

# COMMITTEE REPORT

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## APPLICATION DETAILS

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<b>APPLICATION No:</b>	DM/20/00712/FPA
<b>FULL APPLICATION DESCRIPTION:</b>	Erection of one detached two storey dwelling, eight glamping pods, new site entrance and works including a vertical axis wind turbine, play area, protective fence and land-forming.
<b>NAME OF APPLICANT:</b>	Mr Ivan Dawson
<b>ADDRESS:</b>	Land to the south of West Pelton Primary School, West Pelton
<b>ELECTORAL DIVISION:</b>	Edmondsley Steve France Senior Planning Officer Telephone: 03000 264871 <a href="mailto:steve.france@durham.gov.uk">steve.france@durham.gov.uk</a>
<b>CASE OFFICER:</b>	

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## DESCRIPTION OF THE SITE AND PROPOSALS

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### The Site

1. The small settlement of West Pelton is formed around a crossroads and sits immediately south of the main A693 that connects Chester-le-Street to Consett via Stanley and Annfield Plain. The village has two large churches, a convenience store, a public playground/playing field and a primary school. The village is a former mining community, with the parts of the housing stock and community buildings reflecting this, but also including Local authority-built dwellings, a range of 20<sup>th</sup> century residential developments in different styles and scales and a new prominent social housing scheme on the crossroads. Victorian terracing, with extensive allotments behind stretches along Twizell Lane, west of the crossroads. With the prominent bungalow developments and generous areas of open space apparent in the modern areas of the village, east of the crossroads.
2. Relevant to this application, the village is a short distance south of the Consett and Sunderland Railway Path Leisure Route, which passes Beamish Museum, 1.5km north-west of the site. There is a golf course immediately east of the village and another west of the Museum, and an extensive network of public Rights of Way in the area. Other tourist attractions in the immediate area include Beamish Hall, with the County Cricket ground at Chester-le-Street some 5.7km distant.
3. The application site is formed of open agricultural land under a semi-improved grassland regime, immediately south of West Pelton Primary school, the steel palisade security fence boundary of which forms the northern edge of the land. The other boundaries of the open land are defined by hedges – a public footpath runs along the southern one. A main road runs along the east boundary. The site falls gently across its northern half, more steeply across the southern half. The

proposed development is on the former. A site visit and Google Earth images show evidence of other pedestrian tracks across and around the land – none with any formal status.

4. On the road opposite the site there is residential property in the forms of Eden Croft, a modern high-density development of apartments overlooking a communal parking area, separated from the road by a planting belt. Closer to the village is the cleared brownfield site of a former public house, followed by Orchard Close, a cul-de-sac development of 10 detached bungalows

### The Proposal

5. Permission is sought for the erection of a single bespoke architect designed 4 bed dwelling and eight 'glamping' pods.
6. The dwelling is a contemporary flat grass-roofed design, a box, amended to include elevational timber panel elements to contrast with its render finish. Principle fenestration faces south across the falling open associated land. Separating the proposed dwelling from the road to the east, physically and visually a garage block is proposed buried within a landscaped bund. The dwelling is presented as having a high level of 'eco' sustainability and includes a vertical access windmill between the dwelling and the west boundary beyond which is open countryside.
7. The site is served by a common access for both elements of the proposal, the required visibility splay necessitating realignment of the existing hedge. The rear elevation of the dwelling directly overlooks the access giving a high degree of site security and claimed management for the glamping element.
8. The number of glamping pods has been reduced during the course of this application from 12 to 8 with the proposed planting area between the pods and the school strengthened. The pods are small wooden structures, 6m x 3m in size. They contain a double bed, a shower/wc and a kitchen/dining/living area of 9m<sup>2</sup>. The pods face onto a communal play area. A bin-store area for the holiday accommodation sits inside the entrance gates.
9. This application is reported to Committee upon the request of Councillor Danny Wood to consider the concerns of neighbours of the site and the adjacent school.

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### **PLANNING HISTORY**

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10. DM/19/03460/FPA - Managers dwelling, 12 glamping pods and the erection of a vertical axis wind turbine and solar panels. Application Withdrawn.
11. In 1991 an Outline application for residential development was refused for a smaller site adjacent the school (2/91/00430/OUT).
12. The site had been considered under the SHLAA process to inform the development of the County Plan for housing development, which concluded, 'The site is on the edge of the settlement and development on the site would encroach into the open countryside beyond natural/defensible boundaries. Development would result in significant adverse residual landscape impacts'.

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## **PLANNING POLICY**

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### **NATIONAL POLICY**

13. 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.
14. The NPPF requires local planning authorities to guide development towards sustainable solutions whilst taking local circumstances into account, to reflect the character, needs and opportunities of each area.
15. The following elements of the NPPF are considered relevant to this proposal;
16. *NPPF Part 2 - Achieving sustainable development.* The purpose of the planning system is to contribute to the achievement of sustainable development and therefore at the heart of the NPPF is a presumption in favour of sustainable development. It defines the role of planning in achieving sustainable development under three overarching objectives – economic, social and environmental, which are interdependent and need to be pursued in mutually supportive ways. The application of the presumption in favour of sustainable development for planning and decision-taking is outlined.
17. *NPPF Part 4 - Decision-making.* Local planning authorities should approach decisions on proposed development in a positive and creative way. They should use the full range of planning tools available, including brownfield registers and permission in principle, and work proactively with applicants to secure developments that will improve the economic, social and environmental conditions of the area. Decision-makers at every level should seek to approve applications for sustainable development where possible.
18. *NPPF 5. Delivering a sufficient supply of homes.* To support the Government's objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed, that the needs of groups with specific housing requirements are addressed and that land with permission is developed without unnecessary delay.
19. *NPPF Part 6 - Building a strong, competitive economy.* The Government is committed to securing economic growth in order to create jobs and prosperity, building on the country's inherent strengths, and to meeting the twin challenges of global competition and a low carbon future.
20. *NPPF Part 8. Promoting healthy and safe communities.* Planning policies and decisions should aim to achieve healthy, inclusive and safe places which: promote social interaction, including opportunities for meetings between people who might not otherwise come into contact with each other, are safe and accessible, so that crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and enable and support healthy lifestyles, especially where this would address identified local health and well-being needs.

21. *NPPF Part 9 - Promoting sustainable transport.* Encouragement should be given to solutions which support reductions in greenhouse gas emissions and reduce congestion. Developments that generate significant movement should be located where the need to travel will be minimised and the use of sustainable transport modes maximised.
22. *NPPF Part 12 - Achieving well-designed places.* 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.
23. *NPPF Part 15 - Conserving and enhancing the natural environment.* The Planning System should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes, geological conservation interests, recognising the wider benefits of ecosystems, minimising the impacts on biodiversity, preventing both new and existing development from contributing to or being put at unacceptable risk from pollution and land stability and remediating contaminated or other degraded land where appropriate. Amongst other aims decisions should ensure that new development is appropriate for its location taking into account the likely effects of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site to impacts that could arise from the development. Noise should be mitigated and reduced to a minimum potential adverse impact to avoid noise giving rise to significant adverse impacts on health and quality of life. Decisions should ensure that new development can be integrated effectively with existing businesses. Existing businesses should not have unreasonable restrictions placed on them as a result of development permitted after they were established. Where the operation of an existing business could have a significant adverse effect on new development the applicant should be required to provide suitable mitigation.

#### **NATIONAL PLANNING PRACTICE GUIDANCE:**

24. 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:**

25. The following policies in the Durham County Plan (adopted October 2020) are relevant to the consideration of this application. It is noted that with the application submitted in March, the proposals were submitted against the policy backdrop of the then Development Plan, the Chester-le-Street District Local Plan 2003. Consultees we engaged on this basis. With the adoption of the County Plan 2020, the proposals must be assessed against the following:
  26. Policy 6 (Development on unallocated Sites) states the development on sites not allocated in the Plan or Neighbourhood Plan, but which are either within the built-up area or outside the built up area but well related to a settlement will be permitted provided it: is compatible with use on adjacent land; does not result in coalescence with neighbouring settlements; does not result in loss of land of recreational, ecological, or heritage value; is appropriate in scale, design etc to character of the settlement; it is not prejudicial to highway safety; provides access to sustainable modes of transport; retains the settlement's valued facilities;

considers climate change implications; makes use of previously developed land and reflects priorities for urban regeneration.

27. Policy 8 (Visitor Accommodation) supports new and extensions to visitor accommodation provided it is appropriate to the scale and character of the area and not used for permanent residential occupation. In the countryside such accommodation would also need to meet an identified need, support business viability (if an extension) or involve conversion and should respect the character of the countryside and demonstrate how the location can be made sustainable. For chalets, camping and caravanning development and infrastructure, in addition to the above criteria the development would need to provide flood risk details, not be unduly prominent, have appropriate layouts and have sensitive materials, colours and scale.
28. Policy 10 (Development in the Countryside) will not be permitted unless allowed for by specific policies in the Plan or Neighbourhood Plan or unless it relates to exceptions for development necessary to support economic development, infrastructure development or development of existing buildings. The policy further sets out 9 General Design Principles for all development in the Countryside. Provision for economic development includes: agricultural or rural land-based enterprise; undertaking of non-commercial agricultural activity adjacent to applicant's residential curtilage. All development to be of design and scale suitable for intended use and well related to existing development.
29. Policy 19 (Type and Mix of Housing) advises that on new housing developments the council will seek to secure an appropriate mix of dwelling types and sizes, taking account of existing imbalances in the housing stock, site characteristics, viability, economic and market considerations and the opportunity to facilitate self-build or custom build schemes.
30. Policy 21 (Delivering Sustainable Transport) requires all development to deliver sustainable transport by: delivering, accommodating and facilitating investment in sustainable modes of transport; providing appropriate, well designed, permeable and direct routes for all modes of transport; ensuring that any vehicular traffic generated by new development can be safely accommodated; creating new or improvements to existing routes and assessing potential increase in risk resulting from new development in vicinity of level crossings. Development should have regard to Parking and Accessibility Supplementary Planning Document.
31. Policy 29 (Sustainable Design) requires all development proposals to achieve well designed buildings and places, with due regard to the adopted SPD advice. Eighteen elements include making a positive contribution to character, minimising green-house gas emissions, providing high standards of privacy and amenity, contributing to healthy neighbourhoods and incorporating suitable landscaping.
32. Policy 31 (Amenity and Pollution) sets out that development will be permitted where it can be demonstrated that there will be no unacceptable impact, either individually or cumulatively, on health, living or working conditions or the natural environment and that they can be integrated effectively with any existing business and community facilities. Development will not be permitted where inappropriate odours, noise, vibration and other sources of pollution cannot be suitably mitigated against, as well as where light pollution is not suitably minimised. Permission will not be granted for sensitive land uses near to potentially polluting development. Similarly, potentially polluting development will not be permitted near sensitive uses unless the effects can be mitigated.

33. Policy 39 (Landscape) states that proposals for new development will only be permitted where they would not cause unacceptable harm to the character, quality or distinctiveness of the landscape, or to important features or views. Proposals are expected to incorporate appropriate mitigation measures where adverse impacts occur. Development affecting Areas of Higher Landscape Value will only be permitted where it conserves and enhances the special qualities, unless the benefits of the development clearly outweigh its impacts
34. Policy 40 (Trees, Woodlands and Hedges) states that proposals for new development will not be permitted that would result in the loss of, or damage to, trees, hedges or woodland of high landscape, amenity or biodiversity value unless the benefits of the scheme clearly outweigh the harm. Proposals for new development will be expected to retain existing trees and hedges or provide suitable replacement planting. The loss or deterioration of ancient woodland will require wholly exceptional reasons and appropriate compensation.
35. Policy 41 (Biodiversity and Geodiversity) restricts development that would result in significant harm to biodiversity or geodiversity and cannot be mitigated or compensated. The retention and enhancement of existing biodiversity assets and features is required as are biodiversity net gains. Proposals must protect geological features, have regard to Geodiversity Action Plans and the Durham Geodiversity Audit and where appropriate promote public access, appreciation and interpretation of geodiversity.

*The above represents a summary of those policies considered most relevant in the Development Plan the full text, criteria, and justifications of each may be accessed at*

<https://www.durham.gov.uk/article/3266/Development-Plan-for-County-Durham>

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## **CONSULTATION AND PUBLICITY RESPONSES**

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### **STATUTORY RESPONSES:**

36. Highways Officer – raise no objection to the proposals.
37. Northumbrian Water suggest a standard condition to ensure that the implications from the scheme for Foul and surface Water Drainage can be addressed.
38. The Coal Authority – has no objection subject to the imposition of a planning condition to secure intrusive site investigations as recommended by the applicant's technical consultants: Earth Environmental and Geotechnical Ltd.

### **INTERNAL CONSULTEE RESPONSES:**

39. Landscape – The site is visible and prominent as seen from surrounding viewpoints. Most notably: the adjacent road linking West Pelton to Grange Villa across a hedge scheduled on plan for removal, and a public footpath adjacent to the south of the site. The effect of development of this nature would be transformative on such an exposed site. The proposals would have some significant adverse landscape and visual effects. Furthermore, the design and appearance of the proposed development would not form part of the village and would not be in keeping with the character of the existing settlement.

40. Environmental Health (Nuisance) – have commented on the application and considered additional material submitted in process. They note the proposed 2m close boarded boundary fence between the site and the school; the 2m high wall will be constructed on the perimeter of the site, the reduction from 12 units to 8 and the proposed management controls would demonstrate that that aspect of the application will comply with the thresholds stated within the TANS. This would indicate that the development will not lead to an adverse impact. However, it is suggested that the application of the management plan is conditioned and further, that the installation and permanent retention, in good condition, of the close boarded 2 m height fence and also the 2 m high wall.
41. Considering the Vertical Axis Wind Turbine, Nuisance Officers note that the information provided with the wind turbine is poor in relation to potential noise impact: *'However, it appears that it will be situated over 100m from nearby sensitive receptors, which should include the open teaching areas of the school, where it should be expected to have achieve noise levels of 50dB(A) and generally not to have levels above 60dB(A). From personal experience of assessing various wind turbines, windfarms, around the country, I can advise that vertical axis wind turbines are generally quieter and cause less disturbance than horizontal wind turbines. The proposed unit would total 13.6 m in height with a diameter of 3.9m, the design is a hybrid design, that is using both Darrieus and Savonius components. Rather than seeking the provision of further information in relation to noise data I would recommend that should planning permission be granted that no more than one wind turbine should be allowed on the site; in addition the turbine should be as specified in the information provided and situated as highlighted within the application information. I would further advise that a condition be applied in order to ensure the protection of amenity to the nearby sensitive receptors at the school and residences'.*
42. For lighting this team notes that whilst the scheme does not indicate the positioning of such, as the developer intends to operate a ‘curfew’ on the site, a lighting condition to restrict operation of such could be imposed between the hours of 2300hrs and 0700hrs. They also suggest a condition for protecting the proposed dwelling from the adjacent school and road from noise.
43. The Nuisance Action Team’s conclusion states that they have assessed the environmental impacts which are relevant to the development in relation to their potential to cause a statutory nuisance, as defined by the Environmental Protection Act 1990 and based on the information submitted with the application, that the development is unlikely to cause a statutory nuisance.
44. Environmental Health (Contamination) - are satisfied with the information provided. The risks from land contamination are not considered to be significant, however given the change to a more sensitive receptor, an intrusive site investigation is required and therefore a contaminated land condition should be applied.
45. Given the relationship to the school, and concerns raised by the Headteacher and governors, the Council’s Education Safeguarding Team was consulted. They mirrored the comments of the school, raising in particular concerns for holidaymakers drinking alcohol, lighting fires and swearing in the vicinity of schoolchildren, the need for regulated staff with DBS checks for children visiting the site, potential highway safety implications and that there will be no control over who visits the site and whether any of these individuals are a risk to children. It is noted that this Team provided no updated response in relation to the applicant’s additional Management Plan submitted in response to their concerns.

46. Drainage Officers note that the current extent of development on the site is such that it falls below their remit – however that if additional Pods were (re)introduced, that further surface water design information for the whole of the site will be required. As it stands, the use of soakaways as a surface water drainage system is the preferred option for such a development and it is noted that the consultants have submitted a statement relating to the permeability of the ground; as a designer they are responsible for any subsequent flooding due to the design. The soakaway for the dwelling will be assessed by the Building Control organisation approving the construction.
47. Visit County Durham – indicate they support this development as it is consistent with their market intelligence in terms of market demand. ‘The project is very handily placed to take advantage of the very high proportion of our region overnight visitors going to Beamish. The site would also be a good geographical visitor base from which to explore Durham City, the Auckland Project and wider regional attractions’.
48. Footpaths – Officers note the presence of the footpath to the south of the site that appears unaffected. The presence of a ‘desire line’ that crosses the site but which has no current legal status is also noted. If evidence of 20 years uninterrupted public use was presented, this feature would have to be investigated.
49. Ecology - The submitted landscape drawing provides sufficient information to confirm that the application meets the biodiversity requirements of the NPPF. The drawing should be used as the basis for a s106 agreement which requires the production of a management plan including monitoring regime, to be produced by the applicant, for the semi natural habitats on the site. The MP should run for 30yrs and be agreed with the LPA.
50. Trees – Officers note the presence of Mature trees are located on the boundary of the site within school grounds and a mature hedge surrounds the site, asking for surveys of such.

#### **PUBLIC RESPONSES:**

51. 138 letters of consultation were sent out to surrounding residents. This has resulted in around 20 letters of objection from local residents and the Campaign for Rural England. A site notice was also posted on street furniture on the public footpath opposite the site.
52. Residents objections include objections in principle, to highway safety, the relation to the primary school and for devaluation of property. It is contended that school children, and the residents of the village – particularly the elderly – will be put at risk from strangers. There is concern that the camping element could be expanded, and it is contended that Glamping should be a rural experience. Concern is made at the height of the wind turbine when viewed from Twizell Lane. The proposals are considered detrimental to local residents and not to relate well to the character, setting and density of surrounding development, with a particular reduction in visual amenity on the approach to the village. There is concern at the potential for a ‘party’ destination and noise and light pollution issues, with the potential for a statutory nuisance on lighter evenings. The CPRE raise issues of principle and in detail with the wind turbine. Locational sustainability is questioned. Loss of wildlife habitat and the potential for surface water and sewage flooding are also raised.

53. There is objection to the proposed dwelling as unnecessary for management of the glamping (the need for which in itself is disputed) and the location, form, size and appearance of the house outside the settlement boundary in the open countryside, with the pods a likewise alien element in the surroundings.
54. The Chair of the School Governors, a Parent Governor and the Headteacher of the adjacent school object strongly that that the health and safety of the pupils at the school will be compromised, and that children using the school grounds will be distracted from their studies. Safeguarding pupils is suggested 'an uncomfortable challenge' with a high turnover of campers, with the increased traffic generated a safety issue for children and their families.

#### **APPLICANT'S STATEMENT**

55. "We have been asked by our client to lead what is a very exciting project for them as they plan their retirement strategy around their 'forever home'. Our client and his family have no plan to rest easy and they have resisted the path of least resistance, which would have been to sell the land to a private home developer; who with the right team could have placed over 50 houses on this site.
56. Instead, they have seen this land as an opportunity to give back to the local economy by bringing outside custom from across the country, increasing the local economic impact, over the many years ahead; whilst enjoying a home that they have taken time and care to design, that suits their own living needs and the needs of the business that sustains it.
57. One of the key elements of the build and something that the client is passionate about is sustainability and Passivhaus designs, both of which are implemented into the design strategy to leave a self-sustained home relieving the local infrastructure, as much as possible.
58. It is our view, in an architectural capacity that this notion should be promoted and supported as much as possible whilst taking the local planning policies into account, we feel that over the course of this application both of these statements have been fully considered and implemented."

*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:*

<https://publicaccess.durham.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=Q79ZKCGDGIQ00>

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#### **PLANNING CONSIDERATIONS AND ASSESSMENT**

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##### **The Principle of the Development**

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 in the countryside and the implications of the uses proposed. There are policy implications for each of the two elements, but as one scheme they must be brought together to be considered as a whole. For the dwelling the main policies relate to the site being in countryside outside the

existing framework of the village. For the glamping element, visitor accommodation policies are key. Policies relating to the effect on the countryside are common to both. Likewise, the implications for highway safety must be considered cumulatively. Relating in particular to the glamping element, potential effects on residential amenity and safeguarding of the school are relevant.

## The Development Plan

60. The County Plan 2020 was adopted in October, with the policies therein up to date in terms of the required consistency with the NPPF.

## The Principle Issues

61. The site is in countryside adjacent the existing settlement. The lead policies against which to consider the principle of development are the overlapping: Policy 6 (Development on unallocated Sites), Policy 8 (Visitor Accommodation), Policy 10 (Development in the Countryside) and Policy 39 (Landscape), with many aspects of these complementary to each other.

62. Policy 6 allows for development sites not allocated within the County Plan, outside the built-up area subject to a number of criteria; including they are compatible with (and not prejudicial to) the use of adjacent land; it does not consist of ribbon development; it is appropriate in terms of scale, design, layout, and location to the character, function, form and setting of, the settlement; and that, it will not be prejudicial to highway safety or have a severe residual cumulative impact on network capacity.

63. Considered against the requirements of this policy, the compatibility with adjacent land uses (i.e. existing residential and the school) is considered below. In terms of the form of the settlement, the only significant extensions to the village since the early 20th century have been the Primary School and the redevelopment of an industrial 'works' opposite the site, which itself first appeared on the 1960 Ordnance Survey map – now Eden Croft. The village has traditionally therefore had its main core either side of the road east of the crossroads, with two extended arms of development west (Twizell Lane) and south. The extent of the proposed development site mirrors that on the east side of this southern spur of development, all of which is modern in appearance. The residential element of the scheme, low density and well landscaped, dependent on being connected to the village by the glamping use, could potentially be accepted as an extension mirroring and extending the variety of modern built form on the east side of the road. Landscape Officers and residents disagree with this conclusion stating that there will be significant adverse landscape and visual effects. Again, highway implications are considered below.

64. Policy 8 supports Policy 7 (Visitor Attractions), which notes, 'the visitor sector is an important and resilient part of the county's economy'. The visitor accommodation policy requires in the first instance that; it is appropriate to the scale and character of the area; and it is not used for permanent residential occupation. The second element of this can be secured by condition. The first is a balance. A low-key development of small structures built of natural materials, surrounded by landscaping helps to assimilate this element of the development. Objectors consider the Glamping use inappropriate adjacent the settlement in character. It is noted that whilst visitor accommodation is often sited in the countryside such uses often struggle for locational sustainability in being distant from shops, facilities and transport routes. This edge of settlement site provides those - well located in terms of short access to local visitor and leisure attractions with close access to

cycle routes, the site could be argued to reduce the need for vehicular access to these, and benefit from access to the convenience store and bus stops the village provides. With cycle parking provided on-site, these aspects of the scheme are considered to meet the requirements of criteria f. of policy 8, demonstrating the sustainability of the location.

65. This new policy further requires proposals to be necessary to meet identified visitor needs – the support and comments of Visit Durham supporting this aspect to bring compliance with criteria c. of the Visitor Accommodation policy; and to respect the character of the countryside, with adequate screening and vegetation – the enhanced landscape scheme considered to meet this requirement.
66. The proposed dwelling is a bespoke, high quality, architect designed structure with ‘eco’ credentials. It is considered in siting to achieve a balance between being appropriately screened in the countryside and relating to the form of the existing settlement. Without the Glamping use, a dwelling on this site would be detached from the form of the settlement, and therefore is dependent in justification on the leisure use. To this end a phasing condition to ensure the occupation of the house is formally related to the completion of the holiday accommodation is proposed and another to functionally tie the occupation of the House to the associated visitor accommodation. There is some local concern at an eventuality of the camping business failing and a future application for housing. The application must however be considered on its own merits as presented
67. The application proposes a less formal and far lower density form than that potentially considered in the SHLAA process, reducing its potential for impact as urban form on the landscape. Development is restricted to the upper part of the land before it falls away, more visually exposed, to the south. The dwelling is cut into the landform and the proposed parking is bunded, giving the potential for meaningful screening. The main south elevation has been amended to give a more muted appearance and be less visible in long views. The size and finish of the individual Glamping pods are considered to meet the requirement for materials to blend in with the site, and the scale to be limited to meet the needs of site occupants only. Subject to appropriate conditions, the scheme is proposed compliant with the requirements of Policy 8.
68. Policy 10 is complimentary to Policy 6 and seeks to protect the countryside for its own intrinsic value. The policy allows for economic development where required to be in the countryside, requiring it to clearly demonstrate an essential and functional need for that specific location and where it can be clearly demonstrated that it has the prospect of being financially sound and will remain so. This application has been lodged since March 2020, and this detailed policy requirements have been set only recently – it was not a requirement of then relevant policy TM4. However, a detailed business plan has been provided, and the support of Visit County Durham is considered to indicate a likely demand and the prospect for the Glamping element to be financially sound and a benefit to the County’s economy. The Glamping proposal is not considered contrary to this policy’s general requirements that it not ‘give rise to unacceptable harm to the heritage, biodiversity, geodiversity, intrinsic character, beauty or tranquillity of the countryside either individually or cumulatively, which cannot be adequately mitigated or compensated for’.
69. Policy 39 (Landscape) states that proposals for new development will be permitted where they would not cause unacceptable harm to the character, quality or distinctiveness of the landscape, or to important features or views. Proposals will be expected to incorporate appropriate measures to mitigate adverse landscape

and visual effects. The proposed landscaping proposed is considered to meet this requirement. The site is not within a designated or protected landscape.

70. Some residents have raised concerns that the glamping pods are a vehicle to facilitate an isolated dwelling in the countryside only. The application must be considered on its merits as submitted. If one element is critical to ensure the acceptability of the other, the timings for implementation can be conditioned to be dependent on each other.

#### Highway Safety

71. Residents have significant concerns for highway safety, especially in relation to parent/children access/egress of the school. The site entrance has been designed to meet the requirements of County Highways for visibility. The access is 185 m from the village crossroads, opposite the entrance to the brownfield site, opposite. The entrance to Eden Croft is 50m further from that point, this argued to define the existing extent of the village for vehicular and pedestrian use. The pedestrian and vehicular accesses to the Primary School are 100m along Twizell Lane, therefore nearly 300m from the site entrance, around a corner. The likely traffic from the glamping element would not be expected to coincide with the school day, and with that of the proposed dwelling, is restricted in volume.
72. County Highways Officers raise no objection to the scheme, subject to conditions to ensure future unimpeded visibility of the access and timing the implementation of the access. Suggested ‘informatives’ direct the applicant to the requirements of the Highways Acts.
73. All the site’s parking requirements are met on-site.
74. The proposals are concluded compliant with policy 21 of the County Plan and paragraph 109 of the Framework.

#### Residential Amenity

75. Residential amenity concerns for local residents derive mainly from the Glamping element of the proposals and the proposed single wind turbine. Residents consider that the siting of the proposed visitor accommodation at the edge of the village is inappropriate in principle, and that the expectations of holiday accommodation will have an adverse effect on their amenity. Other than in general terms, the Visitor Accommodation policy does not advise on this specific amenity relationship.
76. Environmental Protection Officers note the proposed fencing and walling, which with the background noise environment of the existing road that separates them from the site gives some separation. The bungalows of Orchard Close are the closest dwellings to the Glamping pods, with number 1, 45m from the nearest. The pods face into the site, have a single door opening in a recessed porch on their front elevation, no windows and are of a size that restricts numbers in occupation. The park/play area is overlooked by the pods. Presented as having a management role for the glamping development, the residential amenity relationship of the proposed dwelling would likely ensure that the effects of campers’ occupation would be controlled.
77. The potential for residential disturbance has been reduced by the reduction in numbers of pods and tenets of the submitted Management Plan directed to mitigate effects on existing residential properties. Subject to the suggested

safeguards ensuring the erection of the walls and fences proposed and control of lighting that will help reduce any interference, led by the advice of Environmental Health Officers that the development is unlikely to result in a statutory nuisance, Planning Officers come to a similar conclusion for the reasonable expectations for residential amenity from the planning system.

#### Relationship to the School

78. A number of concerns have been received from and on behalf of the Primary School to the north of the site. Concerns for highway safety are discussed in the detailed paragraph above. Likewise, concerns that noise from the site would be distract pupils from their studies which could have a negative effect on their attainment, were assessed and concluded acceptable for the relationship to residents and the school grounds by the Environmental Health Team's Nuisance Officers, with a condition suggested to ensure retention of the fences and walls that underpin this conclusion. The additional efforts of the applicant to address these concerns are concluded acceptable subject to the suggested safeguards.
79. Concerns for safeguarding of children in the school grounds was responded to be the applicant by the introduction of an additional fencing barrier to give a physical and visual separation between the Glamping and the school, along with the production of a Management Plan. This Plan states that staff will be DBS checked with ongoing license updates over the course of their employment, the site will feature CCTV security, with the entrance controlled by staff during the day and the dwelling on an evening, with visitors signed in and group bookings will not be permitted other than for family groups and similar circumstances. Between the physical separation of the existing and proposed uses and the tenets of the management Plan, the applicant is considered to have responded appropriately to the concerns raised. Whilst it is not for the Local planning authority to macro-manage the operation of the site should the application be approved, a condition requiring compliance with the Management Plan would give the school some surety of a level of control over and above the standard mechanisms for addressing safeguarding issues.

#### Drainage Considerations

80. The applicant has submitted detailed drainage proposals proposing that package treatment plants are used, there being no Northumbrian Water apparatus close to the site. Drainage Officers note the detailed information submitted, and that the appropriate mechanism for its detailed assessment is through the Building Regulations process.

#### Other Issues

81. For residents' concerns that the number of pods could be increased, such a proposal would require submission of another application and the usual consolations of neighbours.
82. The requirements of the Coal Authority can be achieved by imposition of a standard condition tied to the recommendations of the applicant's submitted reports. Likewise, Environmental Health (Contamination) consider their requirements can be met by condition and 'informatives'.
83. The submitted scheme shows that the development can meet the requirements of the Framework to ensure net bio-diversity gain. The County Ecologist suggest a

s.106 agreement to secure this, however a condition could be used to the same end.

84. Tree Officers made no adverse comments on the proposals but did ask for surveys of the existing trees and hedges. With no part of the development within influencing distance of the trees, and the hedge along the front of the site required removed for highway safety reasons and proposed replaced, insistence on this request was considered disproportionate.
85. Confirmation that the proposed wind turbine would cause no issues for Newcastle Airport are being pursued as this report is written.

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## **CONCLUSION**

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86. The County Durham Plan, 2020, informed by the NPPF is up to date and constitutes the Development Plan against which these proposals must be assessed. Contrary to the views of residents and some consultees this report concludes that the proposal could be seen as a logical extension of the settlement and that the impacts on the landscape, whilst transformative for the site are not significant if the submitted landscape scheme is implemented.
87. The proposed relationship of the glamping element to the school has been physically improved by the proposed physical and visual separation, the reduction in the numbers of pods and the proposed Management Plan. The level of traffic likely to be generated is such that highways safety implications are considered acceptable. Adjacent to the village brings suggestions of conflict with existing residents, but greater locational sustainability. The site's location is supported by Visit County Durham close to a range of attractions. This element of the site therefore has the potential to bring material economic benefits to the area.
88. The proposed dwelling is considered in siting to achieve a balance between being appropriately screened in the countryside and relating to the form of the existing settlement. It is of high-quality appearance that adds to the variety of housing stock in the area, and dependent on the implementation of the Glamping scheme is concluded acceptable.
89. In response to concerns for residential amenity, the applicant has amended the scheme and produced a Management Plan that conditioned, leads Environmental Health Officers to the conclusion that resident's (and pupils) reasonable amenity expectations are capable of being met, protected by conditions.
90. Technical implications raised can be met through the imposition of conditions and through other regulatory processes.
91. The above conclusions are a judgement, where not all parties are in agreement, but on balance the identified issues with the proposals appear capable of mitigation and on this basis the application is recommended approved.

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## **RECOMMENDATION**

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92. 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 approved plans listed in Part 3 - Approved Plans.

*Reason:* To define the consent and ensure that a satisfactory form of development is obtained in accordance with Policies 6, 8, 10, 19, 21, 31, 39, 40 and 41 of the Durham County Plan, 2020.

3. The development hereby approved must be carried out in full accordance with the details of elevational, fenestration and roofing materials shown and described on the submitted forms, drawings and plans.

*Reason:* In the interests of the appearance of the area and to comply with Policy 29 of the County Durham Plan 2020 and Part 12 of the National Planning Policy Framework.

4. The management of the Glamping operation must be carried out in full adherence to all elements of the following document:

- Stone Row - Glamping Facility, Management Document - V2 - June 2020, Controlled use of holiday caravan and other holiday park accommodation Management Document - Stone Row, Durham

*Reason:* In the interests of residential amenity, to ensure amenity and safeguarding relationships with the adjacent Primary School and for compliance with policy 29 of the Durham County Plan 2020.

5. The dwelling hereby approved must not be occupied until the glamping element of the proposal, consisting all pods, vehicular access and circulation and other hardstanding areas, communal refuse areas and play area with equipment is completed in full and ready for occupation, with said completion being confirmed in writing by the Local planning authority.

*Reason:* to ensure the justifications for the approval are met and that the development does not result in isolated development in the countryside, in accordance with policies 6 and 10 off the County Plan and part 5 of the National Planning Policy Framework.

6. The occupation of the dwelling shall be limited to a person solely or mainly or last working in the operation and management of the glamping element of this approval, as defined on the approved site layout plan, or a widow or widower of such a person and to any resident dependants.

*Reason:* To define the extent of the consent and in compliance with policies 6 and 10 of the Durham County Plan, 2020.

7. The glamping pod element of this approval must not be brought into use until the access and internal roadway has been constructed in full, in accordance with the approved layout plans.

*Reason:* In the interests of Highway Safety, Policy 21 of the Durham County Plan 2020 and paragraph 109 of the Framework.

8. The site layout plan detailing 2.4m x 100m site splays onto the public highway Stone Row must be set out and implemented in full before first use, and there-after maintained for future use and kept clear for unimpeded visibility to under a height of 1 metre.

*Reason:* In the interests of Highway Safety, Policy 21 of the Durham County Plan 2020 and paragraph 109 of the Framework.

9. Drawing Concept Landscape and Windmill Section, Layout ID 9-6, 07/07/20 must be used as the basis for an ecology/biodiversity management plan including a monitoring regime for the semi-natural habitats on the site to be submitted to the Local planning authority for approval in writing before the occupation of any element of this approved scheme. The Ecology Management Plan set out a schedule for implementation in full, in accordance with the approved details and include

replacement of any elements that fails and should run for 30yrs. The Plan must contain provision for submission of an agreed format and timing of regular monitoring reports.

*Reason:* In the interests of ecology and biodiversity, to achieve the necessary biodiversity gain, and compliance with policy 41 of the Durham County Plan 2020 and part 15 of the Framework.

10. The level of noise emissions, from the wind turbine hereby granted planning permission, at nearby sensitive receptors shall not exceed LA90 10minutes 35dB(A) daytime and 43dB(A) night-time (including tonal penalty).

*Reason:* In the interests of residential amenity and for compliance with policy 29 of the Durham County Plan 2020.

11. The approved close boarded 2m high close boarded fence and 2m high wall must be erected in full before any part of the approved scheme is occupied and must thereafter be retained to the approved specification whilst any use or occupation is in operation.

*Reason:* In the interests of residential amenity, to ensure amenity and safeguarding relationships with the adjacent Primary School and for compliance with policy 29 of the Durham County Plan 2020.

12. Before the detached two-storey dwelling hereby approved is occupied, a written scheme showing that the following noise levels will be achieved and have been implemented in full:

- 35dB LAeq 16hr bedrooms and living room during the daytime (0700 - 2300)
- 30 dB LAeq 8hr in all bedrooms during the night-time (2300 - 0700)
- 45 dB LAmax in bedrooms during the night-time
- 55dB LAeq 16hr in outdoor living areas

must be submitted to the Local planning authority and approved in writing and thereafter adhered to in full.

*Reason:* In the interests of residential amenity and for compliance with policy 29 of the Durham County Plan 2020.

13. All external lighting for the development hereby approved, must not operate between the following times: 2300 to 0700hrs Monday to Sunday.

*Reason:* In the interests of residential amenity and for compliance with policy 29 of the Durham County Plan 2020.

14. No development shall commence until a land contamination scheme has been submitted to and approved in writing by the Local Planning Authority. The submitted scheme shall be compliant with the YALPAG guidance and include a Phase 2 site investigation, which shall include a sampling and analysis plan. If the Phase 2 identifies any unacceptable risks, a Phase 3 remediation strategy shall be produced and where necessary include gas protection measures and method of verification.

*Reason:* To ensure that the presence of contamination is identified, risk assessed and proposed remediation works are agreed in order to ensure the site is suitable for use, in accordance with policy 31 of the Durham County Plan 2020 and Part 15 of the National Planning Policy Framework. Required to be pre-commencement to ensure that the development can be carried out safely.

15. Remediation works shall be carried out in accordance with the approved remediation strategy. The development shall not be brought into use until such time a Phase 4 verification report related to that part of the development has been submitted to and approved in writing by the Local Planning Authority.

*Reason:* To ensure that the remediation works are fully implemented as agreed and the site is suitable for use, in accordance with Part 15 of the National Planning Policy Framework.

16. In relation to the Coal Mining legacy, in order to confirm the exact ground conditions present beneath this site and to inform the remedial / mitigatory measures required to ensure that the development is safe and stable, intrusive site investigations should be undertaken prior to development. Therefore, no development shall commence until intrusive site investigations have been carried out on site to establish the exact situation in respect of coal mining legacy features. The findings of the intrusive site investigations must be submitted to the Local Planning Authority for consideration and approval in writing. The intrusive site investigations shall be carried out in accordance with authoritative UK guidance.

*Reason:* in accordance with policy 31 of the Durham County Plan 2020 and Part 15 of the National Planning Policy Framework.

17. Where the findings of the intrusive site investigations (required to investigate the implications of the Coal Mining legacy) identify that coal mining legacy on the site poses a risk to surface stability, no development shall commence until a detailed remediation scheme, including the timing of works, to protect the development from the effects of such land instability has been submitted to the Local Planning Authority for consideration and approval in writing. Following approval, the remedial works shall be completed in full on site in complete accordance with the approved details and required timings.

*Reason:* in accordance with policy 31 of the Durham County Plan 2020 and Part 15 of the National Planning Policy Framework.

18. Surface water and foul drainage must be carried out in full accordance with the information set out on the following documents unless directed otherwise by the requirements of the Building Regulation process:

- Drainage Statement, Novo 55 Consulting, 22 10 /2020
- Dwg: General Arrangement Drainage rev.0
- Dwg: Drainage Layout North rev.0
- Dwg: Drainage Layout South rev.0

*Reason:* To protect the site and surrounding land from the potential for flooding as required by part 15 of the Framework.

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## **STATEMENT OF PROACTIVE ENGAGEMENT**

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In accordance with Article 35(2) of the Town and Country Planning (Development Management Procedure) (England) Order 2015, the Local Planning Authority 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.

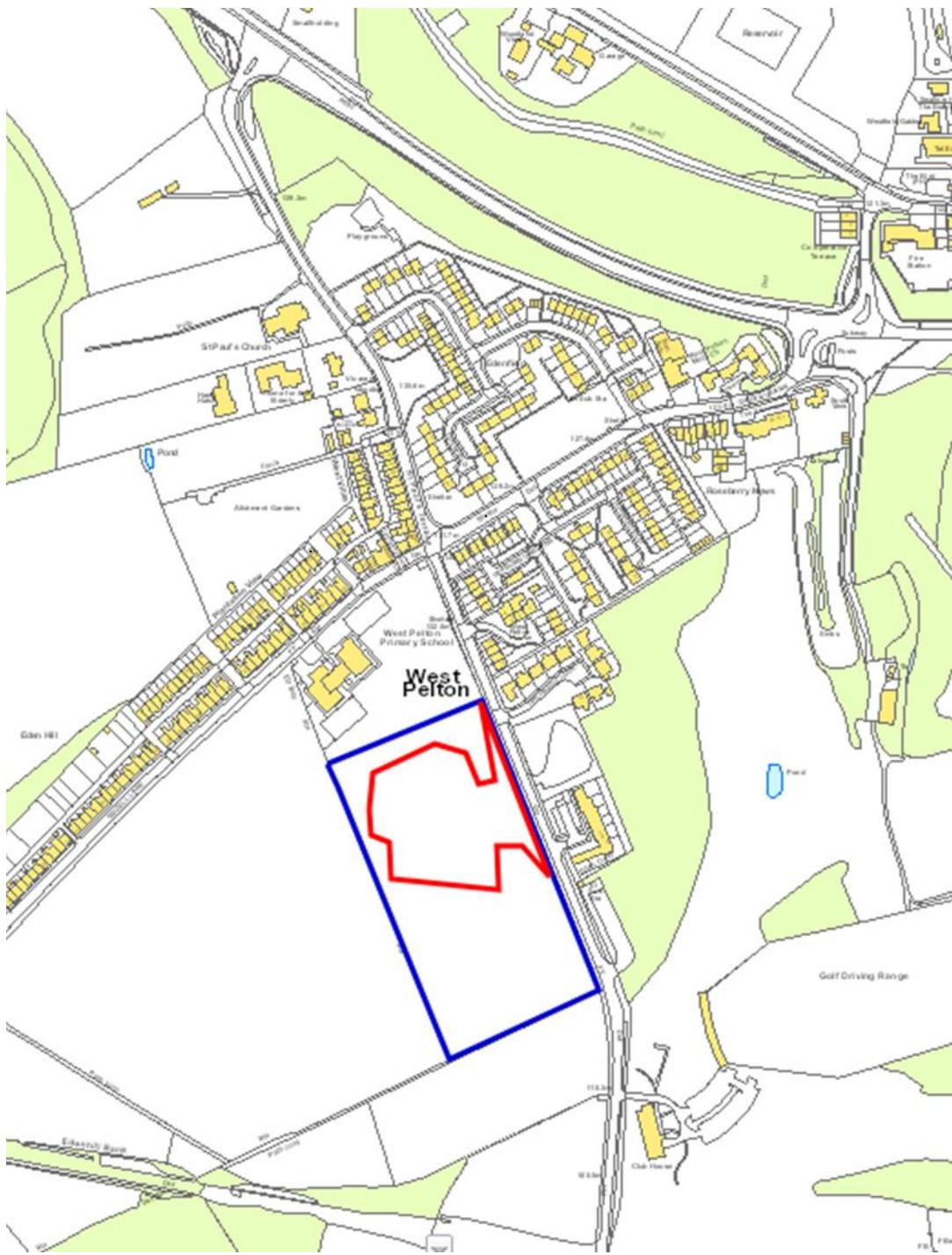
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## **BACKGROUND PAPERS**

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The National Planning Policy Framework (2019)  
National Planning Practice Guidance Notes

Durham County Plan 2020  
Statutory, internal and public consultation responses  
Submitted forms, plans and supporting documents



### Planning Services

DM/20/00712/FPA

Erection of one detached two storey dwelling, eight glamping pods, new site entrance and works including a vertical axis wind turbine, play area, protective fence and land-forming.

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### Comments

Date 25.11.2020

Scale NTS