an appropriate condition requiring Phases 2-4 site investigations to be undertaken is recommended.
34. The *Tree Officer* has noted the Arboricultural Report submitted is satisfactory and complies with current standards, and that hedges must be protected in line with the report's findings, and fencing erected in line with the British Standards 5837 2012.
35. The *Education Officer* considers the development could produce an additional 22 primary school pupils, and 9 secondary school pupils, and there are sufficient spaces at schools in the vicinity at both levels to accommodate future pupils from the development.
36. The *Drainage Engineer* noted the original Flood Risk Assessment and Drainage Strategy, and requested amendments to the site layout to incorporate surface water run off measures. Subsequently, amendments were made to the landscaping scheme including the incorporation of a swale. The Engineer subsequently noted the swale and raised no objections to the proposal.
37. The *Landscape Officer* noted no objections in principle to the proposal, and that the original landscape plan had much improved upon the submission at the pre-application stage. An amended landscaping scheme was submitted incorporating a swale, and the Officer subsequently noted the scheme was acceptable subject to the swale details being agreed by condition.
38. The *County Archaeologist* originally requested a field evaluation the site. A magnetic survey was undertaken, and trial trenching was recommended to test the results of the survey; it was agreed that such works could be conditioned as part of any approval granted.
39. The *Affordable Housing Officer* has noted no affordable units are proposed within the development and a financial viability assessment was submitted in order to the Council for consideration, to ascertain the acceptability of affordable housing provision, and it has been considered the figures submitted are sufficient evidence to demonstrate that were any affordable housing provision to be requested, the scheme would be unviable.
40. The *Sustainability and Energy Officer* noted the site has reasonable connectivity to facilities and services within Sacriston, and no objection is raised to the location of the development subject to the outstanding issues raised by other consultees being addressed, and a suitable condition relating to embedding sustainability and reducing carbon within the development
41. The *Public Rights of Way Officer* noted no objection in principle to the proposal and questioned the link of the nearby bridleway to the development site. Following confirmation this would not be affected the Officer raised no other issues and a Section 106 contribution was requested in relation to surface and infrastructure improvements on the nearby Public Rights of Way network.

42. *The Environmental Health Officer* undertook a review of the scheme in relation to the Council's Technical Advice Notes (TANS). Given the proximity to Charlaw Industrial Estate to the north of the site, a Noise Impact Assessment was submitted and the methodology undertaken was considered appropriate. However further information was requested and provided regarding the monitoring period. Subsequently, the Officer considered the information to be acceptable and raised no objections to the proposal.
43. *The Design and Conservation Officer* noted the improvements of the scheme from the pre-application stage, and particularly in context with the Building for Life principles, however the proposed buff brick material was questioned in relation to the overall aesthetics of the area.
44. *The County Ecologist* originally noted mitigation and enhancement had been introduced into the scheme, however given the buffer strip on the western edge of development was narrow and incorporated play equipment, the biodiversity mitigation would be significantly reduced. Following the introduction of the swale to the western boundary and the removal of the play equipment in this area it was considered this may deliver biodiversity results and no formal objections have been raised to the proposal.
45. *The Spatial Policy Officer* has noted the site is consistent with the NPPF-compliant elements of the Chester-le-Street District Local Plan, however as a five year housing supply cannot be demonstrated, a balancing exercise in the context of Paragraph 14 of the NPPF should be undertaken to determine the acceptability of the proposal. In this regard, the site offers opportunities to boost housing supply in a sustainable location which outweighs the potential dis-benefits in this instance, and the scheme can be supported in principle. Although the developer's open space proposals are noted, the Council's Open Space Needs Assessment (OSNA) demonstrates an undersupply of allotments, parks and gardens and outdoor play space within Sacriston. Financial contributions towards public open space improvements within the village should be requested.

EXTERNAL CONSULTEE RESPONSES:

46. *Northumbrian Water* has noted in regard to surface water, no issues are raised as surface water would be discharged to the culverted watercourse. In regard to foul water, it is noted the existing network within the vicinity of the site is currently unable to accommodate any additional flows as there is a risk of flooding predicted downstream. Therefore, a condition is requested as part of any approval granted requiring a detailed scheme of foul water disposal to be submitted and agreed prior to any works commencing on site, which is considered acceptable.
47. *The Coal Authority* has noted the recommendations of the submitted Mining Risk Assessment Report, and concurs that intrusive site investigation works should be undertaken, with a planning condition requested in this regard, along with the requirement for any remedial works to be undertaken prior to works commencing, which is considered acceptable.
48. *The Durham Constabulary Police Architectural Liaison Officer* has noted the crime risk assessment is moderate with the main concerns being anti-social behaviour and thefts from garden sheds and unattended motor vehicles. The layout of the site is considered acceptable aside from the triangle of land to the west of the site adjoining

Acorn Close, which has the potential for young people to congregate, resulting in potential nuisance behaviour. This could be mitigated against through a planting scheme and including footpaths within the adoptable street plan ensuring they are lit to an appropriate standard.

PUBLIC RESPONSES:

49. 457 neighbours have been consulted by way of direct notification, site notices were posted, and a press notice was published in the Northern Echo. Initially, nineteen letters of objection and one letter of representation were received. The objections are as follows –

-Persimmon Homes advised when we bought our home at St Cuthberts Meadow that further homes would be likely to be built in the adjacent field but there would be no access via our estate (access would be via Lingey Close). The proposed access arrangements are to avoid the new properties being accessed via the scrap yard. It would be possible for a development of this size to be accessed from a single access road.

-The current hill down St Cuthberts Drive is hazardous to navigate with speed bumps, parked vehicles and children playing. Visibility in places is extremely poor. 73 new dwellings will almost certainly amount to 140+ more cars using the access route plus additional servicing vehicles.

-Access arrangements will increase crime and personal safety. A rat run will be created resulting in an escape route for criminals.

-The junction onto Front Street is already busy and is directly opposite a primary school, traffic at this junction will increase. Cars parking on the curbs cause highway and pedestrian safety issues. Existing parking problems on access roads lead to narrowing of roads.

-The access road is not suitable for additional dwellings due to highway safety issues.

-A pedestrian crossing at the top of the estate should be provided if pedestrian flow is to be significantly increased.

-Danger to children playing.

-Disregard by the developer of residents' concerns regarding highways and other issues.

-Alternative access arrangements should be investigated.

-Concerns regarding the traffic monitoring undertaken.

-Planning application 03/00547/OUT stated the proposed vehicular access point from St Cuthbert's Drive shall serve only the 30 dwellings and that any future development of the land adjoining the current application site shall not be accessed by vehicle from St Cuthbert's Drive and shall be served by an entirely separate vehicular access - we would hope that this would be adhered to.

-A separate access should be provided for construction traffic as the existing access roads could not cope with construction traffic, vehicular access to existing properties would be disrupted and there would be impacts on residential amenity from construction vehicles and activities.

-The design of the properties does not fit in with other properties in the area.

-Loss of light to existing properties making them dark. Loss of view, devaluation of house prices and contaminated land issues.

-Flooding - the site is a natural flood plain therefore flooding in the area could result.

-Impact on wildlife.

-Concerns about number of available school places.

-Problems accessing information on the Council's website.

-Concerns regarding another planning application on St Cuthberts Drive.

Additionally, a petition with 106 names was submitted for consideration prior to the original committee meeting, objecting to the use of St Cuthberts Drive and St Cuthberts Meadow as a proposed access point to the site.

Public responses following amendments to the highways layout

Following amendments to the highways layout, further comments have been received in regard to the proposal, with five representations having been received at the time of the report being written:

-The Acorn Close junction and road is proposed to be built on land adjacent to my home, and all privacy will be lost to my property from vehicle lights shining directly into my living room and children's room. Already a lot of vehicles parked along the street, and the proposed road will end up being a short cut for drivers causing a lot of problems.

-Object to the use of St Cuthberts Drive / St Cuthberts Meadow as an access point to the site for highway safety reasons, with the Front Street junction of particular concern.

-Clarity on the amended highways layout with no further access taken from St Cuthberts Meadow.

-Withdraw previous objections raised as St Cuthberts Meadow access has been removed and subject to this remaining the case and not being re-instated at a later date. In support of the proposal and it is a shame not all developers have the views of Cheviot Holdings and listen to local residents; developer has taken on board and listened to all concerns raised.

APPLICANTS STATEMENT:

50. The proposed designs have progressed over the past twelve months to both optimise and improve the site, community and wider locality. The design principle

focuses on re-establishing a village setting within Sacriston whilst delivering high quality housing and considered landscaping.

51. As a new developer, the applicant is keen to be acknowledged as a leader in improving the quality of new-build housing in the north-east, their ambition to deliver housing of the highest architectural quality is at the heart of this scheme. The development seeks to deliver a standard of living which exceeds standard developer housing, achieved through introducing superior materials, providing structured open space and the creation of character areas which encourages a greater sense of community.
52. The community consultation provided invaluable feedback, which led to the introduction of enhanced green spaces to improve child safety, ensuring traffic could be controlled and dissipated, and increasing parking provision. The scheme will also assist with necessary improvements to the local road network. The majority of the local residents liked the aesthetic provided by the houses and supported the scheme.
53. The development aims to bring an uplift to the area, providing links to ancient woodland and bridleways whilst providing quality housing for all. All houses will have spacious gardens, pleasant outlooks and great levels of natural daylight within the properties. We believe that the application has progressed to ensure that we have designed the best possible proposal for this site.

The above represents a summary of the comments received on this application. The full written text is available for inspection on the application file which can be viewed at <http://82.113.161.89/WAM/showCaseFile.do?action=show&appType=planning&appNumber=10/00955/FPA>

PLANNING CONSIDERATIONS AND ASSESSMENT

54. Having regard to the requirements of Section 38(6) of the Planning and Compulsory Purchase Act 2004 the relevant Development Plan policies, relevant guidance and all other material planning considerations, including representations received, it is considered that the main planning issues in this instance relate to the principle of development, affordable housing provision and viability, design and layout, the impact on amenity of adjacent residents and future occupiers, open space provision, highway safety and access, ecology, landscape and arboriculture, flooding and drainage, archaeology, land contamination, sustainability, coal mining risks, designing out crime, education provision and the section 106 agreement.

Principle of development

The Development Plan

55. Planning law requires that applications for planning permission be determined in accordance with the development plan unless material considerations indicate otherwise. The NPPF is a material planning consideration. The Chester-le-Street District Local Plan remains a statutory component of the development plan and the starting point for determining applications as set out at Paragraph 12 of the NPPF. However, Paragraph 215 of the NPPF advises that due weight should be given to relevant policies in existing plans according to their degree of consistency with this framework (the closer the policies in the plan to the policies in the NPPF, the greater the weight that may be given).

The NPPF

56. Paragraph 14 of the NPPF establishes a presumption in favour of sustainable development. For decision taking this means (unless material considerations indicate otherwise);
- approving development proposals that accord with the development plan without delay; and
 - where the development plan is absent, silent or relevant policies are out of date, granting permission unless:
 - i) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or
 - ii) specific policies in this Framework indicate development should be restricted.
57. The National Planning Policy Framework (NPPF) outlines the Government's objective of ensuring that the planning system delivers a flexible, responsive supply of land. Paragraph 47 of the NPPF requires Local Planning Authorities (LPAs) to maintain a five-year supply of deliverable sites (against housing requirements) thus boosting the supply of housing.
58. Paragraph 49 of the NPPF advises that housing applications should be considered in the context of the presumption in favour of sustainable development and relevant policies for the supply of housing should not be considered up-to-date if the LPA cannot demonstrate a five-year supply of deliverable housing sites. In turn where a five year supply of deliverable housing sites cannot be demonstrated then Paragraph 14 of the NPPF is engaged and an application is to be assessed in this context. However, Paragraph 14 of the NPPF is, irrespective of the position on housing land supply, relevant to this application as the relevant policy for the supply of housing within the Chester-le-Street District Local Plan is out-of-date, and, additionally in this instance, silent as it refers to proposals being directed towards previously-developed land, which is not the case within this proposal.

Five Year Housing Land Supply

59. The Council, at present, is unable to demonstrate a 5 year supply of deliverable housing sites and a consequence the policies for the supply of housing are out of date. The guidance at Paragraph 49 of NPPF states that it is not the case that every housing site should be approved, determination of the application must revert to Paragraph 14 as outlined above.

Assessment having regard to Development Plan Policies

60. The application site is located within the defined settlement boundary of Sacriston, as designated on the Chester-le-Street District Local Plan Proposals Map. Sites within defined settlement boundaries can be afforded support for residential development in accordance with Policy HP6 of the Chester-le-Street District Local Plan, subject to the proposal being located on previously-developed land.

61. Whilst the scheme draws some support from Policy HP6 of the Chester-le-Street District Local Plan, this is considered to be a housing supply policy so is out of date in the context of Paragraph 49 of the NPPF and the 5 year housing land situation described above. The Policy is also silent in respect of the previously-developed land issue. Durham County Council has therefore concluded that it is only partially consistent with the NPPF.
62. When assessed against the second bullet point of Paragraph 14 there are no specific policies within the development plan indicating the proposal should be restricted. Therefore it is necessary to consider the application against the planning balance test and whether any benefits of the proposed development are significantly and demonstrably outweighed by adverse impacts.

The Sustainability of the Site

63. At the heart of the NPPF is a presumption in favour of sustainable development, Paragraph 7 sets out the three dimensions of sustainable development defining these in terms of its economic, social and environmental roles. These should not be seen in isolation and are mutually dependent.
64. To accord with the NPPF new housing development should be located to provide improved access for all to jobs, health, education, shops, leisure and community facilities, open space and recreation, by ensuring that new development is located where everyone can access services or facilities on foot, bicycle or public transport. However the NPPF also identifies that the promotion of growth and development should not be at the expense of other elements of sustainable development, including the protection of the rural landscape and open countryside.
65. In regards to the sustainability of the site, Sacriston is identified as a Larger Village (second tier), acting as a smaller, localised centre, containing an array of services due to its location, and far enough away from the main settlements (Durham City / Chester-le-Street / Stanley) to ensure Sacriston is self-sustaining.
66. Bus services are frequent through the village centre, with four-time hourly Monday-Saturday services to Durham city centre and Stanley town centre, and twice hourly Monday-Saturday services to Newcastle city centre, Gateshead, Consett and Chester-le-Street town centres. Employment opportunities are available within the village and can also be accessed via public transport a short distance away in Durham City, Chester-le-Street and Stanley, as well as directly in Consett, Gateshead and Newcastle.
67. Whilst the NPPF promotes the presumption in favour of sustainable development and highlights the economic, social and environmental dimensions to achieving this, it also implies that these should not be assessed in isolation. The promotion of growth, development and job creation should not be at the expense of other elements of sustainable development including the protection of the rural landscape and open countryside and promotion of locations that provides good access to services. These matters of detail are considered below.

Affordable housing provision and viability

68. There is a requirement of 15% affordable provision within the north of the County, equating to 12 units. The applicant has noted no affordable housing would be

included within the proposal, citing viability grounds. The Council's viability section have examined the financial details submitted for consideration and have noted the evidence and figures submitted are reasonable and are considered to be accurate. In this regard, it is noted the scheme is unviable in its current form, and the inclusion of an affordable housing provision would cause the scheme to be even more unviable. Therefore, no affordable housing provision is requested on this basis.

Design and layout

69. The proposal has been designed with a central through road from Lingey Close leading south through the site, and a spur road linking onto Acorn Close, and a pedestrian link to St Cuthberts Meadow. The site sits nearly within a naturally lower land level than the surrounding properties, with the proposed properties centered broadly around a series of cul-de-sacs and courtyards. Terraced properties are proposed on the more linear plot to the north east of the site. Efforts have been made to achieve a design of house style that sets out to pick up on the best examples of the local vernacular.
70. Durham Constabulary has noted the crime risk assessment is moderate with the main concerns being anti-social behaviour and theft, whilst noting the proposed open space area adjacent to Acorn Close has potential for anti-social behaviour, however have noted no objections to the proposal.

Impact on amenity of adjacent residents and future occupants

71. Chester-le-Street District Local Plan Policy HP9 highlights that residential developments should avoid damage to the amenity of neighbouring uses and future occupants. Based on the indicative layout and relationship with existing properties, the scheme would protect the amenity of neighbouring land users and achieve the separation distances required to existing properties as set out within the Chester-le-Street District Local Plan Residential Estate Design Guidance. It is noted internally within the site some of the required privacy distances between properties have not been achieved, however it is considered prospective occupiers of said properties would be aware of this at the time of purchase.
72. The proximity of Charlaw Industrial Estate, to the north of the application site, is noted and further information was requested in relation to the noise impacts of this to the development site, and the Environmental Health Officer has assessed the proposal against the Technical Advice Notes (TANS) and subsequently raised no objections to the findings of the noise assessment subject to suitable construction conditions. The Officer also does not consider the proposal would cause a Statutory Nuisance in terms of noise.
73. Officers have noted the above, the location of the Industrial Estate and the relationship to neighbouring properties, and it is considered the residential amenity of the occupiers of the proposed development would not be damaged by the adjacent Industrial Estate, in accordance with Policy HP9 of the Chester-le-Street District Local Plan.

Open space provision

74. In terms of open space provision, Policies HP15 and RL5 of the Chester-le-Street District Local Plan require adequate open space and children's play provision to be

provided in association with any new housing development. The Spatial Policy team has noted the findings of the 2010 OSNA, and considers that a link to existing facilities within Sacriston should be provided and a contribution should be sought.

75. It is noted the north and west of the site, measuring approximately 5,200m² is currently designated as amenity open space and this would be lost by virtue of the proposal, however it is not considered to be of high quality or value, with the hardstanding adjacent to Lingey Close within this designation. The Open Space Assessment Report and other plans submitted by the applicant indicates approximately 4,500m² of amenity open space would be created within the boundary of the site, whilst natural play space would be included to the south east of the site. It is also noted further play facilities lie approximately 600m away to the south of the site at the Fulforth Centre via the Public Right of Way.
76. Given the size of the site, approximately 300m² of play space and 600m² of open space should be provided. It is noted the western boundary has been amended through the incorporation of a swale, nevertheless it is still considered adequate open space provision would be provided, greatly exceeding the requirements set out within Policy RL5 of the Chester-le-Street District Local Plan whilst improving the existing offering at the site. The responsibility for the maintenance of this open space is determined at the adoptions stage.

Highway safety and access

77. Policy T15 of the Local Plan requires that development proposals achieve a satisfactory means of access onto the wider highway network while seeking to protect highway safety in terms of vehicle movements and traffic generation. Objections have been received regarding the proposed access points to the development, particularly in respect of one of the original proposed access points from the Hallow Dene estate, as well as the potential impacts on highway and pedestrian safety. Specific concerns were also raised in relation to the junction from St Cuthberts Drive on to Front Street, the main thoroughfare through the village and the increase in vehicle movements. The access to Hallowdene is of particular note from the representations received, with concern a 'rat run' may occur through St Cuthberts Drive and St Cuthberts Meadow were the proposal to go ahead in accordance with the submitted highway layout.
78. Following a member deferral from a previous committee, the vehicular access from St Cuthberts Meadow has been omitted from the scheme, and this has been reduced to a pedestrian access. Internally, it is indicated that the dwellings would be arranged predominantly in a series of cul-de-sacs and courtyard arrangements. It is also indicated that there would be pedestrian links through the site and these would complement the established Public Rights of Way that bound the west of the site. The Council's Rights of Way Officer has noted no objections to the proposal, and although a contribution was requested for nearby improvements to the Public Rights of Way network, the Case Officer does not consider a necessity given the extensive open space improvements proposed within the site.
79. The applicant initially submitted a transport assessment in support of the application. In appraising this assessment the Council's Highway's Engineer raises no objection to the scheme subject to the junction at Front Street / Lingey Close being upgraded to include a protected right hand turn leading into Lingey Close. A contribution request towards this junction was made by the Highways Engineer and has been

secured via a Section 106 agreement. In this regard, and appraising the transport assessment and expected traffic flows at the site, no objections have been raised by the Highways Engineer in respect of the amended highways layout or the repercussions of the amended access points, however a condition is recommended in respect of engineering details for the highway construction works, which is considered acceptable.

80. Ten objections were originally received from local residents in relation to a historic planning permission, reference 2/03/00547/OUT, to the south of the site at the St Cuthberts Meadow development, and particularly relating to condition 10 of said approval. Within this condition, it stated that the proposed vehicular access point for the proposal shall serve only the application site and any future development of the land adjoining the current application site (under consideration within this application) shall not be served by vehicle from St Cuthberts Drive and shall be served by an entirely separate vehicular access.
81. However, this permission was never implemented, and the St Cuthberts Meadow development was implemented under reference 2/07/00222/FUL, within which no such condition was imposed. Therefore, there are no restrictions relating to the vehicular access from St Cuthberts Meadow to the application site, however it is noted following the deferral by members at the previous committee, this vehicular link is no longer proposed.
82. A number of comments have been raised in relation to Front Street itself, and the lack of a pedestrian footpath on one side of the road, requiring pedestrians to cross and then re-cross the road. Additionally, the confrontation dealt with by the school crossing patrol officer is raised. Although these issues are noted, they are not considered to be pertinent to this application given their distance and the existing issues, and is not considered to be within the remit of this application to resolve existing issues.
83. Overall it is considered that the development would not adversely impact on the highway safety of the surrounding road network. The proposal is therefore considered to comply with Policy T15 of the Chester-le-Street Local Plan in this respect.

Ecology

84. Paragraph 11 of the NPPF requires that Local Planning Authorities take into account, protect and mitigate the effects of development on biodiversity interests. The applicant has submitted an ecology report assessing the potential impacts of the development on protected species. This report concludes that there is a low risk of any protected species being located on site.
85. The Ecology Section have advised that they are largely satisfied with the results of the survey however it is noted that very little in the form of biodiversity enhancements have been included in the recommendations. In line with the requirements of the NPPF development proposals should aim to retain and enhance the overall biodiversity on a site therefore this application has not meet this requirements. The inclusion of a swale to the western boundary of the site aided the biodiversity gains at the site and although overall there are not considered to be biodiversity enhancements by virtue of the proposal, which is regrettable, no

objections have been raised from the County Ecologist, and it is considered the biodiversity of the site would be conserved in accordance with Part 11 of the NPPF.

Landscape and arboriculture

86. The landscape masterplan submitted indicates the trees to the western boundary of the site would be retained, with the existing hedgerows to the eastern boundary supplemented with additional boundary hedgerows to the north and intermittent planting within the site. Following amendments to the scheme, a swale has been included to the eastern boundary, with wildflower meadows and play areas interspersed within the open space. Due to the site level differences, retaining walls are proposed running north-south within the site to garden boundaries.
87. The Landscape and Tree Officers have both raised no objections to the scheme, whilst it is noted the Landscaping and Planting Scheme has been amended in accordance with the advice of the Landscape Officer. Therefore, this is considered to be acceptable and in accordance with Policy HP9 of the Chester-le-Street District Local Plan, subject to a condition requiring the planting scheme to be implemented in the first available planting season following the practical completion of the development, and full details of the swale to be provided prior to works commencing.

Flooding and drainage

88. The NPPF requires that consideration be given to issues regarding flooding particularly from surface water run-off and that developments adequately dispose of foul water in a manner that prevents pollution of the environment.
89. In support of the application a flood risk assessment has been submitted highlighting that the site lies within Flood Zone 1. Following amendments to the scheme, a swale was proposed to the western boundary in order to aid Surface Water Run-Off. The Drainage Engineer noted the contents of the assessment and amendments to the scheme. No objections have been received in this regard and it is considered appropriate to condition drainage details are provided prior to works commencing on site.
90. Northumbrian Water note no concerns in relation to surface water run-off, on the basis that the development is carried out in accordance with the Flood Risk Assessment, and raise no objection subject to a foul water disposal condition being imposed as part of any approval granted.

Archaeology

91. In terms of Archaeology, the NPPF sets out the requirements for an appropriate programme of archaeological investigation, recording and publication of results. The applicant has submitted a geophysical survey, and has undertaken a magnetic survey. In reviewing these documents the County Archaeologist notes that the geophysical survey for the site has identified some possible archaeological remains which now need to be tested through trial trenching and such matters can be secured by condition.

Land Contamination

92. The Contaminated Land Officer has assessed the available information and the historical maps. The reports submitted in support of this matter conclude that a site investigation is required, including gas, soils and groundwater monitoring. Therefore a contaminated land condition should apply.

Sustainability

93. The Sustainability Officer has noted that although there are no issues to the locational element of the site, details pertinent to sustainability matters should be conditioned as part of any approval granted, with an expectation that the scheme improves upon the Part L 2013 regulations. The details should include a scheme to embed sustainability and minimise carbon from construction and in-use emissions. It is therefore considered appropriate to condition such a requirement in line with Part 10 of the NPPF.

Coal mining risks

94. The site falls within the defined Development High Risk Area, and the Coal Authority has noted the findings of the submitted Mining Risk Assessment, raising no objections subject to the findings of the Assessment in terms of site investigations and any remedial works being secured by condition, which is considered appropriate.

Education Provision

95. Given the number of dwellings proposed, the development could produce an additional 22 primary school pupils, and 9 secondary school pupils. It is noted that there are sufficient spaces at schools in the vicinity at both levels to accommodate future pupils from the development and no concerns are raised in this regard.

Section 106 agreement

96. Planning obligations assist in mitigating the impact of unacceptable development to make it acceptable in planning terms. Planning obligations may only constitute a reason for granting planning permission if they 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.
97. The applicant has agreed to make a contribution of £28,830 towards the improvement of the Front Street / Lingey Close junction, including a protected right hand turn leading onto Lingey Close. This is to ensure the proposal meets the highways requirements in terms of being able to safely exit the public highway at Front Street, and to ensure vehicles do not back up and block the highway when heading south.

Other issues

98. Residents have raised concerns in relation to another planning application under consideration close to this site at St Cuthberts Drive, planning reference,

DM/16/04013/FPA, for the erection of 24 dwellings, submitted after this application, and the potential cumulative impact of the proposals. Nevertheless, this application must be considered on its own merits and it is not appropriate to consider the effects of both applications when the other application has not yet been determined.

99. Concerns have been raised relating to the impacts on property prices in the area; however this is not a material planning consideration.
100. Comments have been received relating to the consultation process, and querying the online Public Access system for making comment, as well as being provided with a reference number and direct link for comment. 457 letters of direct notification, 4 site notices, and a press notice, all of which noted the application's reference number and the facility to view plans and make comment on the proposal.

The Planning Balance

101. Paragraph 14 of the NPPF is relevant to this application as the policy for the supply of housing within the Chester-le-Street District Local Plan is both out-of-date, and silent, relating to this proposal. Therefore, the acceptability of the application falls to be considered under the planning balance test contained within Paragraph 14 of the NPPF and therefore in order to justify not refusing planning permission, the benefits of a proposed development must not be significantly and demonstrably outweighed by the adverse effects.
102. The Council cannot currently demonstrate a five-year supply of deliverable housing sites. As a result it is considered that weight should be afforded to the economic and social benefits of the additional housing supply and potential affordable housing contribution.
103. The overall sustainability credentials of the development in the context of Sacriston and its landscape setting are considered to be acceptable. Development in this location would form a natural progression to the settlement of Sacriston, and along with the proposed landscape works, would improve the landscape setting of the site. The biodiversity requirements would be met, whilst drainage matters at the site have been addressed by virtue of the proposed swale and appropriate conditions. Following amendments, the highways and access implications are considered to be have been satisfactorily addressed, whilst the amenity of both residents of the application site and those nearby would not be adversely affected, whilst it is noted a significant open space and play provision has been shown within the site.
104. Residents' concerns, particularly relating to highways matters, have been carefully considered, with the most significant concern relating to the access from St Cuthberts Meadow being addressed through the submission of a revised highways layout omitting this access. Taking all material considerations into account the proposal, on balance, is considered to be acceptable and in accordance with the NPPF and the Chester-le-Street District Local Plan

CONCLUSION

105. Officers have worked through the planning balance of the development plan assessment, and comparison to the policies in the development plan, and advice and tests as set out within the NPPF.

106. In this instance it is accepted that the development would provide public benefits, including the provision of improved public open space, and play space, the enhanced landscape setting, improved highway safety within the vicinity of the site, and the most significant of which being the boost that the proposal would provide to housing supply and increasing the number and type of residential opportunities within Sacriston, a sustainable location.
107. On balance, it is considered that the adverse impacts of the development, including the loss of amenity open space, does not significantly and demonstrably outweigh the benefits of the scheme and therefore the application is recommended for approval.

RECOMMENDATION

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

- £28,830 for the provision of a protected right hand turn at the junction of Front Street and Lingey Close.

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	Date
Location Plan and Open Space Plan	24 January 2017
Roof Plan (Rev A) 1604_P_101	30 September 2016
Site Section and Levels (Rev A) 1604_P_103	30 September 2016
Revised Highways Masterplan	7 March 2017
Brown House Type Layout Plan (Rev A) 1604_P_BROWN_A01	30 September 2016
Brown House Type Elevations and Section 1604_P_BROWN_A02	30 September 2016
Various Garage Plans (Rev A) 1604_P_GARAGES	30 September 2016
Green House Type Layout Plans (Rev A) 1604_P_GREEN_A01	30 September 2016
Green House Type Elevations and Section 1604_P_GREEN_A02	30 September 2016
Navy House Type Layout Plans (Rev A) 1604_P_NAVY_A01	30 September 2016
Navy House Type Elevations and Section 1604_P_NAVY_A02	30 September 2016
Orange House Type Layout Plans (Rev A) 1604_P_ORANGE_A01	30 September 2016
Orange House Type Elevations and Section 1604_P_ORANGE_A02	30 September 2016
Purple House Type Layout Plans (Rev A) 1604_P_PURPLE_A01	28 November 2016
Purple House Type Elevations and Section 1604_P_PURPLE_A02	30 September 2016
Red House Type Layout Plans (Rev A) 1604_P_RED_A01	30 September 2016
Red House Type Elevations and Section 1604_P_RED_A02	30 September 2016
Red Special House Type Layout Plans (Rev A) 1604_P_RED_A03	28 November 2016
Olive House Type Layout Plans (Rev A) 1604_P_OLIVE_A01	30 September 2016
Olive House Type Elevations and Section 1604_P_OLIVE_A02	30 September 2016
Yellow House Type Layout Plans (Rev A) 1604_P_YELLOW_A01	30 September 2016

Reason: To define the consent and ensure that a satisfactory form of development is obtained in accordance with Policies HP6, HP9 and T15 of the saved policies of the Chester-le-Street District Local Plan, 2009.

3. No development shall take place until a scheme to embed sustainability and minimise carbon from construction and in-use emissions, has been submitted to, and approved in writing by, the Local Planning Authority. Thereafter the development shall be carried out in complete accordance with the approved scheme and retained while the buildings are in existence.

Reason: To plan for new development in ways which reduce greenhouse gas emissions, and to comply with Part 10 of the NPPF (required pre-commencement in accordance with Article 35 of the Development Management Procedure Order 2015).

4. No development shall take place until a detailed scheme for the disposal of foul water from the development hereby approved has been submitted to, and approved in writing by, the Local Planning Authority. Thereafter the development shall take place in accordance with the approved details.

Reason: To prevent the increased risk of flooding from any sources in accordance with Part 10 of the NPPF (required pre-commencement in accordance with Article 35 of the Development Management Procedure Order 2015).

5. No development shall take place until details of all surface water drainage proposals, including reference to the Durham County Council SuDS Adoption Guide, a detailed drainage design with respect to attenuation levels meeting the agreed discharge rate into the surface water sewer, and Site Investigations including permeability options to verify the drainage option have been submitted to, and approved in writing by, the Local Planning Authority. The works shall be undertaken in accordance with the approved plans.

Reason: In the interests of surface water drainage and flooding, and to comply with Part 10 of the NPPF (required pre-commencement in accordance with Article 35 of the Development Management Procedure Order 2015).

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

i), the proper identification and evaluation of the extent, character and significance of archaeological remains within the application area by means of trial trench evaluation to inform the reserved matters application(s);

ii), an assessment of the impact of the proposed development on any archaeological remains identified in the evaluation phase;

iii), proposals for a mitigation strategy for the investigation, recording and recovery of archaeological remains and the publishing of the findings, it being understood that there

shall be a presumption in favour of their preservation in situ wherever feasible, should features be identified in the trenching phase (i);

iv), sufficient notification and allowance of time to archaeological contractors nominated by the developer to ensure that archaeological fieldwork as proposed in pursuance of (i) and (iii) above is completed prior to the commencement of permitted development in the area of archaeological interest; and

v), notification in writing to the County Durham and Darlington County Archaeologist of the commencement of archaeological works and the opportunity to monitor such works. The development shall then be carried out in full accordance with the approved details.

Reason: To comply with Paragraphs 135 and 141 of the NPPF as the site is of archaeological interest (required pre-commencement in accordance with Article 35 of the Development Management Procedure Order 2015).

7. No development shall take place until a scheme for intrusive site investigations has been submitted to, and approved in writing by, the Local Planning Authority, in accordance with the Mining Risk Assessment Report (August 2016), and implemented in accordance with the approved details and a report of findings arising from the site investigations submitted to the Local Planning Authority. In the event that remedial works are identified in the report of findings, a scheme of remedial works shall be submitted to, and approved in writing by, the Local Planning Authority, and implemented in accordance with the approved details.

Reason: In the interests of the safety and stability of the site and to comply with Part 9, Paragraph 121 of the NPPF (required pre-commencement in accordance with Article 35 of the Development Management Procedure Order 2015).

8. No development shall take place until a pre-commencement scheme to deal with contamination has been submitted to and agreed in writing with the Local Planning Authority. The full scheme, both pre-commencement and completion shall include the following, unless the Local Planning Authority confirms in writing that any part of sub-sections a, b, c, or d, are not required.

Throughout both the pre-commencement and completion phases of the development all documents submitted relating to Phases 2 to 4 as detailed below shall be carried out by competent person(s) and shall be submitted to and agreed in writing with the Local Planning Authority.

Pre-Commencement

- (a) A Phase 2 Site Investigation and Risk Assessment is required to fully and effectively characterise the nature and extent of any land and/or groundwater contamination and its implications. Prior to the Phase 2 a Sampling and Analysis Plan is required.
- (b) If the Phase 2 identifies any unacceptable risks, a Phase 3 Remediation Strategy detailing the proposed remediation and verification works is required. If gas protection measures are required a verification plan is required detailing the gas protection measures to be installed, the inspection regime and where necessary integrity testing programme. The installation of the gas membrane should be carried out by an appropriately qualified workforce and the verification of the installation should be carried out by an appropriately competent, experience and suitably trained person(s) (preferably independent to the installer) to ensure mitigation of the risk to the buildings

and the people who occupy them. No alterations to the remediation proposals shall be carried out without the prior written agreement of the Local Planning Authority.

Completion

- (c) During the implementation of the remedial works (if required) and/or development if any contamination is identified that has not been identified pre-commencement, it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment shall be carried out in accordance with part b of the condition and where necessary a Phase 3 Remediation Strategy shall be prepared in accordance with part c of the condition. The development shall be completed in accordance with any amended specification of works.
- (d) Upon completion of the remedial works (if required), a Phase 4 Verification Report (Validation Report) confirming the objectives, methods, results and effectiveness of all remediation works detailed in the Phase 3 Remediation Strategy shall be submitted to and agreed in writing with the Local Planning Authority within 2 months of completion of the development. If integrity testing of the membrane(s) was required a verification pro forma should be included.

Reason: The site may be contaminated as a result of past uses and the Local Planning Authority wishes to ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems in accordance with Part 11 of the NPPF (required pre-commencement in accordance with Article 35 of the Development Management Procedure Order 2015).

9. No development shall take place unless in accordance with the mitigation detailed within the ecological appraisal ref. Cheviot_LingeyCI_Eco1.1.

Reason: To conserve protected species and their habitat in accordance with Part 11 of the NPPF (required pre-commencement in accordance with Article 35 of the Development Management Procedure Order 2015).

10. No development shall take place until full details of the swale have been submitted to, and approved in writing by, the Local Planning Authority.

Reason: In the interests of the visual amenity of the area and to comply with Policy HP9 of the Chester-le-Street District Local Plan (required pre-commencement in accordance with Article 35 of the Development Management Procedure Order 2015).

11. No development shall take place until full engineering details of the adopted highway, including the layout and construction, and any associated structures within the highway, including retaining walls, have been submitted to, and approved in writing, by the Local Planning Authority.

Reason: In the interests of highway safety and access and to comply with Policy TR2 of the Chester-le-Street District Local Plan (required pre-commencement in accordance with Article 35 of the Development Management Procedure Order 2015).

12. 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 information gathered becomes publicly accessible.

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

Reason: To define the consent and ensure that a satisfactory form of development is obtained in accordance with Policy HP9, HP17 and T15 of the Chester-le-Street District Local Plan.

14. All planting in the approved details of the Revised Planting Scheme 1 of 2 (ref. D161.P002 D), and the Revised Planting Scheme 2 of 2 (ref.D161.P003 D) shall be carried out in the first available planting season following the practical completion of the development.

Reason: In the interests of the visual amenity of the area and to comply with Policy HP9 of the Chester-le-Street District Local Plan.

15. The tree works hereby approved shall be carried out in accordance with BS 3998: Recommendations for Tree Work and the European Tree Pruning Guide (European Arboricultural Council)

Reason: In the interests of the visual amenity of the area and to comply with Policy HP9 of the Chester-le-Street District Local Plan.

16. The car parking spaces / garages as approved shall be constructed and available for use prior to the occupation of the dwelling to which they relate.

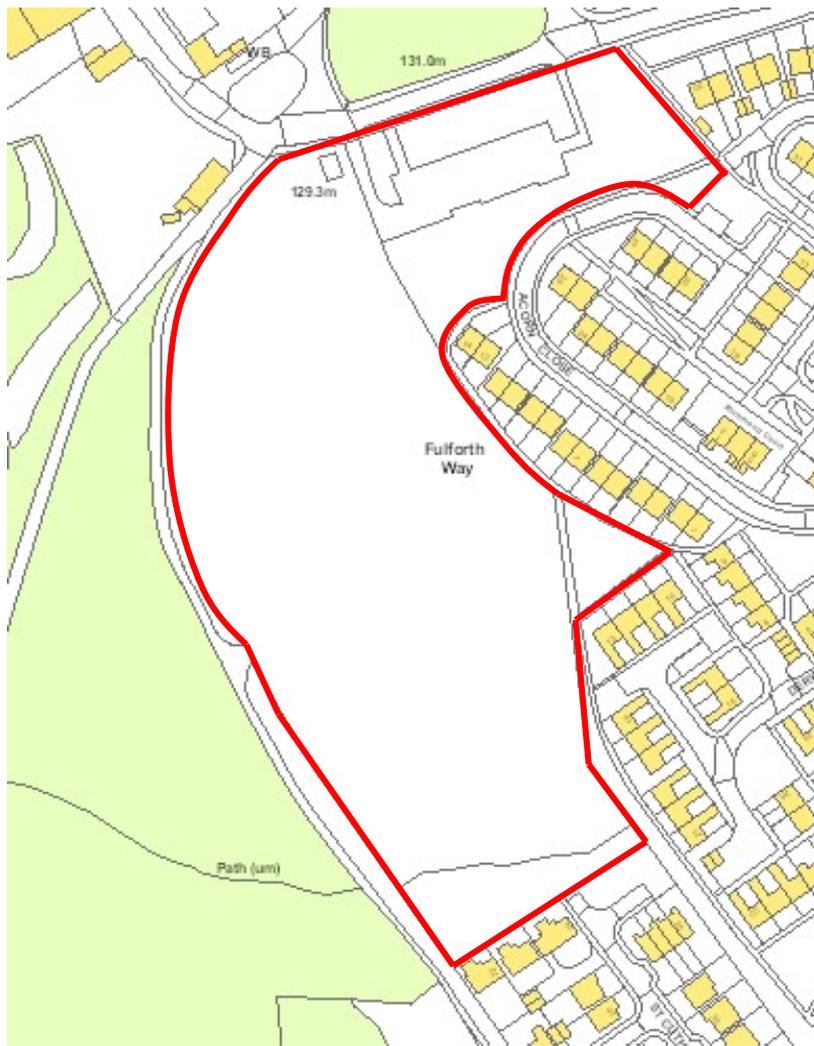
Reason: In the interests of highway safety to comply with Policy T15 of the Chester-le-Street Local Plan.

STATEMENT OF PROACTIVE ENGAGEMENT

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

BACKGROUND PAPERS

- Submitted application form, plans supporting documents and subsequent information provided by the applicant
- The National Planning Policy Framework (2012)
- National Planning Practice Guidance Notes
- Chester-le-Street District Local Plan (saved Policies 2009)
- County Durham Settlement Study (2012)
- Statutory consultation responses



 <p>Planning Services</p>	<p>Land To The West Of Fulforth Way, Sacriston, DH7 6AH</p> <p>Application Number DM/16/03157/FPA</p>	
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	<p>Date 30th March 2017</p>	<p>Scale 1:2500</p>

Planning Services

COMMITTEE REPORT

APPLICATION DETAILS

APPLICATION No:	DM/16/03633/OUT
FULL APPLICATION DESCRIPTION:	Outline planning permission for residential development (C3) of up to 14 dwellings with all matter reserved except access, including demolition of no.7 The Paddock (re-submission of application ref DM/16/00871/OUT)
NAME OF APPLICANT:	Beavertail Ltd
ADDRESS:	7 The Paddock and land to south of 7 The Paddock Lanchester Durham DH7 0HW
ELECTORAL DIVISION:	Lanchester Steve France
CASE OFFICER:	Senior Planning Officer Telephone: 03000 264871 steve.france@durham.gov.uk

DESCRIPTION OF THE SITE AND PROPOSALS

The Site

1. Lanchester is a large village that sits on the A691 midway between Durham City and Consett. To the north are the larger mining originated settlements of Annfield Plain and Stanley, whilst south of the village is a network of small rural and mining related settlements including Cornsay, Quebec and Esh. The settlement is identified within the Durham Settlement Study 2012 as a 'local service centre'.
2. Based around a central historic core designated as a Conservation area, the village was extensively extended in the late 20th Century by primarily Local Authority built housing on the east A691 access to the settlement, and latterly large estates of private residential development on the west side, where Newbiggin Lane, the B6296 at Cadger Bank, and the B6301 a Ford Road enter the village. Lanchester sits astride Smallhope Burn, with the modern estates sited on the sometimes steep valley sides. This watercourse, although small, has a history of flooding the village centre. The surrounding countryside is a mix of arable and grazing agricultural land, with the countryside to the north, east and south of the village subject to an Area of High Landscape Value (AHLV) designation in the Derwentside District Local Plan, including the application site.
3. The application site consists of a sloping agricultural field, 0.13 hectares at the south west corner of the village. The west and south boundaries of the site, defined by agricultural fencing, hedging and occasional trees follows the traditional field pattern, evident on the 1860 Ordnance Survey plan, with the east and north boundaries shared with modern housing development dating from the 1960s/1970s. Access to the land at

present is via a narrow passage and field gate between the dwellings on Ford Road, to the east.

4. There are no features on the land, it being maintained as semi-improved grassland. The cul-de-sac, named The Paddock, is a 1970s development of large detached bungalows set in matured landscaping, strongly reflecting the vernacular of the time, constructed of pale brickwork, with shallow roofs and large or horizontally proportioned openings. Those dwellings accommodate the comparable slope by being 'built-up' at their lower end, rather than through land-forming. Much of the boundary planting around The Paddock, including that separating that street from the site, is protected by Tree Preservation Order, as are individual trees within the curtilage of the dwelling – number 7 - proposed demolished. The site is within the Area of High Landscape Value, and out-with the development limit as defined in the Derwentside District Local Plan, 1997.
5. The edge of settlement site is visible for a short distance from the B6301, Ford Road, as it approaches the village and in more distant views from the single track road connecting Bargate Bank to Ragpathside as it passes Greenwell Farm, on the facing side of the River Browney Valley. There are no designated public footpaths in the area that give a view of the site.

The Proposal

6. This application is for 'outline' development - seeking approval for the principle of residential development of up to 14 self-build units, with all matters except the site access and the demolition of the existing dwelling reserved for future determination. The site will be accessed by demolishing a dwelling in the adjacent residential cul-de-sac to overcome the previous landlocked nature of the site for development purposes.
7. The application is a resubmission of a scheme refused by Committee in June 2016. That scheme is currently under appeal, with the Inspector's decision pending. The resubmitted scheme is consistent with the previous in what it seeks to formally approve – i.e. the site access only. Additional information has been submitted during the course of the application to indicate that the applicant believes a boundary planting scheme is possible at the housing density proposed. The application is also accompanied by a proposed s.106 agreement to contribute to public open space / play space in the immediate local in lieu of providing such on-site.
8. The application is reported to Committee as a 'Major' scheme.

PLANNING HISTORY

9. On 30 June 2016 Committee Members, contrary to Officer's recommendation, resolved to refuse an application for Outline planning permission for residential development (C3) of up to 14 dwellings with all matters reserved except access, including demolition of no. 7 The Paddock, for the following reason:
 1. The proposal encroaches into the open countryside causing harm to the environment and protected trees contrary to policies EN1, EN2, and EN11 of the Derwentside Local Plan 1997.

PLANNING POLICY

NATIONAL POLICY

10. 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.
11. 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’.
12. 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.
13. The following elements of the NPPF are considered relevant to this proposal;
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 10 - Meeting the challenge of climate change, flooding and coastal change.* Applicants for energy development need not demonstrate the overall need for renewable or low-carbon energy. Small scale projects provide a valuable contribution to cutting green-house gas emissions. Applications should be approved if the impacts are considered acceptable.

19. *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:

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. *Climate change* - Addressing climate change is one of the core land use planning principles which the National Planning Policy Framework expects to underpin both plan-making and decision-taking. Planning can also help increase resilience to climate change impact through the location, mix and design of development. Reflecting the 'golden thread' of the NPPF, sustainable development is key.

22. *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.

23. *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.

24. *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:

25. The following are those saved policies in the Derwentside District Local Plan relevant to the consideration of this application:

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

27. *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.
28. *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.
29. *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.
30. *Policy EN9 – Works to trees covered by preservation orders* – Only allows the cutting down, loping, 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.
31. *Policy EN11 – Trees and Development* – states that throughout the district existing trees should be retained where possible.
32. *Policy HO7 – Development Limit for Lanchester and Burnhope*, states that no new housing development in Lanchester will be approved outside of the Development Limit.
33. *Policy TR2 – Development and Highway Safety* – relates to the provision of safe vehicular access, adequate provision for service vehicle manoeuvring, etc.

OTHER MATERIAL DOCUMENTS:

34. *The Lanchester Village Design Statement* May 2004 – outlines guidance to conserve the valued aspects of the village and the land around it and seeks to enable appropriate development based on guidance and aspirations

RELEVANT EMERGING POLICY:

35. Paragraph 216 of the NPPF says that decision-takers should 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 withdrawn CDP can no longer carry any weight. As a new plan progresses through the stages of preparation it will begin to accrue weight in due course.

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:

36. *Highways* – County Highways Engineers have no objections to the proposal noting access will be taken direct from The Paddock and would require removal of a single property. The carriageway and footways are adequate to support additional residential development. The internal access road should be designed as a 4.8m wide carriageway. The highway network in The Paddock is able to accommodate this new development.
37. *Northumbrian Water* raise no issues provided the application is approved and carried out within strict accordance with the submitted document entitled “Segment 002 of The Paddock Lanchester- FRA Drainage Strategy- Planning”. A condition is requested to ensure adherence to the flow rates and detailed connections proposed in this document. They caveat their comments, noting they are not commenting on the quality of the flood risk assessment as a whole or the developers approach to the hierarchy of preference. The Council, as the Lead Local Flood Authority, needs to be satisfied that the hierarchy has been fully explored.

INTERNAL CONSULTEE RESPONSES:

38. *Spatial Policy* - The scope of the Policy assessment covered; whether this development is acceptable in this location, and whether there are any constraints upon the site which could affect development. With a presumption in favour of sustainable development where relevant policies in a Development plan are ‘out-of-date’, the NPPF sets out a clear driver to ensure economic growth and provision of sustainable new housing and development.
39. In terms of the current housing land supply position, the Council accepts that it is unable to demonstrate a five year supply of deliverable sites in the absence of a sufficiently advanced and publically tested up to date the Objectively Assessed Need of the area (OAN), in accordance with paragraph 47 of the NPPF. Consequently, paragraph 49 indicates that the housing supply policies are to be regarded as ‘not up to date’. In the light of the recent Court of Appeal judgment in the Richborough case, policies which restrict the locations where new housing may be developed in the widest sense are to be regarded as policies for the supply of housing for the purposes of paragraph 49 of the NPPF.
40. In the absence of a OAN the Council has calculated the housing supply position on the basis of currently available housing need data to ascertain a measurement and thus housing land position, acknowledging that the data relied upon cannot be regarded as representing the OAN as it does not take into account market signals, and nor has it been publicly tested. The findings do not suggest a significant deficit in supply exists. Rather this suggests that significant weight should not be placed upon the site’s contribution to boosting the supply of housing where there are significant adverse impacts as there is no pressing need to support unsustainable housing proposals.
41. This is considered to be a material consideration when undertaking the relevant planning balance assessment in accordance with Paragraph 14 of NPPF. Although the proposed development will provide some benefit to the supply of housing, the weight to be given to that benefit should be reduced on the basis that an adequate supply has not been established without requiring the development of this site. Indeed weight should be given to the countervailing consideration, namely the fact that a five year’s supply has been demonstrated as measured against the required OAN figure.

42. Policy H07 in the Development Plan sets down a development limit which is drawn to the north of the site. Policies EN1 and EN2 of the LP therefore apply, which seek to contain development within existing built up areas to prevent sprawl into the open countryside. The land is also regarded as an area of high landscape value - under Policy EN6 – which places an emphasis on high quality development to prevent harm to the landscape. As set out above, housing supply policies within the Derwentside Development Plan, including Policy H07, are not based on an up-to-date OAN. Therefore settlement boundaries are considered out of date, in accordance with para 49 of the NPPF and should be afforded only limited weight regardless of the 5 year housing land position.
43. The LP environmental policies (EN1, EN2 and EN6) are considered to fit into this category insofar as while they impact on housing supply through their role in reinforcing settlement limits. So for EN1 and EN2, while they could limit housing supply they are not numerically based on outdated evidence. They do however have a wider remit of protecting the countryside from development that will be harmful to it so in that context are broadly consistent with the NPPF (para. 55). The implication of this is that some limited weight should be attributed to the environmental policies. It is noted that the site is relatively well contained and related to existing development to at least two sides. As such, it is considered that the scheme would offer some alignment with Policies EN1 and EN2.
44. The lower half of the site has been assessed through the Strategic Housing Land Availability Assessment process and rated as amber (unsuitable). The main reason for the unsuitable assessment is based on technical constraint whereby a suitable access could not be achieved. This has been resolved by the revised access point in the planning application. Some adverse landscape impacts were noted however in mitigation the site was deemed to be relatively well-contained and developable subject to adequate landscape mitigation.
45. In conclusion, the starting point for considering this proposal is DDLP as this is the development plan. Relevant policies in the DDLP are considered out of date as they relate, to varying extents, to housing land supply. Therefore, in accordance with the NPPF a paragraph 14 balance should be performed to determine the acceptability of the proposal. Permission should therefore be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework as a whole taking into account the two limbs of paragraph 14.
46. Very limited weight can be ascribed to the settlement boundary and the site is relatively well-related to the built up area in relation to policy EN2 which resists urban sprawl. It is also understood that landscape impacts can be mitigated. On the balance of these factors, the Spatial Policy Team would raise no objection to the proposal.
47. It is further noted, a Neighbourhood Plan is being prepared for Lanchester Parish by the Parish Council. The NP has been progressed through two rounds of informal consultation however at this stage there are no draft policies in place. In accordance with Planning Policy Guidance no weight can be afforded to the plan at this stage. Further, given the scale of the proposal it is considered a 'prematurity argument' would carry no weight in the balance.
48. *Drainage* – State that according to the Environment Agency and Durham County Council Strategic Flood Risk Assessment (SFRA) data there does not appear to be a risk of flooding to the development site. In accordance with The Flood and Water Management Act 2010, Durham County Council (DCC) is designated as a Lead Local

Flood Authority responsible for flood risk management for its area. Depending on the method of disposing of surface flood waters – whether into the existing highways drainage system or into the watercourse within the field, different discharge rates will be required. Further site investigations to ascertain site permeability will be required, and detailed approval of the course of action chosen, with preference given to on site sustainable drainage methods.

49. *Landscape* – consider that the loss of the field and part of the conifer belt to form the access would be a negative result of the development, with further potential effects on the longevity of the trees around the site entrance. The development would be ‘slightly damaging’ to the setting of the Roman Fort, and affect the ‘tranquility and particular character’ of The Paddock’.
50. Examining the additional information submitted during the course of the application, the Landscape Officer questioned the viability over time of the proposed new landscaping strip, in terms of its vulnerability to unauthorised incursion and annexation by adjacent owners, the consequent risk to any structure planting within the area, and the lack of access for maintenance as a communal feature.
51. *Tree Officers* – Trees within the site have high amenity value and are at risk if the construction process for the access road will remove partial rooting areas. Diagrams showing cross section to determine slope steepness within these critical areas should be provided. There is no formal objection to the scheme.
52. *Sustainability Officers* – in terms of locational sustainability, this consultee does not consider the site within short walking distance of some services and access to buses and their frequency to be below minimum requirements – ‘the site is over 500m away from the town centre and main bus stop, and whilst the town centre provides a good range of local services, the town is still only a local service centre and bus services to other major centres, Consett, Stanley and Durham can be infrequent’. The site is remote from train stations and regional and national retail and employment opportunities. For embedded sustainability a standard condition is proposed. The sustainability appraisal of the site concluded that economic and environmental determinants of Sustainable Development were considered to be average, whilst economic determinants were considered to be poor. With mitigation, there are opportunities for the some improvement. It is essential that Sustainability and in particular energy efficiency are embedded into the development from the outset. Sustainability Officers do not object to the application in principle.
53. *Archaeology Officers* – A geophysical survey on this site was carried out in connection with a previous application. Although this did not indicate the presence of archaeological features geophysics occasionally fails to detect them because of one or other masking agents and so the results should always be tested by a programme of sample trenching. It is therefore recommended that the conditions be applied to any grant of planning permission to secure a sampling trench evaluation.
54. *Ecology* – are satisfied that subject to a condition to ensure provision of agreed mitigation, ecology requirements have been appropriately met.

PUBLIC RESPONSES:

55. Neighbours have been consulted, a site notice was posted on Front Street, and a press notice was published in The Northern Echo. 27 letters were sent out, with objections from 16 properties and Lanchester Parish Council received.

56. *Lanchester Parish Council* objects to the proposals. They note the site was considered unacceptable in the SHLAA exercise as having a negative landscape impact, was not within walking distance of some services, was visible from the countryside and had the potential to affect biodiversity and protected species. A list of 25 bullet pointed objections is also included, reflecting residents' concerns, including; outside the settlement limit in open, designated, countryside, scale and density compared to existing dwellings, visible in long views, loss of existing dwelling, extending a cul-de-sac, volume of traffic, drainage issues, lack of services, proximity to the fort, loss and protection of trees, loss of views, and self-build development implications.
57. *Residents* contend the development of two storey dwellings is proposed outside the settlement boundary and out of character with the strong 'traditional bungalow' vernacular of The Paddock. It is calculated that over the last 14 years 102 new dwellings have been provided in the village, meeting their responsibilities for provision of new housing. None of the homes proposed will be 'affordable'.
58. The village of Lanchester is contended as 'suffering from over-development in recent years', with 'several building projects being undertaken' and a 'significant amount of houses for sale', with infrastructure and facilities struggling to cope. Existing businesses will suffer from additional development as new residents will shop elsewhere, with shop-keepers contended to be against new housing developments. The proposals will bring no social benefits to the village, either financial or through direct provision. The forthcoming Village Plan will prevent inappropriate developments such as that proposed, consistent with the Lanchester Village Statement 2004, which is still considered material by objectors. In surveys of residents, locals were clearly against development in this location.
59. Neighbours state that the site was surveyed after a period of heavy rain, with the site providing natural soak-away as it should. This would be lost if the development goes ahead. The development of the site is stated to have drainage implications for the wider village.
60. Loss of light to dwellings in The Paddock is offered as an objection, in addition to loss of privacy from facing dwellings. The applicant's traffic projections are queried, with reference made to existing parking problems with existing residents and the potential for 'significant disturbance' from vehicles passing through what is currently a cul-de-sac. Winter traffic movements are contended especially difficult. Protection of residential amenity, privacy and property is also claimed through reference to The Human Rights Act.
61. Concern for the effect of the new access on the root plates of the individual trees in the garden of the property proposed demolished is raised, as is objection to the protected trees proposed removed from the belt on the site boundary to allow the access into the site. The responsibility for landscaping at the entrance to the estate is undefined, and likely to deteriorate and become an attraction to youths and anti-social behaviour.
62. Disruption from the build process of a self-build development site – still referred to in the resubmitted proposals - is a significant concern for local residents, both in terms of noise and disturbance affecting existing residents, and the on-going nature of the build attracting the likelihood of criminality.
63. Pedestrian and cycle access to the village centre is considered highly unlikely from the scheme. It is contended the Council will make a financial return on the footpath needed built over to access the site.

64. The green-field site has an abundance of wildlife, including hedgehogs, bats and bird life – all of which would be detrimentally affected by the development.
65. The development will detrimentally affect the archaeology and setting of the Roman Fort.

APPLICANTS STATEMENT:

66. Throughout the application process, the applicant has undertaken consultation with stakeholders and the local community whilst working closely with Officers to evolve the design response. The development has been designed in such a way to respond and mitigate for any constraints such as views into the site, ecology and archaeology. The landscape mitigation has been designed in a similar vein to the existing “Paddock” and has been accepted as alleviating any landscape harm that may result. Equally impacts on ecology have been mitigated through ‘designed in’ mitigation.
67. The site is considered to be well integrated into the existing pattern of development, being bordered on two sides by existing residential dwellings and will read as a logical part of the wider village as a result. The development pays particular attention to the landscape qualities of the area. The Landscape Strategy which accompanies the application clearly demonstrates how integration with the surrounding landscape can be successful. Compared to the original submission, this strategy provides much greater detail relating to scale and planting type including new tree specimens. It also provides a dense structural planting buffer as a form of structural landscaping around the perimeter of the site to the wider countryside beyond; much like the current boundary of The Paddock. The proposed buffer is a minimum of 5 meters deep. The perimeter landscape buffer is also separate from the dwellings and will be managed independently to ensure in perpetuity that it is maintained and matures to assimilate well into the landscape.
68. It is therefore considered, that this proportionate development will not result in any harmful impact on the setting of the village and through significant landscape mitigation will assimilate well with the existing village boundary and countryside beyond.

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

Preface

69. A preface to the planning consideration section of this report is considered necessary in this instance. The application is a resubmission of a scheme refused by Committee Members, contrary to Officer’s recommendation in June 2016. The differences between the current application and that being refused are minor. The descriptions are almost identical and the components being formally requested approved, likewise: erection of up to 14 dwellings, approval of the site access – and all other matters ‘reserved’ for assessment through a future application. Details of proposed landscaping arrangements and maintenance, site layout, materials, building’s heights and levels, whether the development is to be built as one, in phases, or as plot-build are not for determination at this point and are indicative only and must be given only proportionate regard.

70. Given that the application is a repeat of a scheme recommended approved by Officers, but overturned by Members following their assessment and debate at Committee, the role of the Planning Officer is potentially worthy of clarification at this stage to both Members and members of the public who read this report. The report is the professional opinion of the Case Officer on the merits of the proposals when considered against the national and local planning framework. It is not a representation of the views of 'the Council' or local residents, although the relevance and weighting of these is assessed. That the scheme as proposed is very closely related the previous proposal, and that the planning policy context has only changed by degree, in terms of how the Council is meeting its housing need requirements and therefore means that there is a high degree of consistency between the current planning assessment (and report) and what has been previously presented.
71. This does not seek to undermine the decision reached by the Members of the Committee on the previous scheme, or the strongly presented views of objectors, but shows that once again Officers have adhered to their role and processes in assessing the application. It is for Members to decide again if they wish to accept the professional's recommendation, or remain consistent with their own previous conclusion, justified against planning reasons in the transparent decision making process.

Planning Considerations

72. Having regard to the requirements of Section 38(6) of the Planning and Compulsory Purchase Act 2004 the relevant Development Plan policies, relevant guidance and all other material planning considerations, including representations received, it is considered that the main planning issues in this instance relate to whether the site, on the edge of the settlement of Lanchester, constitutes a sustainable location for housing development and if it does whether the proposal accords with the three dimensions of sustainability, economic, social and environmental set out in the NPPF. Various issues are discussed within these topic headings, below, however it is noted that most issues overlap the three stands having multiple implications.

Strategic Locational Sustainability

73. Members will be aware of the phrase that 'each proposal is assessed on its own merits', and this is relevant here. Planning Inspectors' decisions make it clear that there are different expectations for access to facilities depending on the nature of the setting – urban areas will expect immediate and short distance access to goods and services, new developments in the countryside or in smaller settlements, where 'clusters' of small villages may be mutually supporting through shared facilities show that interpretation of reasonable access is required, rather than adherence to a strict set distance criteria. To this end the distance from the site to the village centre, and the wider facilities in the village are not considered an unreasonable distance for pedestrian travel to services a large rural village that is defined in the County Durham Settlement Study as a 'service centre' – the village centre being around a third of a mile distant. Neither the steepness of the topography nor the width of the pavements are unusual for the village or the surrounding district which appear a characteristic of the extensive modern estates on the west side of Lanchester, indeed large areas of the post-war residential developments of Lanchester are a comparable distance from the village centre.
74. The Village centre has a good range of social and commercial facilities, reflected in the 'service centre' designation, the village sitting within a sustainable hierarchy of settlements, serving as a focus for smaller settlements, and feeding different facilities in

adjacent and larger settlements – the supermarket in Annfield Plain is 2.5 miles away, the edge of town retail park at the Arnison Centre in Durham is 6.75 miles away.

75. The village of Lanchester is considered a sustainable location for residential development and the site is well positioned to secure access to services by a range of modes therefore the proposal is considered appropriate/ acceptable from a locational perspective.

The Social strand of Sustainability

76. This element is defined in the Government document as ‘supporting strong and vibrant communities, by providing the supply of housing required to meet the needs of present and future generations: and by creating a high quality built environment, with accessible local services that reflect the community’s needs...’. Many of the concerns of local residents relate to the ‘social’ strand of sustainability.

77. To meet the ‘decision taking’ tests set out in paragraph 14 of NPPF the scheme must not be considered to have any adverse impacts which would significantly and demonstrably outweigh the benefits, when assessed against the policies of the NPPF taken as a whole or conflict with specific policies in the NPPF that indicate that development should be restricted. A principal consideration therefore is the complex issue of Housing Land Supply in the effective policy vacuum caused by the absence of an up-to-date local plan following the withdrawal of the County Plan. The exercise to quantify the actual housing land supply that currently exists in the absence of an OAN at this point in time is set out in the Spatial Policy team’s consultation response and seeks to quantify the level of weight that should be attributed to the schemes contribution to boosting the supply of housing as a benefit. The conclusion suggests that whilst the contribution the site would have to boosting the future housing land supply is a benefit, significant weight should not necessarily be placed upon this when undertaking the planning balance assessment required of paragraph 14.

78. The negative assessment from the former SHLAA process has been quantified in Spatial Policy comments – it being pointed out that the main reason for the ‘unsuitable’ rating was based on technical constraints whereby a suitable access could not be achieved. ‘This has been resolved by the revised access point in the planning application’ Landscape mitigation was deemed achievable. The Spatial Policy comments clearly set out the reduced weighting for the remaining policy context, including the saved Countryside and Settlement Boundary DDLP policies, the Village Design Statement and the emerging Neighbourhood Plan. The Spatial Policy comments conclude with no objection to the proposals, with the presumption in favour of sustainable development, if the site is not found to have significant and demonstrable adverse impacts’. The SHLAA is a device to inform housing land supply, but in assessing the environmental attributes of the site also has equal relevance to the environmental strand of sustainability.

The Environmental strand of Sustainability

79. This requires consideration of archaeology and ecology. Whilst residents raise concerns on both of these issues, both of the relevant Council consultees have assessed the implications of the development and concluded effects can be appropriately mitigated through precautionary conditions. For archaeology this assessment included both the potential for actual below ground remains, as well as consideration of the effect of the development on the setting of the scheduled ancient monument of Longovicvm Roman Fort. The development site is 340m from the Roman Fort and 82m from the edge of the extent of the extended protected setting. Ecologists have required additional information during the course of the application and are now satisfied that potential effects of the

development can be mitigated through additional managed planting secured by condition. Whilst Landscape officers have indicated a potential for harm to the setting of the Roman Fort, this was not reflected in the advice received from the Council's Archaeologists, and on this basis Officers consider there to be less than substantial harm to the heritage asset.

80. The development will require access through a belt of protected trees, in the same manner that The Paddock required when it was built. The remaining tree belt will ensure the character of The Paddock will be retained, forming a strong boundary to the existing bungalow development. The landscaped area and remaining trees at the new entrance to the development are proposed maintained by a management company, who will also maintain the new planting proposed on the boundaries of the new development. There will be harm to both the tree belt and individual trees at the site entrance. Whilst this is contrary to Policy EN11 of the Development Plan, in the assessment of the 'planning balance', this effect of the development is accepted.
81. The policies used to assess the housing issues also of course have a function in protecting the countryside. The site as outside the settlement boundary was included within the AHLV in the Derwentside District Local Plan. The NPPF gives little direction on countryside protection, the relevant section, 'Supporting a prosperous rural economy', relating only to plan-making rather than decision taking. EN6, the AHLV policy, is considered 'partially consistent with the NPPF, requiring, development in AHLV only where it pays particular attention to the landscape qualities of the area in siting and design of buildings and landscaping.
82. Taking this, and Landscape Officer's views into account, it is noted that the site extent reflects the traditional field pattern evident on maps back to 1860, in the same way that all the modern post-war extensions of the west side of the village have. Views of the site are possible long distance from the little used single track road serving Greenwell Farm 0.75 miles to the south on the far side of the River Browney Valley, and for a short stretch of Ford Road, the B6301, as it approaches the village from the south. The extended curtilage of a large detached dwelling at the entrance to the village, named West Park screens a large element of the site from this aspect, with further screening possible by landscaping condition on the remainder of the site's southern boundary. In addition to this boundary of the site half shared with existing residential curtilage, two of the site's boundaries are already shared with the existing settlement, at Ford Road and The Paddock.
83. With the application submitted in 'outline' form, the scale, massing and appearance of the proposed development is for determination at the 'reserved matters' stage – the Council having full control over these issues, with formal consultation with the local community a mandatory requirement of this process. In using the landform, the historic field layout, existing landscape features, and proposing landscaping, the proposals are considered acceptable in terms of this element of the NPPF and the proportionate weight given to the remaining local policy context.
84. During the course of the current application, the applicant has submitted a detailed scheme of site boundary planting to show how the visual impact of the site could potentially be mitigated. It is relevant to note that Member's refusal reason related – through the use of Policies EN1 and EN2 - to the principal of urban extension onto the countryside rather than a visual effect that could be mitigated. Landscape Officers do not consider the suggested planting belt viable in terms of its vulnerability to unauthorised incursion and annexation by adjacent owners, the consequent risk to any structure planting within the area, and the lack of access for maintenance as a communal feature. Planning Officers set a low level of weight on this mitigation on the basis that the applicants still reserve 'landscaping' as a reserved matter.

85. However, coming to a consistent conclusion with the assessment of the previous application, Officers consider the site reflects a further logical extension the post-war expansion of Lanchester, at an appropriate proposed density of development. There are no adverse impacts that cannot be proportionately mitigated and therefore these matters do not weigh against the proposal.

The Economic Strand of Sustainability

86. In relation to the last of the three strands of sustainability outlined in the NPPF to 'contributing to a strong, responsive and competitive economy', in providing both new housing and employment and demand in the building supply chain, whilst the economic benefits of the scheme are not – and indeed cannot due to the nature of the proposals – be set out in detail, that they constitute a material consideration in support of the proposals. The development will also bring additional trade to the commercial elements of the village and the hierarchy of settlements surrounding as described above. Whilst these would be limited due to the small number of dwellings proposed, expenditure both in the shops and cafes in the village centre, and in retail outlets in surrounding settlements – whether the supermarket and the extended services in Annfield Plain, or the edge of settlement retail park to the North of Durham City would be of benefit. This benefit should be factored into the planning balance and weighs in favour of the proposal.

Impact upon the Surrounding Area

87. The application is presented in 'outline form, with the reserved matters application(s) that would follow an approval required to set out and justify the scale and character of the new dwellings, and their appropriateness to the local vernacular. Whilst The Paddock has a strong individual design character of 1960s/1970s bungalow development set in well-maintained, well established flora, significant elements of the western side of Lanchester are made up of modern housing estates, of modern construction, layout, materials and appearance. Whether new buildings follow the now slightly dated appearance of the existing estates, or give a modern interpretation of family dwellings, providing it is done in such a way that the design, massing and materials used are appropriate to the location, the character of the area should not be undermined. It is noted in this respect that part of the character of The Paddock is achieved by the surrounding tree belt – this will be maintained as a visual separation from the site, and may allow the new site to achieve the same. In this respect the scheme does not present any adverse impacts that would weigh significantly against the proposal.

Neighbouring Amenity

88. The residential amenity distances on the indicative layout far exceed standard guidelines, which demonstrates that the site can be developed in a manner that will protect reasonable expectations of privacy of existing residents – these guidelines seeking to protect privacy from facing windows, and amenity from the respective massings of built development. That the existing dwellings have enjoyed an uninterrupted view over the private field to date, does not give them any right to such. The planning system is arranged to assess reasonable expectations of residential privacy and amenity – there is no right to a view, and the requests to enforce residential 'tranquillity' go beyond reasonable expectations.
89. Given the separation distances between existing development and that proposed, and loss of light to the dwellings in The Paddock – especially with the intervening tree belt – or to the adjacent properties in Ford Road, with their long rear gardens, and despite

these properties being set at a lower level will not be to a degree that could be considered unreasonable. In these regards the proposals are therefore considered consistent with the requirements of Policy GDP1(h). To further ensure that the site levels will not result in this becoming an issue, a condition requiring a full existing and proposed levels survey for the whole site is again suggested attached to any approval.

90. Likewise if Highways Engineers consider the proposed access arrangements capable of adoption, and the capacity of the roads and footpaths capable of accommodating the additional volume of traffic proposed, a refusal would be difficult to sustain either on the physical effect of the new traffic, or it's effect on the character of the existing cul-de-sac in this respect. There will be an effect on residential amenity and the character of the existing development in highways terms – but not to a degree the planning system would consider unreasonable.
91. The last application made a specific virtue of its potential as self-build housing scheme, a proposal that caused particular distress to objectors. Most, but not all references to this eventuality have been removed from the documentation. Whether the development is carried out by one or a series of developers is not within the control of the Local planning authority. Still worried by the applicant's previously stated intent, existing residents complain again of a potential for extended build periods and disruption extending over many years, as different developers work to different timescales, and use their own contractors, along with a potential for a development site operated in such a way to attract crime.
92. Whilst this is acknowledged this remains a concern and a potential issue, it is not one that can be given significant weight in the determination process other than attempting to mitigate it through working hours and street cleaning conditions. The Chancellor has set out a plan to double the number of self-build properties to help address the national housing shortage, with Councils required to keep a register of land available for such. There is a potential shortage of such in County Durham. The intended self-build nature of the proposals is therefore not one that would count against the scheme. In this respect the scheme does not present any significant adverse planning impacts that would weigh against the proposal.

Drainage

93. Neighbours are concerned that the site was surveyed after a period of heavy rain. The natural soak-away provided by the open agricultural land is contended lost if the development goes ahead. Council Drainage Engineers – the Council being the Strategic Flood Risk Authority examined the drainage proposals submitted by the applicant concluding that the proposed post-development site run-off rates, as less than natural drainage, are acceptable, with this capable of being ensured by condition. That the form of development is not yet fixed, and likewise the detailed drainage proposals are not known, the suggested condition is flexible to allow for the detail to be agreed later. This has obvious implications to wider concerns about drainage, in a village that has a recent history of suffering badly from such. The details of the drainage scheme are under the control of the Council through conditions and Northumbrian Water through the agreements needed to connect to the sewage network, and if the development effectively reduces surface run-off rates, the proposals can be considered to meet the requirements of Policy GDP1(i) in this respect and the scheme does not present any adverse impacts that would weigh against the proposal. If an appropriate drainage scheme cannot be agreed, the development will not be built.

94. The specification of the roads leading to the site, the capacity of the roads within the estate and the entrance onto Ford Road are all considered acceptable to the Highway Engineers. The implications to the amenity of existing residents from through traffic on what up until now has been a cul-de-sac is a planning judgement as described above. There is nothing unusual in the topography of the site in terms of implications for winter driving conditions. The development is considered to meet the requirements of Policy TR2 of the Development Plan. In this respect the scheme does not present any adverse impacts that would weigh against the proposal.

Other considerations

95. The effect of development on the root systems of the trees affected by the access are raised as of concern by residents, with the County Tree Officer also raising this as an issue. It is noted that the trees have co-existed with the existing dwelling to date, and that the applicants have submitted a realigned access to mitigate the route of the access as far as possible. Conditions to protect the trees during construction works in line with the British Standards for such, and ensure their longevity are proposed, but even with the additional sections provided during the course of the current application, the change in ground conditions for existing, established, mature trees will have an effect on their longevity. Whilst regretted, in the overall assessment of the planning balance, this issue is not one that is considered to justify refusal of the scheme.
96. The loss of a section of trees from the protected belt at the rear of the property to be demolished is an objection. This tree-belt first shows on the 1951-1959 historic maps, with the incursion proposed directly comparable to the effect on the trees when The Paddock development was built. Whilst the proposal will result in the loss of protected trees, the tree belt as a feature around The Paddock development will still be clearly legible, and subject to a detailed scheme that shows both a minimum of removal and requires the erection of protective fencing to the current British Standard during the construction process to protect these off-site specimens, the proposals are considered acceptable in the wider planning 'balance' required by the NPPF, and in line with the requirements of Policy EN11. In this respect the scheme does not present any adverse impacts that would weigh significantly against the proposal.
97. Communal landscaping areas at the entrance to the estate will be the responsibility of a management company. Whilst it is unlikely that such areas would be a specific attraction to anti-social behaviour, such actions would be capable of control by the Police.
98. As a development of more than 10 units provision must be made for open space and play provision either on or near to the site. If this is not proposed on-site, monies in lieu of such must be provided by the developer at a standard rate of £1000 per unit then ring-fenced by the Council for provision of such in the immediate Ward to the benefit of residents of the scheme and the surrounding area. This is proposed addressed through a s.106 legal agreement tied to an approval. This requirement is considered to meet the tests required for such as set out in the Community Infrastructure Levy Regulations 2010 and described in the National Planning Practice Guidance notes, 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. Objectors suggest that the Council will receive a financial 'return' from the sale of the footpath to make the new access Council as Local Highway Authority. This is not the case.

100. Residents have written with issues of 'affordable' housing following discussions over such with the developer's representatives pre-submission, however as a scheme of up to 14 units, no affordable provision is required or proposed in the scheme.
101. Article 8 of the Human Rights Act – the right to respect private and family life and home, with no interference by a public authority, has been cited as a reason to refuse the application. The Act allows for 'no interference by a public authority except such as is accordance with the law and is necessary in a democratic society in the interests of national security, public safety or the economic well-being of the country...'. Ultimately the effect of the provisions is to strengthen the influence of proportionality as a factor to be taken into account by the decision maker – a balance between landowner's rights and wider public concerns. The Court of Appeal has held that 'it is important to emphasise that the striking of a fair balance lies at the heart of proportionality'. With the 'planning balance' taking into account the reasonable expectations of existing residents, this requirement is met, with residents Human Rights not overriding the rights of the applicant and a consideration of general public good, as potentially claimed.
102. It is noted that the Applicant's Statement claims to have worked 'closely with Officers to evolve the design response'. Officers have sought to encourage the number of units on site to be reduced, rejected one landscaping scheme a wholly unworkable, and given no encouragement to the revised landscaping proposals as presented. That the scheme is a resubmission so closely related to that previously refused has been repeatedly queried.

CONCLUSION

103. The Derwentside District Local Plan remains the starting point for the consideration of this planning application and it should be determined in accordance with this unless material considerations suggest otherwise. NPPF is one such key material consideration. In the absence of relevant up-to-date development plan policies the NPPF directs the decision taker to consider the scheme against the requirements of paragraph 14 of NPPF, which includes a series of tests to apply the application. Furthermore, recent case law confirms that material considerations which include relevant saved DDLP policies should be factored into the resulting planning balance exercise albeit some of these policies are receding in weight.
104. A key consideration is that of the current housing land supply position as this impacts upon how the application should be considered, that is to say that the proposal should be granted permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies of the NPPF taken as a whole or specific policies in the NPPF indicate development should be restricted. The contribution which the site will have to boosting the supply of housing has been set out earlier in this report and it is considered that it is a benefit which must carry some weight in favour of the proposal. Considered against the three strands of sustainability set out in the NPPF, the site is considered to be in a sustainable location, and no adverse impacts have been identified that significantly and demonstrably outweigh the contribution to housing supply and other benefits that would accrue from the scheme. Furthermore, there are no specific policies in the NPPF that indicate that the proposal should be restricted.
105. Having assessed the scheme against the NPPF as a whole in the context of paragraph 14 and considered the weight that should now be attributed to the development plan's saved policies, the loss of protected trees is the only adverse impact that weighs against the proposal and this is not considered a determining factor.

Implications to residential amenity, highway safety, ecology and archaeology are either acceptable and/or can be mitigated by condition and therefore cannot weigh against the proposal when undertaking the necessary planning balance. In terms of the physical extension of the village on the character of the existing settlement, and the intrusion into green-field countryside, the mitigated proposals are considered acceptable and therefore cannot weigh against the proposal when undertaking the necessary planning balance.

106. On this basis the planning application is again recommended favourably.

RECOMMENDATION

107. That the application be **APPROVED** subject to s.106 agreement to secure provision for Public Open Space and the following conditions/reasons:

1. Application for approval of reserved matters of any plot shall be made to the Local planning authority before the expiration of three years beginning with the date of this permission and the development must be begun not later than the expiration of two years from the final approval of the reserved matters, or in the case of approval on different dates, the date of approval of the last of the reserved matters to be approved.

Reason: Required to be imposed pursuant to Section 92 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

2. Approval of the details of landscaping and scale (hereinafter called "the reserved matters") shall be obtained from the Local Planning Authority before any development hereby approved is commenced. Reserved matters affecting individual plots or parts of the development relating to appearance and layout (hereinafter also called "the reserved matters") shall be obtained from the Local Planning Authority before any development hereby approved is commenced on the individual plot or plots affected.

Reason: Required to be imposed pursuant to Section 92 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004. Because of the nature of the issue, this condition has been concluded required pre-commencement assessed against s.35 of the DMPO 2015.

3. The development hereby approved shall be carried out in strict accordance with the following approved plans: Location Plan, General arrangement/Proposed access road NEA1350.

Reason: To define the consent and ensure that a satisfactory form of development is obtained in accordance with Policies GDP1, EN1, EN2, EN6, EN9, EN11 and TR2 of the Derwentside District Local Plan, 1997 (saved Policies 2009) and in line with the advice set out in the NPPF.

4. Before any part of the development hereby approved is commenced, an existing site levels survey for the whole site and a proposed highways levels plan for all communal vehicular and pedestrian highways, and shared drives must be submitted to and approved in writing by the Local planning authority. Before each individual plot commences development an existing levels plan, a proposed ground levels plan to cover the whole plot and show all formed slopes and retaining structures, existing

and proposed boundary markers, and elevations showing finished floor, eaves and ridge levels must be submitted to and approved in writing by the Local planning authority, with the development carried out in full accordance with said approval.

Reason: Required to in the interests of scale and character, residential amenity, highway safety and tree protection in accordance with Policies GDP1, EN9, EN11 and TR2 of the Derwentside District Local Plan, 1997 (saved Policies 2009) and in line with the advice set out in the NPPF. Because of the nature of the issue, this condition has been concluded required pre-commencement assessed against s.35 of the DMPO 2015.

5. A detailed scheme for surface water drainage in line with that set out in the submitted FPA for the whole site must be submitted to, and be approved in writing by the Local planning authority before development commences, being thereafter adhered to and implemented in full by all individual developers. This scheme must include detailed run off rates and clear reference as to how the drainage scheme relates to the sustainable drainage hierarchy to reduce the risk of flooding downstream. Watercourse consent must also be obtained prior to any works on the proposed outfall into Alderdene Burn.

Reason: To prevent the increased risk of flooding from any sources in accordance with Policy GDP1 of the Derwentside District Local Plan, 1997 (saved Policies 2009) with the NPPF. Because of the nature of the issue, this condition has been concluded required pre-commencement assessed against s.35 of the DMPO 2015.

6. For foul drainage, the development hereby approved shall be implemented in line with the drainage scheme contained within the submitted document entitled "Segment 002 of The Paddock Lanchester- FRA Drainage Strategy- Planning". The drainage scheme shall ensure that foul flows discharge to the combined sewer at manhole 5901, and ensure that surface water discharges to the existing watercourse.

Reason: To prevent the increased risk of flooding from any sources in accordance with Policy GDP1 of the Derwentside District Local Plan, 1997 (saved Policies 2009) with the NPPF.

7. A Landscaping and ecological implementation and management plan must be submitted and agreed in writing by the Local planning authority prior to the commencement of development to ensure the long-term maintenance of the South and West structure planting as well as the amenity land either side of the access road on the site of the former bungalow (no.7 The Paddock) and to meet the needs of protected species in the area. This must include the mitigation and compensation details set out in sections F1 and F3 of the Bat Survey and Preliminary Ecological Assessment by E3 Ecology with the application. Communal landscaping must be maintained by a management company specified in that document, or a successor management company notified in writing to the Local planning authority. The agreed landscaping and communal ecological mitigation must be implemented prior to the commencement of development of any individual plot hereby approved, with mitigation proposed incorporated into the fabric of any individual building complete before that building is occupied as a dwelling. Protective fencing must be maintained to the specification set out in BS 5837:2012 in the position shown on submitted Plan TPP (All About Trees 11/03/2016) on each plot and the site entrance during the full term of it's development.

Reason: In order to ensure a satisfactory form of development and protect the interests of species protected by law that may be affected by the development site as

required by Policy GDP1 of the Derwentside District Local Plan, 1997 (saved Policies 2009), the advice in the NPPF and NPPG and the national and European protected species legislation. Because of the nature of the issue, this condition has been concluded required pre-commencement assessed against s.35 of the DMPO 2015.

8. In order to protect existing trees on and adjacent the site boundaries protective fencing must be maintained to the specification set out in BS 5837:2012 in the position shown on submitted Plan TPP (All About Trees 11/03/2016) on each plot during the full term of its development and at the site entrance during the full term of its development (excluding wearing course). There must be no works or storage of materials, plant or vehicles within the tree protection area during construction works.

Reason: To protect trees on and adjacent the site during the construction period in line with Policies EN9 and EN11 of the Derwentside District Local Plan, 1997 (saved Policies 2009).

9. Before development of any individual plot full constructional details of the proposed road, to be of a standard capable of adoption, including levels, kerbs, drainage, footways, footway crossings and shared drives shall be submitted to and approved in writing by the Local planning authority. A schedule for construction of the road and triggers for implementation must be included in said document. The works must be carried out in full accordance with the written agreement.

Reason: In order to protect the amenities of residents in and adjacent the development site and to ensure a safe and satisfactory highways layout in line with Policies GDP1 and TR2 of the Derwentside District Local Plan, 1997 (saved Policies 2009).

10. To address requirements for embedded sustainability, prior to the commencement of the development a scheme to embed sustainability and minimise Carbon from construction and in-use emissions shall be submitted to and approved in writing by the Local Planning Authority before development of each individual plot. Thereafter the development shall be carried out in complete accordance with the approved scheme and retained while the building is in existence.

Reason: To sustainability is embedded within the built development in line with the requirements of the NPPF.

11. To address archaeological implications on the site, 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 ecofacts.
 - 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 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 Saved Policy EN19 of the former Derwentside District Local Plan and any archaeological interest that may exist on the site. Because of the nature of the issue, this condition has been concluded required pre-commencement assessed against s.35 of the DMPO 2015.

12. To ensure any identified archaeological interests identifies are properly recorded, 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 within six months of the date of completion of the development hereby approved by this permission.

Reason: To comply with para. 141 of the NPPF, which requires the developer to record and advance understanding of the significance of a heritage asset to be lost, and to make this information as widely accessible to the public as possible.

13. No external construction works, works of demolition, deliveries, external running of plant and equipment shall take place other than between the hours of 0800 to 1800 on Monday to Friday and 0800 to 1400 on Saturday. No internal works audible outside the site boundary shall take place on the site other than between the hours of 0800 to 1800 on Monday to Friday and 0800 to 1700 on Saturday. No construction works or works of demolition whatsoever, including deliveries, external running of plant and equipment, internal works whether audible or not outside the site boundary, shall take place on Sundays, Public or Bank Holidays. For the purposes of this condition, construction works are defined as: The carrying out of any building, civil engineering or engineering construction work involving the use of plant and machinery including hand tools.

Reason: In order to protect the amenities of residents in and adjacent the development site as a requirement of Policy GDP1 of the Derwentside District Local Plan, 1997 (saved Policies 2009).

14. Prior to the commencement of any part of the development or any works of demolition, hereby permitted, a Construction Management Plan shall be submitted to and approved in writing by the local planning authority. The Construction Management Plan shall include as a minimum but not necessarily be restricted to the following:

1. A Dust Action Plan including measures to control the emission of dust and dirt during construction
2. Details of methods and means of noise reduction/suppression.
3. Where construction involves penetrative piling, details of methods for piling of foundations including measures to suppress any associated noise and vibration.
4. Details of measures to prevent mud and other such material migrating onto the highway from all vehicles entering and leaving the site;
5. Designation, layout and design of construction access and egress points;

6. Details for the provision of directional signage (on and off site);
7. Details of contractors' compounds, materials storage and other storage arrangements, including cranes and plant, equipment and related temporary infrastructure;
8. Details of provision for all site operatives for the loading and unloading of plant, machinery and materials
9. Details of provision for all site operatives, including visitors and construction vehicles for parking and turning within the site during the construction period;
10. Routing agreements for construction traffic.
11. Details of the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
12. Waste audit and scheme for waste minimisation and recycling/disposing of waste resulting from demolition and construction works.
13. Detail of measures for liaison with the local community and procedures to deal with any complaints received.

The management strategy shall have regard to BS 5228 "Noise and Vibration Control on Construction and Open Sites" during the planning and implementation of site activities and operations.

The approved Construction Management Plan shall also be adhered to throughout the construction period and the approved measures shall be retained for the duration of the construction works.

Reason: In order to protect the amenities of residents in and adjacent the development site and to ensure a safe and satisfactory highways layout in line with Policies GDP1 and TR2 of the Derwentside District Local Plan, 1997 (saved Policies 2009).

STATEMENT OF PROACTIVE ENGAGEMENT

108. The Local Planning Authority in arriving at the decision to approve the application has actively engaged with the applicant to secure a positive outcome in accordance with the Local Plan and the NPPF. (Statement in accordance with Article 35(2) of the Town and Country Planning (Development Management Procedure) (England) Order 2015.)

BACKGROUND PAPERS

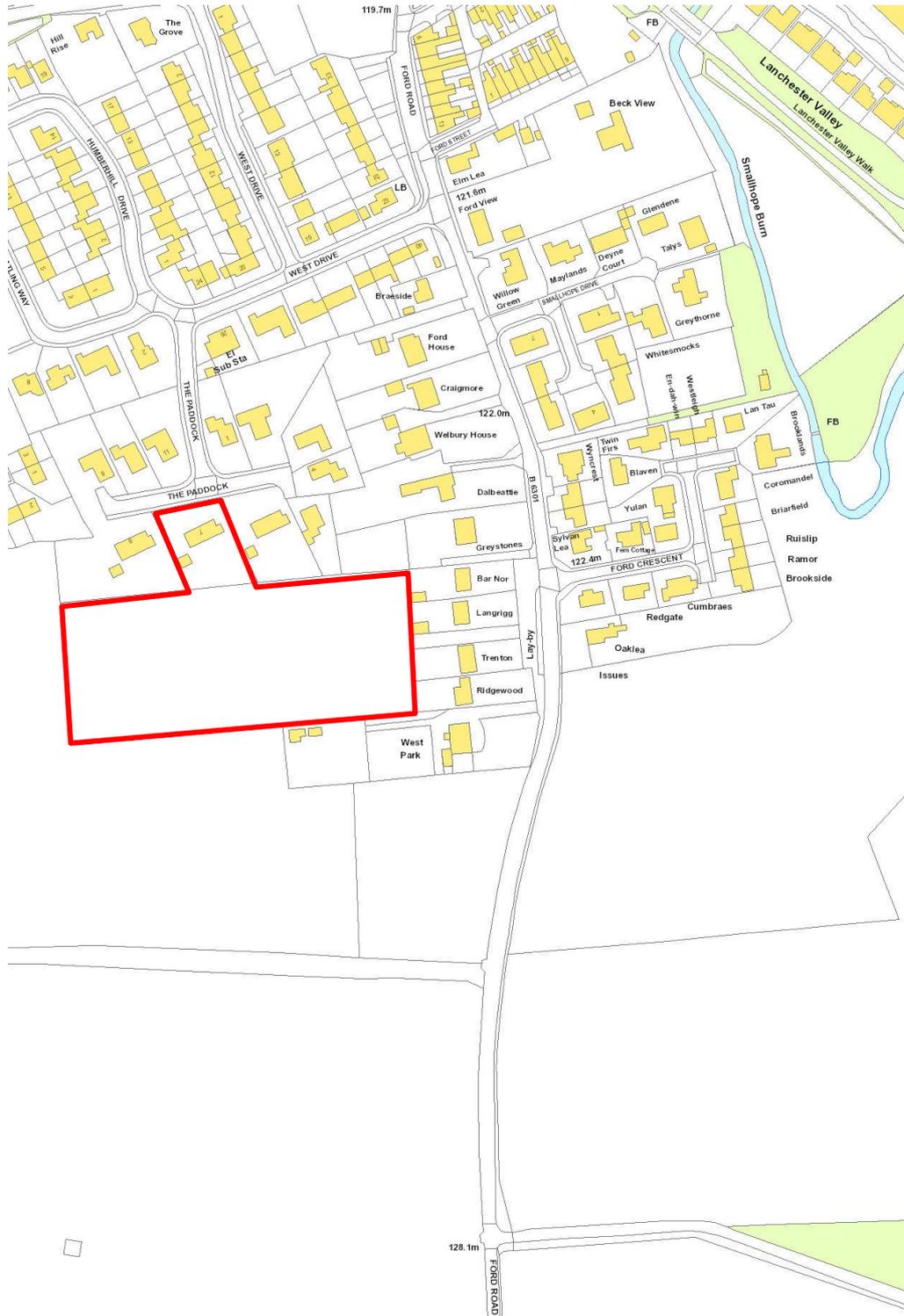
Submitted application form, plans supporting documents and subsequent information provided by the applicant.

The National Planning Policy Framework (2012)

National Planning Practice Guidance Notes

Derwentside District Local Plan (saved policies 2009)

Statutory, internal and public consultation responses



Planning Services

Land To The South Of And Including No. 7
The Paddock, Lanchester, Durham, DH7
0HW

Application Number DM/16/03633/OUT

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Date 30th March 2017

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COMMITTEE REPORT

APPLICATION DETAILS

APPLICATION NO:	DM/17/00202/FPA
FULL APPLICATION DESCRIPTION:	Proposed change of use from allotments to equestrian use and erection of stable for horses for personal use and hay storage
NAME OF APPLICANT:	Mr G Rimmington
ADDRESS:	Land to the rear of Pleasant View, DH8 6RE
ELECTORAL DIVISION:	Leadgate and Medomsley
CASE OFFICER:	Louisa Ollivere Planning Officer Telephone:03000 264 878 louisa.ollivere@durham.gov.uk

DESCRIPTION OF THE SITE AND PROPOSALS

The Site

1. The application site measures 0.08 hectares in area and was last used as three separate privately owned allotments. These were recently sold to the applicant and the allotments were cleared to form one site and have been levelled and surfaced with hardcore. The site is enclosed with steel fencing to three sides and timber fencing and a rendered blockwork wall with timber fencing above along the northern boundary and brick pillars at either side of the entrance. The site lies adjacent and to the west of allotments to the rear of a residential terrace (Pleasant View) which is a roadside terrace adjacent to the Dere Street Roadway that runs between Leadgate and Medomsley Edge. To the north, south and west of the site are agricultural fields. The site is accessed by an unmade access track that runs from Dere Street and which also serves the rear of adjacent properties and garages. This site falls within a High Risk Area in terms of Coal Mining legacy.

The Proposal

2. Planning Permission is sought to change the use of the land from allotments to equestrian use and for the erection of a stable block for personal use. An area of concrete hardstanding would be created and gates would be installed. Permission is also sought for the retention of the hardcore cover for the site and the application states that permission is sought for the retention of the wall, fencing and brick pillars adjacent to the access track. During the course of the application the height of these has been reduced and other than one small section the height does not exceed two metres therefore Officers are of the view that overall they constitute Permitted Development.

3. The stables and associated hardstanding would be located near the south western boundary of the site. The stable building incorporates two stables and also areas for storage of feed. The building would measure 12m by 6m and would have a lean to roof to 3m in height to the ridge. The stable building would be constructed in green box profile steel sheeting with green steel sheeting also for the roof.
4. To the east of the stable block would be an area of concrete hardstanding for manure storage. It is proposed to use the existing unadopted access track to serve this development. The applicant rents 4.87 acres of grazing land approximately 500m to the north east of the site on which he intends to exercise and graze his ponies.
5. The application has been submitted following an enforcement investigation into unauthorised works taking place on the site.
6. The application is reported to Committee as a local Councillor, Councillor Watts Stelling has requested that this be determined at this level given concerns in relation to access and egress to and from the site, visual impact, the use and the retrospective nature of parts of the proposal.

PLANNING HISTORY

7. In October 2016 an application for the erection of stable building for horses and storage of feed was withdrawn as the correct notices had not been served on all owners of the shared access and incorrect ownership certificates had been completed (DM/16/01803/FPA).
8. EN/16/00318 Enforcement enquiry into use of land for storage of building materials.
9. EN/16/00587 Enforcement enquiry into fencing erected around the site.

PLANNING POLICY

NATIONAL POLICY:

NATIONAL PLANNING POLICY FRAMEWORK

10. In March 2012 the Government consolidated all planning policy statements, circulars and guidance into a single policy statement, termed the draft National Planning Policy Framework (NPPF). The overriding message from the Framework is that planning authorities should plan positively for new development, and approve all individual proposals wherever possible. It defines the role of planning in achieving sustainable development under three topic headings – economic, social and environmental, each mutually dependent. There is a presumption in favour of sustainable development. It requires local planning authorities to approach development management decisions positively, utilising twelve ‘core principles’ that should underpin both plan-making and decision taking, the most relevant of these in this instance being:
11. *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.

12. *NPPF Part 7 – Requiring Good Design* - The Government attaches great importance to the design of the built environment, with good design a key aspect of sustainable development, indivisible from good planning. Planning policies and decisions must aim to ensure developments; function well and add to the overall quality of an area over the lifetime of the development, establish a strong sense of place, create and sustain an appropriate mix of uses, respond to local character and history, create safe and accessible environments and be visually attractive.
13. *NPPF Part 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.
14. *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.
15. 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.

<http://planningguidance.planningportal.gov.uk/>

NATIONAL PLANNING PRACTICE GUIDANCE:

16. The National Planning Practice Guidance (NPPG) both supports the core government guidance set out in the NPPF, and represents detailed advice, both technical and procedural, having material weight in its own right. The advice is set out in a number of topic headings and is subject to change to reflect the up to date advice of Ministers and Government.
17. *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.
18. *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.
19. *Natural Environment* - Section 40 of the Natural Environment and Rural Communities Act 2006, which places a duty on all public authorities in England and Wales to have regard, in the exercise of their functions, to the purpose of conserving biodiversity. A

key purpose of this duty is to embed consideration of biodiversity as an integral part of policy and decision making throughout the public sector.

20. *Noise* - Noise needs to be considered when new developments may create additional noise and when new developments would be sensitive to the prevailing acoustic environment. Consideration should be given to whether significant adverse effect or an adverse effect occurs or is likely to occur; or whether a good standard of amenity can be achieved. Paragraph 123 of the NPPF provides policy support to this aspect.

LOCAL PLAN POLICY:

21. The following section details the saved policies in the Derwentside District Local Plan thought most relevant to the consideration of this application:
22. *Policy GDP1 – General Development Principles* – outlines the requirements that new development proposals should meet.
23. *Policy EN26 – Control of Development Causing Pollution* – permission will only be granted for development which is not likely to have an adverse impact on the environment having regard to likely levels of air, noise, soil or water pollution.
24. *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.durham.gov.uk/Pages/Service.aspx?ServiceId=494>

EMERGING POLICY:

25. Paragraph 216 of the NPPF says that decision-takers may give weight to relevant policies in emerging plans according to: the stage of the emerging plan; the extent to which there are unresolved objections to relevant policies; and, the degree of consistency of the policies in the emerging plan to the policies in the NPPF. The County Durham Plan was submitted for Examination in Public and a stage 1 Examination concluded. An Interim Report was issued by an Inspector dated 15 February 2015, however that report was Quashed by the High Court following a successful Judicial Review challenge by the Council. As part of the High Court Order, the Council has withdrawn the CDP. In the light of this, policies of the CDP can no longer carry any weight.

CONSULTATION AND PUBLICITY RESPONSES

STATUTORY RESPONSES:

26. *Highways Officer*: Considers that vehicle speeds are likely to be very low and there would be no accessibility or visibility issues. The proposals are considered acceptable and no objections are raised from the highways aspect.
27. *Coal Authority*: Objects to this planning application, as the required Coal Mining Risk Assessment Report, or equivalent, has not been submitted as part of the application.

INTERNAL CONSULTEE RESPONSES:

28. *Environmental Health Officer*: Considers that the information submitted demonstrates that the application complies with the thresholds stated within the TANS and therefore this would indicate that the development will not lead to an adverse impact in relation to noise and odour.
29. The Officer is also satisfied, based on the information submitted with the application and provided the operation of the site is carried out as per the application information, that the development is unlikely to cause a statutory nuisance.
30. *Landscape Officers*: Advise that the site lies within an area identified in the County Durham Landscape Strategy as a Landscape Improvement Priority Area with a strategy of 'restore or enhance'.
31. The Officer considers that the stables would be seen against the skyline in most views but notes that they will be seen in the context of neighbouring garages and outbuildings and advises that providing the building is either clad in timber or pre-coated block profile sheeting in anthracite grey, juniper green or slate blue with a dark mineral felt roof it will not be out of keeping. The Officer considers that the boundary treatment of the compound is very urban and at odds with the surroundings and is very prominent.

PUBLIC RESPONSES:

32. Neighbouring land owners and occupiers have been consulted and this has resulted in 33 letters of objection from 18 local residents.

Objectors' comments are summarised as follows:

- Land ownership issues.
- Highways safety hazards from traffic, the unsuitable nature of road and junction, damage to road.
- Dust and mud from use of the access.
- Inappropriate design and harm to landscape
- There are other structures such as caravan, play equipment and storage container on the site not included in the application.
- Retrospective nature of the proposal.
- Change of use also required.
- Concerns over drainage and provision of a water supply.
- Noise from traffic and animals.
- It will attract undesirables if used for storage.
- Concerns over the site being used for industrial storage purposes.
- The applicant is inconsistent in his intentions for the land.
- Impacts from animal waste/smell/pollution/vermin.
- Conflict between walkers and vehicles on access.
- The site should only be used as originally intended as an allotment.
- Covenant on deeds of neighbouring plots state that they are not agricultural land but an allotments/garage plot and it is likely to be the same for this plot.
- The applicant may have a view to further development including residential.
- The fencing is extending over a walkway to neighbouring allotments and cutting light to two greenhouses.
- Lack of detail of materials.
- Inaccuracies within application forms.
- The allotments should be for the benefit of local residents.

- Proliferation of stables in the area.
- The previous owners supporting comments are inaccurate.
- Other stables in area are not as close to residential areas.
- The kennels mentioned by the applicant are no longer in business and were sufficient distance to not cause any problems.
- Concerns over stability of land and the access road and lack of CMRA.
- The previous uses were the norm on allotments.
- Hard surfacing not suitable on an allotment site.
- Fencing erected in unsuitable.
- Works have led to water drainage problem.
- Caravan not required on site.
- Query the applicants experience in horse husbandry.
- Does the applicant have the correct permission in place for water connections.
- Lack of detail of construction times.
- Concern for animal welfare.
- Who will monitor and manage this type of work?
- The grazing land rented is more appropriate for stables.
- Horses will need to be led along a busy road and across two roads to reach the grazing site.
- The applicant has shown disregard for planning protocol.
- It is not known whether the applicant is Mr Rimmington senior or junior.
- The Applicant has connection to a replacement window company that may be his intended use for this site.
- Lack of consultation.
- The applicant has no regard to resident's environment, property or privacy.
- Being a Public Right of Way excess traffic could be a danger to walkers.
- This is the fourth proposal for the site.
- The ownership Press Notice from the applicant was only published in the Advertiser which is not widely distributed.

APPLICANTS STATEMENT:

33. Horses are the only animals to be housed within the stables. No other animals would be kept there. I intend to visit the site twice a day only, once in the morning and once in the evening. No-one else will be visiting the site except myself, the stables are for my own personal use only. This is not a business venture in any way shape or form. The stables have been positioned to be as far away from neighbouring properties as possible in the top left hand corner. The animal waste heap is to be located in front of the stables as shown on the block plan on top of a concrete pad. It would be covered by a tarpaulin at all times. It would be removed from site by myself using a trailer attached to my own car and disposed of at a local waste management / recycling company, again covered by a tarpaulin , once every two weeks.
34. I have not fenced off any land which does not belong to me, in fact I have left land in my ownership unfenced adjacent to the entrance to the site. I believe the condition of the track is good however I can confirm that I intend to make good any damaged areas of the existing track and make good all potholes at my own expense as a gesture of goodwill.
35. Google Earth imagery and photographs showing that formerly the site was occupied by various dilapidated buildings including four large pigeon lofts, stable, garage, caravan, storage container, various sheds, muck pile, etc. which I have personally removed from the site. I firmly believe the site is now in a much better condition visually than it ever was previously.

36. There are quite a few other stables with horses currently in the immediate vicinity plus there are presently cows in the adjacent fields and until very recently boarding kennels very close by. In my opinion I believe my proposals sit very well with what exists in the immediate vicinity.

PLANNING CONSIDERATIONS AND ASSESSMENT

37. Having regard to the requirements of Section 38(6) of the Planning and Compulsory Purchase Act 2004, the relevant Development Plan policies, relevant guidance and all other material planning considerations, including representations received, it is considered that the main planning issues in this instance relate to the principle of the development, design, protection of existing landscapes, residential amenity, highway safety, land stability and drainage.

Principle and the General Policy Context

38. The Development Plan is silent on the issue of equestrian uses therefore paragraph 14 of the NPPF directs the Council to grant planning permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the framework as a whole, or where specific policies in the framework indicate that the development should be restricted. There are no specific policies in the framework that indicate that the development should be restricted therefore detailed consideration must be given to the benefits/harm associated with the development.
39. The application site lies at the edge of the rural/urban fringe where there are a variety of existing buildings including garages and those associated with the allotments. It is not uncommon to find stables/equestrian facilities on the edge of settlements and in principle the use of the land for these purposes is considered to be acceptable subject to detailed consideration of the other issues outlined below.
40. Members will be aware that when considering other applications for equestrian development in the former Derwentside area they have been directed to Policies EN1 and EN2 of the Derwentside District Local Plan. However in this instance these policies are not relevant as the site is not within in the countryside, as referred to in Policy EN1, or outside of the built up area as specified in Policy EN2. While the site is situated at the edge of the built up area within the transition between the urban and rural area it has the visual appearance of being part of the settlement rather than being within the countryside. Historical imagery shows that the site appears to have been fenced or enclosed and has had several different buildings of a similar size and position to that proposed on site during the last 16 years. The site would not therefore encroach into the countryside and is viewed as being a part of the existing settlement. As such members are asked to disregard Policies EN1 and EN2 in consideration of this application.

Design

41. Derwentside Local Plan Policy GDP1 (criteria a) requires a high standard of design in keeping with the character and appearance of the area. The form, mass, layout, density and materials must be appropriate to the site's location and should take into account the site's natural and built features. This fully complies with Section 7 of the NPPF. It is noted that objectors consider that the design is not in keeping with the character of the area. However the stable block is of a simple design and of a suitable

size, scale and height for personal equestrian use. The design of the proposal is similar to many other modern equestrian buildings seen throughout the County and the proposed materials have been amended in accordance with the advice of Officers. Furthermore the stable building would not be highly visible being screened by the boundary fencing and would be of an acceptable standard of design for the type of building proposed. The building would be visible from the first floor windows of the residential properties approximately 56 metres distant and would be seen in the context of the surrounding garages and sheds etc. which are constructed of a variety of materials and are of differing designs. In this location the design and appearance of the building would not be viewed as being out of context. The fencing adjacent to the access track and the entrance pillars have been reduced in height to not exceed two metres and are therefore Permitted Development. While the solid metal sheeting is not ideal consideration cannot be given to this aspect of the development and it is noted that altering the height or style would result in the buildings etc. being more visually prominent.

Protection of Existing Landscapes

42. It is accepted that by their nature such proposals are frequently found in the countryside or at the edge of settlements. Policy GDP1 requires the protection of existing landscapes, natural and historic features. In response to comments raised by objectors and Landscape Officers the applicant has amended the application in terms of the materials to be used in the construction of the stables and reducing the height and the domestic appearance of the entrance pillars. While it would have been preferable for these to be reduced further the applicant was unwilling to do this for security reasons. The fencing adjacent to the access track and the entrance pillars will however have an impact on the landscape given their prominence, design and height however as noted above this aspect of the proposal is Permitted Development. While it would have been preferable for a fence to be erected of a more appropriate style it should be noted that if it were possible to control the type of fencing and reducing it in height or altering it to a more agricultural open design this would make the stable, associated trailers and equipment and manure heap proposed on site more visible which would result in greater harm on the landscape.

43. The Landscape Officer has noted that the proposed building will be seen in the context of the existing buildings adjacent to the site and has not objected to the application. It is not considered that the proposed development would have an adverse impact on the existing landscape therefore the application complies with policy.

Impacts on residential amenity

44. Derwentside Local Plan Policy GDP1 seeks to ensure that neighbours are protected from harmful development. Policy EN26 of the Derwentside Local Plan only allows for development to be granted where it is not likely to have an adverse impact on the environment having regard to likely levels of noise pollution. Both of these policies accord with Section 11 of the NPPF which advises that decisions regarding developments should aim to avoid noise from giving rise to significant adverse impacts on health and quality of life as a result of new development and should aim to mitigate and reduce impacts arising from noise through the use of conditions.

45. Proposals involving stables and keeping of horses have the potential to cause detrimental impacts upon the amenity of local residents in terms of noise, odour and general disturbance from comings and goings which are all concerns raised by local residents.

46. The stables would be approximately 56m from the nearest neighbouring properties (Pleasant View). Whilst the concerns of neighbours are recognised the Environmental Health Officer considers that the proposal is unlikely to lead to a statutory nuisance and would not lead to an adverse impact in relation to noise or odour for local residents due to the waste management proposed and number of horses detailed in the application.
47. It is considered therefore that there would not be adverse impacts in terms of residential amenity and therefore the proposal accords with both the policies of the DLP and the NPPF and there is a presumption in favour in this respect.

Highway Safety

48. In accordance with Derwentside Local Plan Policy TR2 all developments should have a safe access to the Highway. Whilst it is recognised the unmade unadopted access track is in a poor state of repair the Highways Officer is satisfied with the use of the existing private unmade access track given the likely level of use. It is noted that objectors are concerned about further damage to the access however this is a civil matter between the various land owners who share the ownership of the road. Concerns raised by objectors in relation to access visibility, additional traffic, mud on the road, pedestrian/vehicle conflict, horse and vehicle conflict on the main road have not been raised as concerns by the Highways Officer. Therefore it is considered that the access would be adequate and vehicle movements/types of vehicles associated with the usage would not be detrimental to the safety of the local roadways in accordance with Derwentside Local Plan Policy TR2.
49. This policy is only partially consistent with the NPPF as the NPPF is also concerned with sustainable transport options however given the site is considered moderately sustainable being close to bus stops the NPPF is supportive of this proposal in respect of sustainable transport.

Land stability

50. The site is within a high risk area in terms of former mine workings which could affect the safety and stability of the area. Land stability and the lack of detail in relation to this matter is a concern that has been raised by several local residents. The Derwentside Local Plan is silent in respect of land stability therefore there is no presumption in favour in this respect.
51. In terms of the NPPF, Section 11 requires Local Planning Authorities to prevent new development from being put at unacceptable risk from amongst other effects land instability. It is noted that the Coal Authority have objected to the development as they consider there is insufficient information to assess whether or not issues of land instability relating to the past coal mining activity on the site can be satisfactorily overcome. The applicants have been advised to undertake a Coal Mining Risk Assessment however they are unwilling to do so prior to a decision and have requested that should the application be approved that this be made subject of condition. Under such circumstances it is considered appropriate to attach a condition to ensure that further assessment is undertaken to assess whether the site can be remediated and if so that any necessary remediation carried out prior to the commencement of the development. This approach is consistent with that which has routinely been applied across the County for several sites including major development proposals.

Drainage Issues

52. Derwentside Local Plan Policy GDP1 seeks to ensure that there is adequate provision for surface water drainage. This has been raised as a concern by local residents who detail drainage issues on neighbouring land since the site has been cleared and hardcore laid. It is proposed that surface water will drain to a soakaway which would accord with the County Durham Surface Water Management Plan and therefore this is considered acceptable subject to a condition requiring its installation within a specific timescale. This policy is consistent with Section 10 of the NPPF therefore there is a presumption in favour in respect of this issue.

Promotion of Health

53. Section 3 of the NPPF seeks to facilitate social interaction and create healthy, inclusive communities and recognises the importance of access to opportunities for sport and recreation. Being a proposal that enables personal outdoor pursuits this proposal would gain the support from the National Planning Framework in this respect.

Other Issues

54. The objectors have raised a number of issues many of which are not material planning considerations and do not therefore form a part of the assessment of the application. In addition a number of comments have been made regarding the previous application which are not relevant to the determination of the current application. Issues regarding the ownership of the site and access are not relevant as notice has been served on the land owners.

55. Objectors are concerned that the application may be prejudiced by some of the features already being on site. This is not the case and in fact the applicant's previous disregard for planning law is a material planning consideration in regard to the Government's advice issued through their ministerial statement; however this in its own right is not enough to warrant refusal of the application.

56. Concerns over provision of a water supply have been raised however for a development of this scale a water trough would suffice and this would not require planning permission or connections to be made.

57. It is noted that objectors consider that the existing use should be retained for local residents and the leased grazing land is more appropriate for the stables however in the absence of any demonstrable harm, Members can only consider what is being proposed rather than alternative uses and the application must be determined on its own planning merits.

58. Objectors refer to covenants within the land deeds restricting the use to allotments however this is a civil matter rather than a material planning consideration.

59. Objectors claim that the proposal encroaches onto land not in the applicant's ownership that is used as a walkway to other neighbouring allotments however the walkway appears to have been sold along with plot 3. Any accrued rights of access is a civil matter between the land owner and any interested parties.

60. Concerns have been raised over the lack of consultation over the amendments however neighbouring land owners and occupiers have been consulted in writing as per the statutory and the Council's own requirements.
61. Whilst it is acknowledged that local residents are dissatisfied that enforcement action has not been undertaken in relation to the works already undertaken it would not usually be expedient to take Enforcement Action whilst a planning application is under consideration.
62. It is noted that objectors are concerned that approval of the application would set a precedent for further development however any further applications would be considered on their own merits.
63. Concerns have been raised over the cumulative impacts of equestrian development in the vicinity of Medomsley. This has come about in recent years due to the national trend of closure of riding schools and the breakup of agricultural smallholdings in the area. Whilst there are several similar developments in the Medomsley Edge vicinity compared to other sites this is comparable in scale and would not be seen in the same view as any other similar developments nor would the residential amenity and highways impacts of the proposal be significant or impact upon residents or users of the wider areas outside of Pleasant View.
64. Objectors have pointed out that the kennels mentioned by the applicant are no longer in business and were sufficient distance to not cause any problems. It is agreed that this former local use has no bearing on the acceptability of this proposal on this site.
65. It is noted that the structures referred to by the applicants were the norm on allotments however the buildings and structures are comparable in size and appearance to the stable building now being proposed and are of relevance.
66. Objectors have queried the applicants experience in horse husbandry and animal welfare issues however experience is not relevant to an application of this personal nature. Whilst the site area itself would not support the keeping of horses as it falls short of the 1 acre per horse as recommended by the British Horse Association the applicant has detailed grazing land that he leases within 400m of the site that would suffice for grazing and exercise. Members should note that in a recent appeal decision for a site elsewhere in the County of a similar scale with no supporting grazing land that the Inspectorate considered the site to be adequate for horses as they would be relying on supplementary feeding rather than grazing and with a regular exercise regime involving riding out on local bridleways (APP/X1355/C/16/3142407). This amount of land allocated the horses is therefore considered acceptable in terms of animal welfare.
67. Comments have been raised that there is a lack of detail regarding construction times however given the scale of the development it is considered that an informative would suffice with regards to this.
68. Concerns have been raised over who will monitor the development and use, the Planning Enforcement Team will respond to any future concerns raised in relation to any conditions or operations on site.
69. Comments have been made in relation to dangers to a public right of way however this is an informal footpath rather than a registered right of way and vehicles numbers would not be significantly greater than at present.

PLANNING BALANCE AND CONCLUSION

70. Policy 14 of the NPPF directs the Local Planning Authority to grant planning permission unless any adverse impacts would significantly and demonstrably outweigh the benefits. As detailed above the proposal would bring health benefits, albeit limited to a private individual and his family. There would be no adverse impacts in terms of highway safety or residential amenity. Subject to conditions there would be no adverse impacts in terms of drainage or land stability. While the design of the fencing could be improved it is noted that this is Permitted Development and that it screens the proposed stables and other associated development on the land. The site is situated on the edge of the rural/urban fringe where there are a variety of existing structures constructed of a variety of different materials and the building would be seen within this context. The issues raised by objectors would not justify refusal of the application. It is not considered that there are any adverse impacts that would significantly and demonstrably outweigh the benefits therefore the proposal is considered to be acceptable. Approval is recommended subject to conditions restricting the use to personal use and requiring the submission, approval and implementation of land stability measures prior to the commencement of any construction and the submission, approval and implementation of a soakaway onsite within two months of any approval.

RECOMMENDATION

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.

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 only in accordance with the following approved plans:

Plan Ref:	Date Submitted:
Revised Block Plan	06/03/2017
Proposed stables	04/03/2017
Location Plan	23/01/2017

Reason: To define the consent and ensure that a satisfactory form of development is obtained in accordance with Policy GDP1 of the Derwentside District Local Plan.

3. The development hereby approved shall only be used for personal equestrian use and not for commercial livery purposes.

Reason: In the interests of the appearance of the area and to comply with Policy GDP1 of the Derwentside District Local Plan.

4. The use of the stables shall only be for the keeping of two horses and no other animals.

Reason: In the interests of residential amenity in accordance with Policy EN26 of the Derwentside District Local Plan

5. Manure shall only be stored on the concrete pad and shall be covered by a tarpaulin at all times. The waste shall be removed from the site on a fortnightly basis.

Reason: In the interests of residential amenity in accordance with Policy EN26 of the Derwentside District Local Plan

6. No construction shall take place before a Coal Mining Risk Assessment or similar information has been submitted to and approved in writing by the Local Planning Authority in relation to the assessment of the coal mining legacy risks within the site. In the event that the assessment confirms the need for the treatment of any areas of shallow mine workings and/or the mine entry for stability purposes, and/or any other mitigation measures to ensure the safety and stability of the proposed development, these works shall be detailed within the report and undertaken prior to commencement of construction. The site shall be developed wholly in accordance with said document with confirmation of the completion or remediation works in full being provided prior to the commencement of construction of the stable building.

Reason: To protect the development against potential Coal Mining legacy issues that may affect the site in accordance with the NPPF. 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.

7. The use hereby permitted shall cease unless, subject to land suitability, a soakaway or other suitable drainage system has been installed on site within two months of the date of this decision. Details of which shall be submitted to and approved in writing by the Local Planning Authority beforehand.

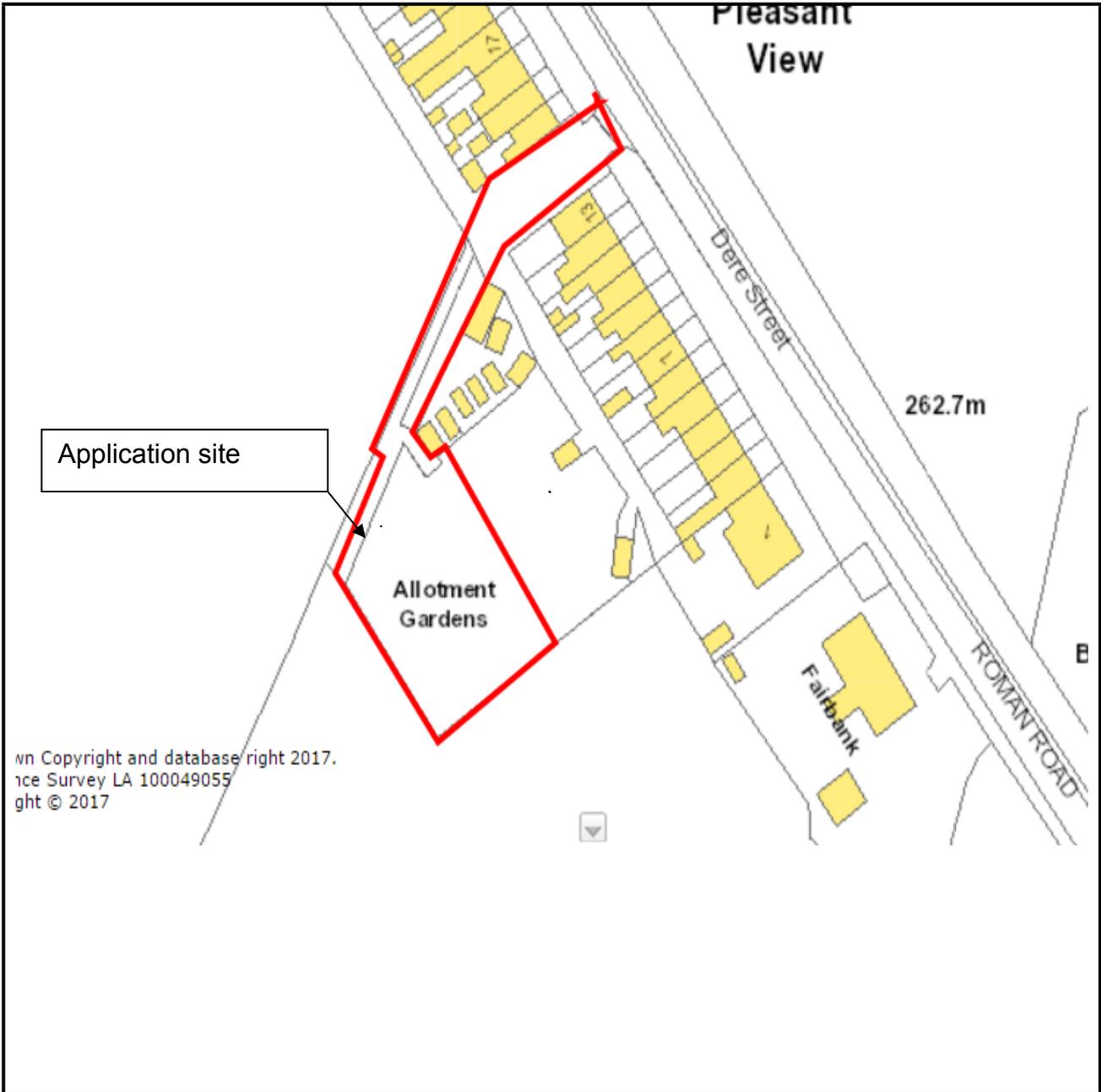
Reason: In the interests of ensuring satisfactory surface water drainage of the site in accordance with Derwentside Local Plan Policy GDP1.

STATEMENT OF PROACTIVE ENGAGEMENT

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

BACKGROUND PAPERS

Derwentside District Local Plan (saved policies 2007)
National Planning Policy Framework, March 2012
National Planning Practice Guidance



 <p>Durham County Council</p> <p>Planning Services</p>	<p>Land to the rear of Pleasant View, DH8 6RE.</p>	
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	<p>Date 30th March 2017</p>	<p>Scale 1:2500</p>

COMMITTEE REPORT

APPLICATION DETAILS

APPLICATION NO:	DM/17/00384/FPA
FULL APPLICATION DESCRIPTION:	Change of use from former nursing home into a new 25 bed hotel (C1 Use Class)
NAME OF APPLICANT:	All Saints Living Stanfield House
ADDRESS:	Joicey Square Stanley DH9 0PG
ELECTORAL DIVISION:	Tanfield Steve France
CASE OFFICER:	Senior Planning Officer Telephone: 03000 264871 steve.france@durham.gov.uk

DESCRIPTION OF THE SITE AND PROPOSALS

The Site

1. The application site consists of 0.29ha of land at Stanfield House, the former Residential Care Home at Joicey Square, a large one and two storey brick built building of institutional appearance. The vacant building is set within restricted grounds, with vehicular parking and service access from the rear. Although vacant, the building has been subject to ongoing refurbishment works, internal and external for over a year to facilitate a range of uses, although these physical changes have not resulted in the building being brought into any of the approved uses.
2. The site is demarked on three sides by low level walls and open mesh fencing, with the side of a small commercial garage on the fourth. The front elevation of the building faces across roadways and open grass verges to Joicey Gardens, the site being clearly visible from one of the two large roundabouts that take the A693 in dual carriageway form through Stanley. Joicey Gardens is a development of semi-detached and mid-linked older persons bungalows which wrap around three sides of the former nursing home, the different forms of development originally designed to offer a range of complimentary accommodation for a community of older residents. The remainder of the boundaries are shared by a small commercial garage, and a vehicular service yard serving that business and the Cooperative Funeral Services building that fronts the roundabout.
3. The site is adjacent the centre of the settlement, well served by, and with easy access to goods, services and sustainable transport opportunities of Stanley.

The Proposal

4. The application proposes a Change of use from former nursing home (as none of the intervening approvals have been implemented) into a new 25 bed hotel (C1 Use Class). The main access into the building will be moved along the front elevation. Parking for up to 15 cars is shown provided – 10 from the front of the site for customers, 5 for staff parking accessed from the rear using the existing service yard.
5. The application is presented to Committee as a major application.

PLANNING HISTORY

6. The current application follows a Committee approval for conversion of former care home to 14 residential single bed flats, 3 training rooms, 15 office suites and café in 2016.
7. In 2013 an application for the conversion of the redundant nursing home to 14 residential apartments was approved by Committee.
8. A number of applications were withdrawn or returned in between the two approvals.

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 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.
16. *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.

NATIONAL PLANNING PRACTICE GUIDANCE:

17. 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.

LOCAL PLAN POLICY:

18. The following are those saved policies in the Derwentside District Local Plan relevant to the consideration of this application:
19. *Policy GDP1 – General Development Principles* – is an overarching policy which aims to ensure that all developments incorporate a high standard of design, conserve energy and are energy efficient, protect the existing landscape and natural and historic features, protect and manage the ecology of the area, protect valuable open land, provide adequate landscaping, incorporate crime prevention measures and improve personal safety, protect amenity, provide adequate drainage, protect flood risk areas and protect the water resource from pollution.
20. *Policy TR2 – Development and Highway Safety* – relates to the provision of safe vehicular access/exit, adequate provision for service vehicle manoeuvring, access for emergency vehicles and access to the public transport network.
21. *Policy TR3 – Cycling* – requires the needs of cyclists to be taken into account, with convenient access for cyclists and cycle parking included within development schemes.

RELEVANT EMERGING POLICY:

22. 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:

23. *Highways* – County Highways Engineers have no objections to the proposal, it meeting the required standards in their guidance.

24. *Northumbrian Water* – have no comments to make.

EXTERNAL CONSULTEES:

25. *Durham Police* – confirmed the crime risk for this development should be low providing there is adequate access control to prevent sneak in thefts.

INTERNAL CONSULTEE RESPONSES:

26. *Visit County Durham* – point out that the Stanley Destination Development Plan April 2015, identified the potential for developing an accommodation offer in the town. It concluded a need for an Inn with rooms offer and/or a small budget hotel and an urgent need for alternative uses for vacant buildings. Stanley has the advantage of two main pipelines that bring people within a few hundred yards of the town's main street. The coast to coast cycle route is half a mile to the west of the town. Hundreds of thousands of people cycle on parts of the route and around 15,000 complete the full C2C route annually. The A693 passes a hundred yards to the east along which approximately 12,000 vehicles travel each day or 5.7million vehicle journeys passing Stanley on the A693.

27. Further, the Durham Visitor Accommodation Study 2012 states that: Consett and Stanley will see some growth with town centre regeneration schemes and new housing developments. There could be potential in the longer term for budget hotel development here, most probably in Consett town centre.

28. In more general terms, the Durham Visitor Economic Impact Study 2015 - In 2015, the visitor economy in the Vale of Durham is valued at £329.06million from 9.1million visitors. 8% of the county's visitors stay overnight and their average spend per trip is £150.43.

PUBLIC RESPONSES:

29. Surrounding neighbours have been consulted, a site notice was posted and a press notice was published in The Northern Echo. No objections or comments have been received.

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

30. Having regard to the requirements of Section 38(6) of the Planning and Compulsory Purchase Act 2004 the relevant Development Plan policies, relevant guidance and all other material planning considerations, including representations received, it is considered that the main planning issues in this instance relate to the principle of development, its relationship to neighbours, and highways access and servicing implications.

Principle of the Development

31. The proposed change of use will bring a prominent vacant building back into use in what is a prominent location surrounded by the sensitive land use of the surrounding older residents. There are no relevant Tourism policies in the Development Plan, with the matter of principle therefore assessed against the advice in the NPPF. Tourism is included in the list of appropriate 'Main town centre uses', with Local planning authorities encouraged to promote such to ensure the vitality of town centres.
32. The development is concluded acceptable in principle, with the assessment of the 'sustainability of the proposals and assessment of 'the planning balance' set out below.

Impact upon the Surrounding Area

33. The application proposes some detailed elevational changes in terms of elevational finishes and relocation of the main access, but otherwise the form and massing of the building is retained as is, ensuring no conflict with the relevant part of Policy GDP1.

Neighbouring Amenity

34. Stanfield House was designed as part of a community of older people's accommodation, and is surrounded by and overlooked by bungalows in that use. The applicant has sent evidence of their pre-application community engagement exercise, the community being well organised and having been pro-active in previous application's determination. Twenty three letters have been sent out to local residents, and no objections have been received. No new windows are proposed that would affect existing residential amenity, and for the most part the elevation facing existing residents is, and was mainly used for servicing or features secondary windows. There should be no effect on privacy giving Policy GDP1 compliance.
35. There is a potential for the use to affect residential amenity. The car park proposed and servicing are consistent in relationship to the dwellings with previous schemes approved by Committee. The applicant presents their scheme as a standard short stay hotel. To ensure the development would be used as intended, and give the surrounding residents the surety of the use they have sought, the applicant has confirmed no objection to a condition restricting the length of stays within the hotel. The Police have confirmed no objection to the proposed use.

Highway Safety

36. Highways Engineers have confirmed that the proposed parking provision meets County standards. A condition requiring the parking to be available for use before the hotel comes into use is proposed.

Other Issues

37. The proposals have economic sustainability benefits, with 12 full-time and 3 part-time jobs envisaged created. Further, the hotel gives an opportunity for business travellers to stay in the town, or for tourists to access the nearby attractions such as Beamish and the C2C.
38. A condition requiring provision of a cycling rack is proposed to meet the requirements of policy TR3, both for staff use and noting the opportunity for trade from the C2C. This is consistent with the previous approval.
39. A construction condition is proposed to protect the amenity of surrounding residents.

CONCLUSION

The Planning Balance and Conclusion

40. Stanfield House is in a highly sustainable location on the edge of the central business district of Stanley, which has a range of goods and services available, and excellent transport links. The application proposes to bring a prominent unused building back into a use that has the potential to economically benefit the town and surrounding area. The proposals are considered to benefit from the 'presumption in favour' of sustainable development. The issue of principle is supported by the NPPF, with detailed Policy considerations compliant with the Development Plan.
41. Subject to the aforementioned conditions designed to protect resident's amenity and ensure highway safety, the proposals are recommended approved.

RECOMMENDATION

42. 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: 16038-EArch-FE-FF-DR-A-0121-P5 First Floor Plans, 16038-EArch-FE-GF-DR-A-0120-P5 Ground Floor Plans, 16038-EArch-FE-XX-DR-A-0130—Elevations, 16038-EArch-FE-SI-DR-A-0110-P3 Site Plan.
Reason: To define the consent and ensure that a satisfactory form of development is obtained in accordance with Policies GDP1 and TR2 of the saved Policies in the Derwentside District Plan 1997.
 3. No rooms in the hotel hereby approved shall be occupied by a single person, couple or group of people for a continuous period of more than 8 weeks. The operator of the hotel must keep records of occupation of the rooms and must allow the Local Planning Authority inspection of such upon reasonable demand.

Reason: To protect surrounding residential amenity, define the extent of the approval and allow for monitoring of the operation.

4. The parking areas hereby approved, and as shown on plan 16038-EArch-FE-SI-DR-A-0110-P3, must be completed and available for use before the hotel is brought into commercial operation, and remain available at all times the hotel is in operation. In addition, a scheme of on-site cycle parking provision must be submitted to, approved in writing by the Local Planning Authority and implemented in full before any part of the building is brought into use and thereafter retained and remain available at all times the hotel is in operation.

Reason: To ensure that a satisfactory form of development is obtained in accordance with Policy TR2 of the saved Policies in the Derwentside District Plan 1997.

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

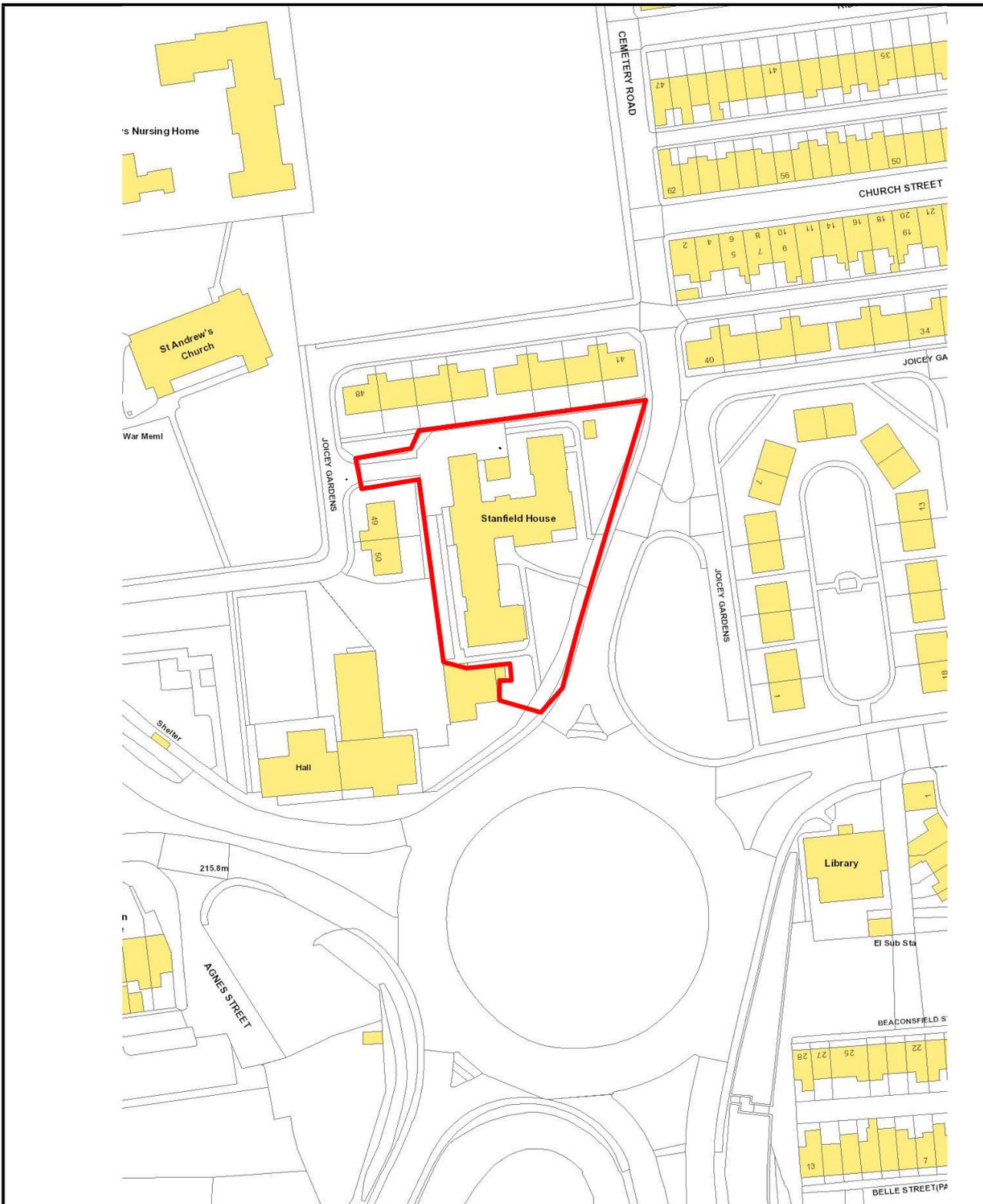
Reason: In order to protect the amenities of residents in and adjacent the development site as a requirement of Policy GDP1 of the Derwentside District Local Plan, 1997 (saved Policies 2009).

STATEMENT OF PROACTIVE ENGAGEMENT

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

BACKGROUND PAPERS

Submitted application form, plans supporting documents
The National Planning Policy Framework (2012)
National Planning Practice Guidance Notes
Derwentside District Local Plan 1997 (saved policies 2009)
Statutory, internal and public consultation responses



Planning Services

Stanfield House, Joicey Square, Stanley,
DH9 0PG

Application Number DM/17/00384/FPA

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Comments

Date 30th March 2017

Scale 1:1250



Planning Services

COMMITTEE REPORT

AGENDA ITEM NUMBER: 6

APPEAL UPDATE REPORT

APPEALS DETERMINED

Appeal against the refusal of planning permission for the erection of one dwelling plus new access involving removal of small section of stone wall (DM/16/00970/FPA) at Cadde Tou, Ebchester Hill, Ebchester.

An appeal against the refusal of Planning Permission for the above development was received on 23rd November 2016. The application was refused under delegated powers for the following reasons:

“The formation of an access together with the introduction of conflicting traffic movements on the B6309, generated by the proposed access, would be prejudicial to highway safety contrary to Derwentside Local Plan Policy TR2 and Section 4 of the NPPF. These adverse impacts in terms of highway safety would outweigh the economic, social and environmental benefits of the proposal, therefore according to paragraph 14 of the NPPF permission should not be granted.”

The appeal was dealt with by way of written representations and an unaccompanied site visit. The Inspector in determining the appeal considered that the main issue was the effect of the proposal on highway safety.

The Planning Inspector noted that the safety concerns were in relation to visibility for vehicles turning right into the site from the north and, specifically, whether a suitable safe sight stopping distance can be achieved for northbound traffic.

Based on the submitted speed survey The Inspector considered the guidance set out in Manual for Streets 1 and Manual for Streets 2 Council to be the most appropriate guidance. The Inspector accepted that an appropriate safe stopping distance of 49.7m would be required however he did not consider that the submitted drawings were satisfactory to demonstrate an appropriate

safe stopping distance in this instance. The drawings were not deemed suitable as they failed to include the correct stopping distances for each manoeuvre or take account of bonnet length in visibility measurements, nor was it clear whether in calculating the safe stopping distance account had been taken of the downward slope along this stretch which MfS/MfS2 recommends allowance to be made. The Inspector concluded that these factors would be likely to have a material effect on the distance indicated.

The Inspector was not satisfied that an adequate SSD between northbound vehicles and right turning vehicles had been demonstrated so as to provide a safe vehicle access and therefore he considered the proposal would fail to satisfy the provisions of DLP policy TR2.

The Inspector noted there were several matters that weighed in favour of the proposal and that the Development Plan is not up to date and therefore that paragraphs 49 and 14 of the Framework were engaged. However he concluded that the available visibility to right turning vehicles and the safe stopping distance for vehicles travelling northwards would not provide a safe access to the site and that this would significantly and demonstrably outweigh the modest benefits that would arise from a proposal of this scale.

The Inspector dismissed the appeal. An application for an award of costs was submitted on the grounds that the Council acted unreasonably in refusing to grant planning permission following the pre-application advice given to the Appellant. However the Inspector refused the costs application as he was satisfied that the Council had adequately and satisfactorily substantiated their reason for refusal at appeal and that the pre-application advice was not misleading to amount to unreasonable behaviour.

Appeal against Refusal of consent for temporary planning permission for 2 years for a static home (caravan) at land adjacent Chester Lea, Mill Lane, Plawsworth, Chester-le-Street.

In August 2015 an application to retain a static caravan for a temporary period of two years was refused under Delegated Powers for the following reasons:

1. The application is considered to represent a non-sustainable form of isolated residential development in the countryside without the benefit of special circumstances, contrary to the advice in Part 6 of the NPPF and the relative weights attributed to policies NE2 of the Chester-le-St. Local Plan 2003 (saved policies 2009), and 35 of the emerging County Durham Plan (Pre-submission Draft, 2013)
2. The development appears to be a permanent structure that harms the openness of the designated Green Belt, contrary to the advice set out in Part 9 of the NPPF and to the relative weights attributed to policies NE4, NE5 and NE6 of the Chester-le-St. Local Plan 2003 (saved policies 2009), and 14 of the emerging County Durham Plan (Pre-submission Draft, 2013)

An appeal against the decision was received in January 2016. The structure had previously been refused a Certificate of Lawfulness, having been claimed to have been in existence for a period of 10 years.

The Inspector considered the main issues as;

- Whether the proposal is inappropriate development in the Green Belt,
- If the development is deemed inappropriate, the effect on the openness Green Belt and the purposes of including land within it;
- If the development is deemed inappropriate, whether the harm to the Green Belt by reason of inappropriateness, and any other harm, would be clearly outweighed by other considerations so as to amount to the very special circumstances necessary to justify the development.

Whilst the structure was concluded temporary – capable of being moved by a crane and Heavy Goods Vehicle – and a static home is not a building for planning purposes, a Change of Use of the land was involved. The appeal proposal was found therefore to be inappropriate development, which is, by definition, harmful to the Green Belt and should not be permitted except in very special circumstances. Substantial weight was attributed to the harm arising due to the inappropriate nature of the development.

The static home occupies a site not previously occupied by development. Despite the scale of the caravan even a modest unit was considered likely have a negative effect on the openness of the Green Belt. Between the unit itself and the activities associated with the residential use of the site, the development was concluded to have a significant impact on openness and would as a consequence be contrary to one of the five purposes of the Green Belt, that being to safeguard the countryside from encroachment.

The Inspector agreed with the Council's contention that the development resulted in an isolated dwelling in the countryside, and that this issue attached substantial weight against the development.

A range of potential special circumstances were examined against the requirements of the Public Sector Equality Duty (PSED) in accordance with the definition set out in the Department for Communities and Local Government document, Planning Policy for Traveller Sites (PPTS) 2015, and others contained in the Equality Act 2010 and Article 3(1) of the United Nations Convention on the Rights, with appropriate weight given to the issues raised.

It was noted that it is evident that a likely consequence of a dismissed appeal is that the family would be displaced from the appeal site and existing home. It was concluded however that the limited evidence put forward by the appellant's agents did not show that the family's needs could not be met on another site, or in alternative accommodation.

With 'substantial' identified harm to the Green Belt, harm to the openness of the Green Belt, and the isolated location of the site in the countryside, the

dismissal of this appeal was considered 'necessary and proportionate in the public interest'.

Reports prepared by Louisa Ollivere, Planning Officer and Steve France, Senior Planning Officer