



## **Area Planning Committee (North)**

**Date** **Thursday 25 January 2018**

**Time** **1.00 pm**

**Venue** **Council Chamber, County Hall, Durham**

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### **Business**

#### **Part A**

1. Apologies for Absence
2. Substitute Members
3. Minutes of the Meeting held on 21 December 2017 (Pages 3 - 10)
4. Declarations of Interest (if any)
5. Applications to be determined by the Area Planning Committee (North Durham)
  - a) DM/17/03378/FPA - St Cuthbert's Drive, Sacriston  
(Pages 11 - 26)  
Erection of 24 dwellings, including associated access and infrastructure
6. Appeal Update (Pages 27 - 28)
7. Such other business as, in the opinion of the Chairman of the meeting, is of sufficient urgency to warrant consideration.

**Helen Lynch**  
Head of Legal and Democratic Services

County Hall  
Durham  
17 January 2018

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

Councillor I Jewell (Chairman)  
Councillor S Wilson (Vice-Chairman)

Councillors H Bennett, O Milburn, J Robinson, A Shield, L Taylor,  
K Thompson, S Zair, A Bainbridge, D Bell, L Boyd, A Hopgood,  
M McKeon, J Shuttleworth and M McGaun

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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 21 December 2017 at 1.00 pm**

**Present:**

**Councillor I Jewell (Chairman)**

**Members of the Committee:**

Councillors A Bainbridge, D Bell, H Bennett, A Hopgood, M McKeon, A Shield, J Shuttleworth, L Taylor and S Wilson (Vice-Chairman)

**Also Present:**

Councillors W Stelling and A Willis

**1 Apologies for Absence**

Apologies for absence were received from Councillors M McGaun, J Robinson, A Simpson and S Zair.

**2 Substitute Members**

Councillor F Tinsley substituting for Councillor J Robinson.

**3 Minutes of the Meeting held on 30 November 2017**

The minutes of the meeting held on 30 November were confirmed as a correct record and signed by the Chairman.

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

Councillor A Shield declared an interest in Item 5b as he was the local Member.

Councillor O Milburn declared an interest in Item 5c as a former Board Member of Derwentside Homes of which Karbon Homes is a subsidiary.

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

**a DM/17/03144/FPA - Former Site of Lumley Boys School, Land North of Fenton Well Lane, Great Lumley**

The Committee considered a report of the Planning Officer regarding the proposed erection of a dwelling (for copy see file of Minutes).

The Planning Officer provided a detailed presentation which included photographs of the site and plans of the proposed layout. Members had visited the site the previous day and were familiar with the layout and surroundings.

Councillor Willis, local Member was in attendance to speak in support of the application. She advised that in 2003 this area of land had been wrongly parcelled into the green belt, however in 2015 the draft County Plan recognised that it did not meet greenbelt criteria and officers supported its removal. A decision which was supported by the Inspector prior to the plans withdrawal.

The site itself was derelict and in an abandoned state and with such attracted anti-social behaviour including alcohol and drug use. The police were aware of problems in the area and were of the opinion that development of the site would be positive for the area.

She went on to acknowledge that since the last refusal a lot had changed in planning law including the introduction of the NPPF and in particular the presumption in favour of sustainable development.

In conclusion she reminded members that the site had been previously developed and the dwelling would be built upon existing foundations of the former school. In addition there was broad support from residents of the area.

The Planning Officer, in response to issues raised, acknowledged that the plot of land had been earmarked for deallocation in the County Plan however as the plan had not been adopted, no weight could be given to this. He further referred to paragraph 74 of the report and previous appeal decisions taken by the Planning Inspectorate relating to green belt development.

The Senior Policy Officer advised that the only way forward for the site to be developed would be to have the greenbelt re-rated through the local plan process. As members were aware the revised plan had only recently been embarked upon and with such no weight could be given to the draft plan at this time.

Mr J Taylor, applicants Agent, was in attendance to speak in support of the application. He advised that the site had a considerable planning history and previous support from officers. The site was brownfield and formed the physical edge of the established settlement. He further made reference to the previously discussed issue of deallocation of the greenbelt and noted that the emerging County Plan would likely support modifications to the greenbelt allocation.

Moving on to discuss the principles of the NPPF he advised that the proposed dwelling would not be visually intrusive nor impact upon the openness. With such it could be reasonably concluded that the development would not have an adverse impact on the green belt.

In addition the dwelling had been sensitively designed and long distance views would remain unaffected due to position of site and rising context of the topography to the village.

The Planning Officer, in referring to comments made relating to allocation of land noted the frustrations of the applicant however reiterated that at this present time the land was allocated within the greenbelt.

Councillor Shuttleworth commented that the park and ride and fire station at Sniperley had both been built on greenbelt land. He added that the application site was clearly brown field and was in an untidy state, with such he was of the opinion that the dwelling would benefit the area and therefore **MOVED** that the application be **APPROVED**.

Councillor Bainbridge commented that there appeared to be only two words from preventing the development going ahead 'green belt'. He went on to ask whether officers would have deemed the proposals to be acceptable had the site not fell within the green belt. The Planning Officer advised that this would have been the case as the application complied with all other policy. Councillor Bainbridge further **SECONDED** the proposal.

Councillor Shield noted the planning history on site and asked whether the proposed dwelling would sit upon the existing foundations of the old school. In referring to paragraph 70 of the report suggested that the application met the exception as detailed in bullet 2.

The Solicitor advised that, with a number of limited exceptions, all new buildings in the Green Belt should be considered inappropriate development. The Solicitor advised Members she did not think Members could realistically conclude that the proposed development in this instance met any of the exceptions. In particular, determining whether a development has an impact on the openness of the Green Belt does not entail a consideration of whether the development would be visible. 'Openness' refers to lack of development.

The Planning Officer in referencing the 2003 refusal noted that the application at that time was submitted in outline only.

Councillor McKeon added that although she empathised with the applicant, the words green belt were incredibly important and offered protection for those areas. She concluded that she was very worried that by approving the application a precedent would be set.

Councillor Tinsley in noting that the site had been previously developed and only foundations remained, commented that in its current state the site did not impact on openness, however a new dwelling would. He did take on board the concerns raised however concluded due to the critical impact on openness, members should support the recommendation of refusal. He further referred to paragraph 89 of the NPPF and noted that the application did not meet the criteria for development exceptions in the green belt. On that basis he **MOVED** that the application be refused on the grounds as listed in the report.

Councillor Hopgood commented that she disagreed with the comments of the officer regarding openness, highlighting that due to the topography of the site, the

dwelling would only be visible from the nearest house. She acknowledged that the site in its current state was an eyesore and that development would only be a positive move for the village.

In response the Planning Officer agreed that the site could not be viewed from the village but referred to the open aspect of the landscape. He further commented that he did suspect that the land would be re-examined in the emerging County Durham plan and may be de-registered as green belt.

The Solicitor referred to the impact on openness and having provided a legal view strongly advised members that in order to approve the application they would have to conclude that there were very special circumstances which justified permitting the development. The Solicitor advised her view was that concluding the proposed development fell within one of the exceptions to 'inappropriate development' could be legally unsound.

Councillor Shuttleworth added that his reasons for approval were as follows:-

- i) the area of land had something on it in the past;
- ii) and although in the designated green belt, it was a designated brownfield site which would see benefits from re-development in terms of cleanliness of the site and preventing further ASB nuisance.

The Solicitor asked whether he was satisfied that tidying up the site constituted very special circumstances to justify the inappropriate development. Councillor Shuttleworth confirmed that this was the case.

Following a vote being taken the **MOTION** was **LOST**.

Councillor Tinsley subsequently **MOVED** that the application be refused on the grounds as listed in the report.

Councillor McKeon **SECONDED** the proposal.

Following a vote being taken it was

**Resolved:** that the application be **REFUSED** on the grounds as listed in the report.

**b DM/17/03413/FPA - Glebe Farm Ebchester Hill Ebchester Consett**

The Committee considered a report of the Principal Planning Officer regarding the proposed erection of a new dwelling (for copy see file of Minutes).

The Principal Planning Officer provided a detailed presentation which included photographs of the site and plans of the proposed layout. Members has visited the site the previous day and were familiar with the layout and surroundings.

Councillor Stelling, local Member addressed the committee in support of the application. He advised that he lived approximately 1 mile away and knew the area extremely well. There were many dwellings some new along this stretch of road some in very close proximity to this dwelling and it with such would not be in

isolation. In addition the site was close to the neighbouring villages of Medomsley, Ebchester and Shotley Bridge.

Officers had made reference to the fact that the site was unsustainable due to the distance to the nearest bus stop, however he noted that as the applicant was unable to travel by any other means than car due to their disability this factor was irrelevant.

He further made reference to the site of the old Raven hotel and noted that this currently had permission for 7-9 dwellings. The site was 300 yards from the application site.

In addition he added that the site was in a state of untidiness and further development would improve the area.

The Principal Planning Officer referred to the comments made regarding isolation and noted that officers did not consider the site to be isolated but was unsustainable due to its location and proximity to neighbouring villages. She further commented that she understood that this resident would not use the bus service but future residents may wish to do so and this had to be considered.

She went on to provide clarification regarding sustainability and exceptions for conversions of existing buildings. With regard to the Raven hotel site, she noted a long planning history on the site although noted that although development had been granted in the countryside the site was considered brownfield.

Mr G McGill, applicants Architect addressed the committee to speak in support of the application. He advised that the applicant currently resided in a property close to the application site at the crossroads which was no longer suitable for her needs due to her severe disabilities. The applicant had expressed a desire to remain close to her family and the network and community she knew well. Unfortunately there were no suitable dwellings in the vicinity suitable for her needs. The proposed dwelling would be specially adapted to meet her requirements and would provide first floor accommodation for guests. She would rely solely on her car to travel.

He further made reference to the dwellings on site which were currently being converted noting that these had now been sold.

In referring to paragraph 159 of the NPPF he noted that it stated that local planning authorities should address the need for all types of housing, including different groups and those with disabilities.

The Principal Planning Officer referred to comments made regarding the design of the building and noted that as the development was considered unacceptable in principle it was not considered appropriate to ask the applicant to go the expense of providing amended plans.

Councillor Shield noted that he knew the area very well and considered this plot of land to be blight on the landscape, a view shared by residents of the area. With regard to comments made regarding the lack of a nearby bus stop, he noted that

GO NorthEast had indicated that should there be a need or demand for a bus service in the area, then they would review it at that time.

He went on to further refer to paragraph 14 of the NPPF and noted that the site did not encroach into the countryside and the site would benefit from continued development. He therefore supported the application irrespective of who would be living there.

Further discussion ensued regarding conversions and it was reported that the existing metal shed was not considered worthy of retention, however had it been on stone construction, conversion may have been deemed acceptable.

Councillor Tinsley asked whether there was a usable footpath on the main road. In response the Principal Planning Officer advised that there was however it was fairly narrow in width, although was adequately lit.

Councillor Tinsley added that he did sympathise with the applicant, however noted that there was no evidence to suggest that a bus route would be provided in the future. He also noted that he concurred that the design was of more urban character and would have an adverse visual impact on the agricultural nature of its surroundings.

Councillor Wilson asked what the distance was to the nearest school. Members were advised that a primary school at Medomsley was 1.5km from the site, which fell within walking to school guidelines.

Councillor McKeon asked whether it would not be possible for the applicant to convert one of the other bungalows on the site. It was noted that the adjacent bungalow appeared to be occupied. Councillor Shield noted that the bungalow on the site was not within the applicant's domain for development and was separate to the ongoing conversion of existing buildings.

Councillor Shield **MOVED** that the application be **APPROVED** on the grounds that the dwelling was of good design and would promote healthy communities. IT was further improve the visual amenity of the area, was sustainable in its location and proximity to facilities and suggested on that basis, the benefits of the scheme outweighed the adverse impacts in accordance with paragraph 14 of the NPPF. He further agreed that the conditions of development should be delegated to the Chairman and Officers.

Councillor Shuttleworth **SECONDED** the proposal.

Following a vote being taken the **MOTION** was **LOST**.

Councillor Tinsley **MOVED** that the application be **REFUSED** on the grounds as listed within the report.

Councillor Boyd **SECONDED** the proposal.

Following a vote being taken it was

**Resolved:** That the application be **REFUSED** on the grounds as listed within the report.

**c DM/17/03152/FPA - Lawson Court, West Pelton**

The Committee considered a report of the Senior Planning Officer regarding the proposed erection of 14 two bedroom dwellings, including parking and associated landscaping (for copy see file of Minutes).

The Senior Planning Officer provided a detailed presentation including photographs of the site and plans of the proposed layout.

Councillor Hopgood asked whether tree protection orders would be served prior to development. In response the Senior Planning Officer advised that the trees were not of good enough quality to protect them via a TPO however care would be taken to protect them from damage during the course of development.

Councillor Hopgood further asked how many parking bays would be provided. The Senior Planning Officer advised that 1 space would be provided per dwelling plus a third of space per dwelling for visitor parking. He further advised that the level of parking proposed met highway standards. In addition the main road adjacent to the development was adequate enough for additional cars to park safely.

Councillor Shuttleworth **Moved** that the application be approved subject to the conditions listed in the report.

Councillor Shield **Seconded** the proposal.

**Resolved:** That the application be **APPROVED** subject to the conditions listed in the report and the completion of a 106 agreement.

**6 Appeals Update**

The Committee considered a report of the Principal Planning Officer which provided details of an appeal considered by the Planning Inspectorate regarding the removal of a condition on permission granted for the erection of 8 luxury holiday chalets and a site Management Building at Ornsby Hill, north of Lanchester. The Inspector dismissed the appeal.

**Resolved:** that the content of the report be noted.

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**Planning Services****COMMITTEE REPORT****APPLICATION DETAILS**

<b>APPLICATION No:</b>	DM/17/03378/FPA
<b>FULL APPLICATION DESCRIPTION:</b>	Erection of 24 dwellings, including associated access and infrastructure
<b>NAME OF APPLICANT:</b>	Prince Bishops Homes
<b>ADDRESS:</b>	St Cuthbert's Drive Sacriston
<b>ELECTORAL DIVISION:</b>	Sacriston  Steve France Senior Planning Officer Telephone: 03000 264871 <b><u>steve.france@durham.gov.uk</u></b>
<b>CASE OFFICER:</b>	

**DESCRIPTION OF THE SITE AND PROPOSALS**

## The Site

1. The application site is 0.49 ha. of land, adjacent Front Street in Sacriston, around 200m north of the village centre. Sacriston was defined as a 'Smaller town / Larger Village' within the County Durham Settlement Study 2012, indicating it includes a good range of facilities, access to goods and services and access to sustainable transport routes.
2. The land is a sloping fenced rough paddock, with hedging along the east and west boundaries. From the west, the site is overlooked by local authority-built mid-linked properties in Coniston Drive – a footpath separates these dwellings from the site's hedge / fence boundary. A modern development of mainly detached dwellings is sited south of the site, from which the proposed development takes its access. North of the site is a 0.46 ha. area of mown playing field, separated from the site by a post and rail fence, associated with the primary school that faces the site across Front Street from the west, with its associated church and presbytery behind. To the north of these buildings the end of the Victorian terrace of Church Parade has two properties that overlook the site.

## The Proposal

3. The application proposes erection of 24 dwellings, two and three storeys in height arranged around a 'hammerhead' cul-de-sac. Fourteen of the houses have three bedrooms, ten have four bedrooms. Parking is provided for each dwelling and visitors to the development in a layby arrangement. Each dwelling has a private rear garden.
4. The site is proposed accessed from the B6532 Front Street.

5. The hedge on the west boundary, where it borders the footpath fronting Coniston Drive will be retained. The mature hedge along the roadside of Front Street is proposed removed and replaced with a new hedge to the rear of the proposed garden boundaries with a new footpath on the roadside. The existing bus stop will be unaffected.
6. This application is reported to Committee as a 'major' development.

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## **PLANNING HISTORY**

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7. The current application is an evolution of a directly comparable scheme approved by Committee in April 2017. The essential difference between the two schemes is the point of vehicular and pedestrian access to the development. The approved scheme was to be accessed from St. Cuthbert's Way, a modern housing development on the southern boundary of the site. A ransom strip on that site boundary has to date prevented that scheme being developed, although it should be noted that if the issue of the ransom strip is overcome, that consent remains valid until April 2020.

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## **PLANNING POLICY**

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### **NATIONAL POLICY**

8. 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.
9. The NPPF requires local planning authorities to approach development management decisions positively, utilising twelve 'core planning principles'.
10. 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.
11. The following elements of the NPPF are considered relevant to this proposal;
12. *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.
13. *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 gardens where development would cause harm to the local area.

14. *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.
15. *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.
16. *NPPF Part 12 – Conserving and Enhancing the Historic Environment.* Working from Local Plans that set out a positive strategy for the conservation and enjoyment of the historic environment, LPA's should require applicants to describe the significance of the heritage asset affected to allow an understanding of the impact of a proposal on its significance

#### **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.
18. *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.
19. *Conserving and Enhancing the Historic Environment* – Explores the terms ‘significance’ and ‘special architectural or historic interest’ and ‘harm’, noting assessment of the impact on setting needs to take into account, and be proportionate to, the significance of the heritage asset under consideration and the degree to which proposed changes enhance or detract from that significance and the ability to appreciate it.
20. *Design -The importance of good design.* Good quality design is an integral part of sustainable development. The National Planning Policy Framework recognises that design quality matters and that planning should drive up standards across all forms of development. As a core planning principle, plan-makers and decision takers should always seek to secure high quality design, it enhancing the quality of buildings and spaces, by considering amongst other things form and function; efficiency and effectiveness and their impact on wellbeing.
21. *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:**

22. The following are those saved policies in the Chester-le-Street District Local Plan relevant to the consideration of this application:
23. *Policy HP6 – Residential within settlement boundaries* – identifies Sacriston as a settlement where residential development will be allowed on non-allocated sites subject to a number of detailed criteria and that meet the criteria of Policy HP9.
24. *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.
25. *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.
26. *Policy T8 – Car Parking Provision* – States that new development should seek to minimise parking provision other than for cyclists and disabled users, other than in exceptional circumstances.
27. *Policy T15 – Access and Safety provisions in design* – Development should have safe access to classified roads, should not create high levels of traffic exceeding capacity, have good links to public transport, make provision for cyclists and service vehicles and have effective access for emergency vehicles.

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

28. Paragraph 216 of the NPPF says that decision-takers may give weight to relevant policies in emerging plans according to: the stage of the emerging plan; the extent to which there are unresolved objections to relevant policies; and, the degree of consistency of the policies in the emerging plan to the policies in the NPPF. The County Durham Plan was submitted for Examination in Public and a stage 1 Examination concluded. An Interim Report was issued by an Inspector dated 15 February 2015, however that report was quashed by the High Court following a successful Judicial Review challenge by the Council. As part of the High Court Order, the Council 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**

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### **STATUTORY RESPONSES:**

29. *Highways* – County Highways Engineers have no concerns relating to the proposal having made detailed comments on the technical layout.
30. *Northumbrian Water* – suggest a condition to ensure details of foul drainage and run-off rates are agreed and also direct the developer to the Hierarchy of Preference for the disposal of surface water.

### **EXTERNAL CONSULTEE RESPONSES:**

31. *The Coal Authority* – Request a condition for the implementation of the proposed scheme of remedial measures as detailed in the Specification for the Treatment of Shallow Mine-workings Report (October 2017, prepared by ID Geo-environmental Ltd).

### **INTERNAL CONSULTEE RESPONSES:**

32. *Housing* - This application proposes the delivery of 24 homes at Sacriston. The SHMA identifies a need for 15% affordable provision in the North of the County. The Council has supported a bid to the Homes and Communities Agency to deliver Rent to Buy units on this site with the caution that we do not currently recognise this as an affordable product due to there being no guarantee it will remain affordable in perpetuity. This is expected to change when the Housing & Planning Act 2016 comes into effect. (Case Officer note: Sacriston is in the Central Housing Delivery Area where the affordable provision requirement is 20%).
33. *Viability Officers* - With this current application, the appraisal has been updated from that submitted with the approved scheme and it now takes account of the known specific costs associated with developing this particular site. These have come to light following site investigations. These "abnormals" costs have been reviewed and accepted by the Council's Quantity Surveyor and are reflected within the current agreed selling price. Taking all of this into consideration, there are no reasons to deviate from the previous conclusion that the scheme cannot viably support affordable housing.
34. *Drainage and Coastal Protection*– Engineers set out the Surface Water Management Train and advise they do not condition approval at full planning stage, requiring detailed information to be submitted with the application.
35. *Environment, Health & Consumer Protection (Air Quality)* – Whilst comments are outstanding as this report is written, the response from the directly comparable approved scheme concluded that the proposed development will not generate exposure of the future occupants of the residential properties (receptors) to levels of one or more of the air quality pollutants that are close to or above the national air quality objectives. As the development would be expected to take less than 12 months, best practicable means of controlling dust emissions from the site should be employed having regard to applicable guidance.
36. *Environment, Health & Consumer Protection (Noise)* – noise from traffic will not cause disturbance provided the noise mitigation measures as stated within the noise impact assessment are implemented. Without appropriate controls on the construction phase this may potentially result in a statutory nuisance being created. It

is considered that suggested conditions are sufficient to mitigate the potential of a statutory nuisance and therefore remove potential objection to the development.

37. *Environment, Health & Consumer Protection (Contamination)* – Environmental Protection Officers concur with the submitted reports suggestion of additional geo-environmental appraisal before development commences and standard contamination conditions.

38. *Ecology* – no comment.

39. *Tree Officers* - Trees on site do not warrant individual Tree Preservation Orders and may need to be removed to facilitate development. Existing hedges which are located east and west boundaries must remain and be protected with fencing complying with BS 5837 2012.

40. *Archaeology* - The County Durham Historic Environment Record (HER) has an entry relating to a prehistoric cist burial less than 200m from the proposed development area. Burials of this type are often associated with large earthworks which could be impacted by the development. The earthworks may not be visible on the ground however it is important to record any surviving below-ground remains due to their rarity and significance. As such it is recommended a programme of archaeological monitoring and recording in the form of a watching brief is secured by suggested conditions.

41. *Education* - Based on the projected rolls of the schools, taking into account the likely implementation of the development, build out rates and other relevant committed development it is anticipated that there will be sufficient space to accommodate the pupils generated by the development in primary and secondary schools and no further mitigation is required in this instance.

42. *Design and Conservation Officers* – This proposal is for 24 dwellings on a site centrally located in Sacriston. Apart from the amended access, the layout and design of the site are broadly to remain the same as the recently approved scheme. There is no objection from a design and conservation perspective.

43. *Sustainability* – No response has been received. A Sustainability Statement has been submitted late in the determination process. A condition to ensure adherence to this document is appended.

#### **PUBLIC RESPONSES:**

44. Thirty seven neighbours and the Headteacher of the nearby school have been consulted by direct mail, site notices were posted at points around the site, and a press notice was published in The Northern Echo. Representations have been received from eight residents from the area, the Headteacher of the Primary School opposite the site across Front Street, and the Parish Council.

45. Concerns relate to the increase of traffic at the road junction with Front Street, variously described as dangerous and ludicrous, and the potential effect on the school crossing point on the main road. The development would result in a concentration of junctions to the detriment of safety, close to the school. Further objections relate to a perceived lack of parking within the proposed layout, pressure on school places and local services, the lack of need for housing and the loss of the existing roadside hedge.

## **PLANNING CONSIDERATIONS AND ASSESSMENT**

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### The Principle of the Development

#### The Development Plan

46. Planning law requires that applications for planning permission must 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 the statutory development plan and the starting point for determining applications as set out at Paragraph 12 of the NPPF. However, the NPPF advises at Paragraph 215 that local planning authorities (LPAs) are only to afford existing Local Plans material weight insofar as they accord with the NPPF.
47. The Local Plan was adopted in 2003 and was intended to cover the following plan period. However, NPPF Paragraph 211 advises that Local Plan policies should not be considered out-of-date simply because they were adopted prior to the publication of the NPPF. Notwithstanding this, it is considered that a policy can be out-of-date if it is based upon evidence which is not up-to-date/is time expired depending on the circumstances.

#### The NPPF

48. 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.
49. 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.
50. 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.
51. However, Paragraph 14 of the NPPF is, irrespective of the position on housing land supply, relevant to this application as policies for the supply of housing within the DLP are out-of-date where outlined below.

52. The NPPF states that housing applications should be considered in the context of a presumption in favour of sustainable development and that if the Council cannot demonstrate a five year housing land supply, then housing policies in a Local Plan cannot be considered up to date.

53. In June 2016 consultation was carried out on the County Durham Plan Issues and Options, which presented three alternative assessments of housing needs, each based on average net completions up to 2033 (the end of the proposed plan period), these being:

1,533 dwellings per annum (29,127 houses by 2033)

1,629 dwellings per annum (30,951 houses by 2033)

1,717 dwellings per annum (32,623 houses by 2033)

54. As of April 2017 the Council considered that it had a deliverable supply of 10,234 (net) new dwellings for the next 5-year period. Set against the lowest need figure the Council took the position that it could demonstrate a supply of 4.91 years of deliverable housing land, against the middle figure around 4.51 years' worth supply and against the highest figure, 4.20 years of supply.

55. Whilst none of the three scenarios within the Issues and Options were publicly tested, they served to demonstrate that set against varying potential figures, the Council had a relatively substantial supply of housing at that time.

56. However, on 14 September 2017, the Government published a consultation document entitled "Planning for the Right Homes in the Right Places". That consultation introduced a standard methodology for calculating housing need. Applying that methodology for County Durham, the housing need figure would be 1,368 dwellings per annum. On that basis, the Council would therefore be able to establish a supply of housing land in excess of 5 years.

57. Case law indicates that the boost to housing supply is a material planning consideration which should be factored into the planning balance test under Paragraph 14.

58. Given that the most up to date OAN methodology is contained within a consultation draft only and the very recent publication of that document, the Council is yet to formalise its position on the issue of 5 year land supply. In the interim period until it does so, it is considered that the three scenarios identified in the Issues and Options stage can no longer be relied upon and accordingly, the weight to be given to any benefits a housing proposal might have in terms of the boost to housing supply ought to be less than if the Council were to continue to rely upon the Issues and Options scenarios where a 5 year supply could not be demonstrated.

59. 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, and highway safety.

## Policy Principle

60. In terms of compliance with the Development Plan, Policy HP6, 'Residential within Settlement Boundaries', shows the site as within one of the settlements listed as appropriate for development, but the policy requires sites to be 'brownfield', i.e. previously developed and the Policy is therefore not fully 'up-to-date'. In the context

of the NPPF this means the Policy is only partially NPPF compliant, and therefore consideration must also be given to the advice in paragraph 14 of the NPPF, and the presumption in favour of sustainable development. In this regard, the Council's lack of a formally assessed housing supply is also relevant. It is concluded that the development is compliant in terms of Policy HP6 in so far as it is consistent with the NPPF, and that the lack of housing supply lends weight to a positive assessment of the principle of development.

## Affordable Housing and Viability

61. The site is within the 'central' housing delivery area, where there would usually be an expectation of 20% of the scheme to be 'affordable' housing.
62. This application is described by the applicant as market housing. Prince Bishops Homes, the applicants for this scheme, offer a form of affordable housing, but one that does not meet the definition of such in the NPPF, and therefore is not considered 'affordable' by the Council. Members will be aware that the 'Prince Bishops Model' has been accepted on other developments, including both the previous approval on this site and elsewhere in Sacriston at the Plawsworth Road School site, currently nearing completion.
63. Therefore, whilst Housing Officers do not 'recognise' the Model, they have supported the applicant's HCA grant, and offer no objection to the proposals. Viability Officers have assessed the proposal's costings in detail and have concluded that to provide 'affordable' housing that meets the NPPF definition would render the development unviable. In planning terms, the form of 'semi'-affordable housing proposed is seen by Planning Officers as having justification through paragraph 50 of the NPPF which requires Local planning authorities to 'deliver a wide range of high quality homes (and) widen opportunities for home ownership'. This element of the scheme is therefore concluded acceptable and of positive material weight in the decision making process.

## Impact upon the Surrounding Area and Neighbouring Amenity

64. The application is an inward facing development clustered around a hammerhead cul-de-sac. It is noted that none of the immediate neighbours overlooking the site have sent representations. The site is surrounded by modern open-market housing, 1960's local authority-built dwellings and Victorian Terracing, and therefore there is a variety to the surrounding character of the settlement and street pattern, which the development will potentially add to. The current proposal has minimal differences to the scheme previously approved in this regard, and is again concluded acceptable.
65. The proposed houses are of a basic appearance, and the layout functional rather than of a high design quality. It is however an evolution of an already approved scheme. Consistent with the advice previously given to Committee and accepted, the appearance and layout of the dwellings within the site is considered acceptable in design terms rather than a material positive of the scheme. This issue, when considered in the planning balance, is not such that it overrides the potential benefits of the scheme.
66. Each of the new dwellings have private rear gardens and in-plot parking. Appendix 1 of the Local Plan includes 'indicative guidance' on suggested separation distances between new and existing development, suggesting 12.5m as appropriate between existing windows and a blank gable. Proposed plot 7 is only 11m from the facing windows of numbers 9/10 Coniston Drive, Plot 7 being a two-storey dwelling. The relationship is not such that it is considered a refusal could be sustained on it. The

additional visual separation given to this relationship by the presence of the public footpath and the retention of the hedge is a positive material consideration in coming to this conclusion. With Policy HP9 only partially NPPF compliant, as explained above taking into account the ‘presumption in favour’, consistent with the previous approval, the development is considered acceptable in regard of this topic area.

## Highway Safety

67. Highway safety is a primary concern of the residents who have responded to the consultation exercise. Taking into account the impacts of adjacent junctions and the volumes of traffic that will be generated by approved but unimplemented developments, Highways Engineers have assessed the capacities and flows of the main and estate roads and junctions and have raised no objection to the development. In this regard the application is considered compliant with Policy T15 of the Plan. As a Policy with ‘partial’ weight, it is the Council’s considered approach that, ‘development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe’.
68. Nonetheless, in response to an initiative by the Local Member who arranged a Meeting with the Headteacher of the Primary School, the developer has agreed to fund to a ‘Slow to 20’ traffic calming scheme on the B6532 designed to make the approaches to the school safer, at a cost of £9,010. This will include a Road Safety and Education exercise including leafleting, along with street furniture including ‘School 20’ road-signs. To secure this through a legal agreement would potentially compromise the applicant’s grant funding arrangements, and imposition of a condition attached to any approval would not meet the necessary tests. The monies are proposed delivered through a ring-fenced contribution of the amount specified above as part of the land-deal for the site. As the Council are the land owner it is considered that this gives the appropriate amount of control that the monies can be secured and the improvements implemented. This is a consistent approach to that used to ensure the ‘semi’ affordable provision on this site, and comparable others.

## Other considerations

### Archaeology

69. Archaeology Officers have suggested a consistent condition with the approved scheme, on the basis of a record showing discovery of a burial cist (a stone lined grave) within 200m of the site, with submission of, and compliance with a ‘Written Scheme of Investigation’. This has been approved for the existing scheme, but it is considered that the imposition of the full condition gives the applicant flexibility in meeting the archaeological requirements.

### Drainage

70. Drainage Officers had requested additional detail over the scheme submitted. A condition will ensure an acceptable scheme is ensured.

### Contamination

71. Environmental Protection Officers concur with the applicant’s submitted surveys that additional investigation works are required, and suggest appropriate conditions – these are attached below.

## Landscaping and Ecology

72. The scheme again includes a replacement hedge between the rear garden fences and the new footpath on the Front Street boundary of the site, as a replacement for the existing roadside hedge proposed lost. This hedge has both prominent visual value, and an ecology value, and was requested retained – its replacement being considered a reasonable compromise. The replacement ensures a slight benefit to the setting of the Presbytery opposite, referred to previously by Design Officers.
73. A condition to ensure the hedge on the Coniston Drive elevation is retained is proposed. A hedge is not considered required on the boundary with the playing field, where none exists already.

## Economic Benefits

74. Whilst not quantified to a degree that would allow specific weight to be added to this important component of the planning assessment, that the development will bring economic benefits to the local economy during the construction phase of development is a material factor in favour of the development.

## Open Space / Play Space

75. One resident queries the lack of play space within the development for resident's children. This has been explained by the developer as affecting viability issues, a contention that Planning and Viability Officers again accept, consistent with the last approval, it noted that at the centre of the village there are formal play facilities consisting a cricket pitch, football pitch, MUGA and play equipment, only 0.22 miles from the site.

## Noise and site works

76. Officers intend to impose the current standard site works condition to protect the amenities of surrounding existing residents.

## Other Issues

77. There is no tangible effect on the nearby non-designated heritage assets; the church and presbytery opposite the site.

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## **CONCLUSION**

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78. Planning applications must be determined in the first instance against the policies in the Development Plan. There is then a 'planning balance' test, with those policies attributed weight dependent upon their compliance with the NPPF and applying the weighted 'presumption in favour' – do the benefits outweigh any identified harm?
79. The application brings the benefits of adding to the County's housing supply in a location that has been identified 'sustainable' and increases opportunities for home ownership. The short term benefits to the local economy brought by the construction phase are also of positive material weight. The lack of open space and other standard requirements has been accepted through detailed assessment by the Council's Viability Team, mitigated by the sustainable location.

80. The effects of development on the existing hedges has been mitigated through the design, and whilst the design of the development is slightly disappointing, this issue is not one that outweighs the benefits. Likewise the overall planning balance weighs in favour of the proposals, being in line with development plan policy so far as it is relevant, with further, no adverse impacts that would significantly and demonstrably outweigh the benefits.
81. The application has been assessed by the various sections in Environmental Protection who recommend conditions to protect existing residential amenities relating to noise, dust, vibration, site works and working hours – all attached below.
82. No other issues have been raised that weigh significantly against the proposals or cannot be proportionately conditioned, and the proposals are therefore recommended positively.

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## RECOMMENDATION

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83. 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:  
310 PL001 Housetype 3 rev.I  
310 PL-001 Housetype 8 rev.H  
310 PL-001 Housetype 8 rev.H (inc gable window).  
315 002 rev.L Proposed Site Layout  
315 003 rev.F Proposed Hard Landscape & Boundary Treatment Plan  
315 006 Proposed Site Section A-A  
Landscape Masterplan R/1892/1C  
R/1892/2 Landscape Detail  
R/1892/3 Landscape Detail  
BT / Sheet 05 Boundary Close Boarded Fence  
BT / Sheet 19 Boundary Party Fence Details Triprail (Birdsmouth Fence)  
Reason: To define the consent and ensure that a satisfactory form of development is obtained in accordance with Policies HP6, HP9, HP13, T8 and T15 of the Development Plan.
3. The development shall be constructed wholly in accordance with the approved details of external elevational materials set out on submitted plan 315 004 rev.A Proposed External Materials Plan.  
Reason: In the interests of the appearance of the area and to comply with Policy HP9 of the Development Plan
4. The landscaping proposals detailed on plans 315 002 Rev.L Proposed Site Layout and 315 003 Rev.F Proposed Hard Landscape & Boundary Treatment Plan' and AIA TPP rev.A, must be implemented and completed in full in the first available planting season following the commencement of development, with any specimens in non-private areas that die in the first 5 years following implementation being replaced to

the original specification. The hedge on the western boundary of the site, must be protected during the course of development works by fencing complying with BS 5837 2012, said fencing being erected before any clearance, preparation, material storage, compound creation or development works begin within 5m of the hedge.

Reason: In the interests of the residential amenity of the residents of Coniston Drive, the visual amenity of users of the adjacent footpath and for its ecology value.

5. Before any dwelling on the development hereby approved is occupied, the relocated footpath between the eastern boundary of the site and the B6532 must have been completed to an adoptable standard and available for use. The works must be timed to ensure the existing footpath is only be closed off once the new footway is available for use.

Reason: In the interests of the highway safety and Policy T15 of the Chester-le-Street District Local Plan, 2003 (saved policies).

6. Development shall not commence until a detailed scheme for the disposal of foul and surface water from the development hereby approved has been submitted to and approved in writing by the Local Planning Authority. The drainage scheme shall ensure that foul flows discharge to the foul sewer at manhole 6512 and ensure that surface water discharges to the surface water sewer at manhole 7501. The surface water discharge rate shall not exceed the available capacity of 5.0 l/sec that has been identified in this sewer. The final surface water discharge rate shall be agreed in consultation with the Lead Local Flood Authority and must be designed for and justified through sustainable drainage systems. 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 the NPPF Part 10. Given the need to assess the drainage implications of the site – both foul and surface drainage – through the sustainable drainage hierarchy to inform an acceptable drainage design, and that this has implications for the groundworks at the beginning of development, this issue is considered such that it is required pre-commencement, the advice in s.35 of the DMPO, 2015 having been taken into account.

7. The development must take place in full accordance with the Durham University Archaeological Services Written Scheme of Investigation DS17.33 that has been approved in writing by the Local Planning Authority.

Reason: To comply with para 135 & 141 of the NPPF because the site is of archaeological interest. In order that the implication of any archaeology on the site can be identified, assessed, considered, mitigated and recorded appropriately, this issue is considered such that it is required pre-commencement, the advice in s.35 of the DMPO, 2015 having been taken into account.

8. Prior to the occupation of any dwelling hereby approved, 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 para. 141 of the NPPF which ensures information gathered becomes publicly accessible.

9. The development hereby permitted shall not commence 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 further 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, experienced 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 or current uses and/or is within 250m of a site which has been landfilled 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 NPPF Part 11. Given these issues need to inform the groundworks on the development site and inform additional investigation, site design and mitigation works, this issue is considered such that it is required addressed pre-commencement, the advice in s.35 of the DMPO, 2005 having been taken into account.

10. The development must be carried out wholly in accordance with the sound attenuation measures detailed in the noise assessment; ENS Reference NIA/6863/16/6856/v2/Front Street, Sacriston dated 13th October 2016; these must be completed prior to the beneficial occupation of the development and permanently retained thereafter.

**Reason:** In order to prevent both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels of noise pollution in line with paragraph 109 of the NPPF.

11. The applicant must prepare and submit for the written approval of the Local Planning Authority a Construction Management Plan (CMP). The CMP must be prepared by a competent person and shall consider the potential environmental impacts (noise, vibration & light) that the development may have upon any occupants of nearby premises and shall detail mitigation proposed. This shall include:

- An assessment of the likely noise (including vibration) emissions from the site and the mitigation measures that will be taken minimise noise disturbance taking into account relevant guidance such as BS5228 'Code of practice for noise and vibration control on construction sites' 2014.
- Where it is necessary to undertake piling on the site details shall be provided justifying the method of piling used so as to minimise disturbance, from noise and vibration, to the occupants of nearby premises.
- Details of the operating hours during which construction/demolition works are to be undertaken in line with the requirements of condition 13.
- Detail of any planned measures for liaison with the local community and any procedures to deal with any complaints received.
- Details of whether there will be any crushing/screening of materials on site using a mobile crusher/screen and the measures that will be taken to minimise any environmental impact.

No works, other than site investigation works, shall be permitted to start on site until the CMP has been submitted and approved in writing by the local planning authority. Once approved the development of the site shall be carried out in accordance with the plan.

Reason: In order to prevent both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels of soil, air, water or noise pollution or land instability in line with paragraph 109 of the NPPF.

12. The development must be carried out wholly in accordance with the detailed measures set out in the Sustainability Statement prepared by Hedley Planning Services, January 2017.

Reason: To ensure the sustainability of the scheme, in accordance with Part 11 of the NPPF.

13. 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 to the development site as a requirement of the Development 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**

The National Planning Policy Framework (2012)  
 National Planning Practice Guidance Notes  
 Chester-le-Street District Local Plan (saved policies 2009)  
 Statutory, internal and public consultation responses  
 Submitted forms, plans and supporting documents



 <b>Planning Services</b>	Erection of 24 dwellings, including associated access and infrastructure. Application Number DM/17/03378/FPA
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	<b>Date</b> 25 <sup>th</sup> January 2018 <b>Scale</b> NTS



## Planning Services

# COMMITTEE REPORT

### AGENDA ITEM NUMBER: 6

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#### APPEAL UPDATE REPORT

#### APPEALS DETERMINED

**Appeal against the refusal of outline planning permission for the erection of one dwelling (DM/16/04069/FPA) at Old County View, Hett Hills, Pelton Fell, Chester-le-Street.**

An appeal against the refusal of Planning Permission for the above development was received on 18<sup>th</sup> July 2017. The application was refused under delegated powers for the following reasons:

*'The principle of residential development on the application site is considered to be contrary to Paragraph 55 of the NPPF and Policy HP6 of the Chester-le-Street District Local Plan by virtue of the site's unsustainable location in the countryside outside of any settlement boundary, not well related to existing settlement patterns, and with no special circumstances for the proposal demonstrated.'*

*The proposal to remove one Yew Tree protected by a Tree Preservation Order has not been justified within the context of Policy NE11 of the Chester-le-Street District Local Plan, in that the tree is not considered to pose a threat to other trees, nor has it been shown that it is causing structural damage with no remedial action possible and no evidence shown to say that the tree is a threat to life or limb. Additionally, the applicant has failed to demonstrate that the development would not adversely affect the habitat of a protected species, namely bats, contrary to Part 11 of the NPPF.'*

The appeal was dealt with by way of written representations and an unaccompanied site visit.

Following the submission of a revised Arboricultural Impact Assessment Officers considered that the second reason for refusal was no longer applicable and the Inspector agreed with this stance.

The Inspector considered the main issue for consideration in the determination of the appeal to be whether the site is in a suitable location having regard to the accessibility of services and facilities.

It was noted that the site lies within the garden of Old County View within a cluster of development approximately 400m to the west of Pelton Fell which contains a limited range of services and facilities. In addition it was noted that the site lies within the open countryside although not considered to constitute an isolated dwelling in the countryside as defined by paragraph 55 of the Framework.

The Inspector felt that it was not an unreasonable walking distance (400m) along a lit footpath to Pelton Fell and that a range of services and facilities are within 1.8 km from the site. She noted that while some people would find the distance involved undesirable this would not make the site inherently unsustainable and that she saw no reason why the option to walk or cycle to the site would not be taken up by people that are so minded. Consideration was also given to the proximity of an hourly bus service allowing access to a wider range of services.

Applying the tilted balance it was concluded that there are no adverse harms that would significantly and demonstrably outweigh the benefits when assessed against the policies in the framework as a whole and the Inspector therefore allowed the appeal.

No application for costs was made.

Report prepared by Fiona Clarke, Principal Planning Officer.