

COMMITTEE REPORT

APPLICATION DETAILS

APPLICATION No:	DM/21/02577/FPA
FULL APPLICATION DESCRIPTION:	Construction of 9no. residential dwellings (Use Class C3) with associated access and landscaping works
NAME OF APPLICANT:	Mr Thomas Forster, Forric Developments Ltd Land Opposite 'The Waggon Inn'
ADDRESS:	West Road Tantobie DH9 9SL
ELECTORAL DIVISION:	Tanfield Steve France
CASE OFFICER:	Senior Planning Officer Telephone: 03000 264871 steve.france@durham.gov.uk

DESCRIPTION OF THE SITE AND PROPOSALS

The Site

1. The application site is a fenced paddock, sited at the western end of White-le-Head, Tantobie, adjacent the B6311. White-le-Head sits 1.6 miles north-west of Stanley and 4.5 miles north-east of Consett. The site is 0.4 miles from the A692 that connects Consett to Gateshead.
2. The village is a small settlement with a basic range of services and facilities proportionate to its size, including a convenience store, take away, pub, Community Centre and playing fields, allotment gardens and a commercial depot. As such it relies on a hierarchy of surrounding settlements for schools and employment.
3. There is a range of housing in the area, including traditional terracing, local authority-built houses and individual dwellings. The form of the settlement is heavily influenced by the industrial past of the area.
4. The site slopes down from the B6311 towards the south, with a loose-knit group of buildings extending south-west from the village, accessed by an unadopted access road wrapping around the bottom of the paddock area. There is a bus stop and post box adjacent the pavement on the eastern end of the site frontage.
5. At the time of the Officer's site visit the site boundaries were defined by post and wire fencing and access via a wooden field gate on the south boundary. Sporadic bushes were restricted to the site boundaries with the main area of the site

occupied by unimproved grassland suitable for grazing. A belt of trees along the west boundary has recently been removed.

6. The site is 0.29ha. in area.

The Proposal

7. The planning application seeks approval for the construction of 9no. residential dwellings (Use Class C3). Seven of the dwellings are detached. There is one pair of semi-detached units. All dwellings are 2 storey and have off-road parking to County Highways standards. Four dwellings at the east end of the site, including the semis, front the main road. The remaining units are served by a private drive arrangement that accessed the main road opposite the access point to two public footpaths, to the west of the dwelling converted from the former Waggon Inn Public House. The site access is within the 30mph speed limit zone.
8. The proposals do not directly affect the bridleway that runs along the boundary on the west of the site, nor the metalled private access drive that wraps around its southern boundary.
9. As a development of less than 10 residential units the proposal constitutes 'minor' development, which would usually be determined under delegated powers. This application is reported to Committee upon the request of Councillor Gordon Binney and the MP, Kevan Jones to consider the principle of development in this location and concerns at the implications of the scheme as set out by the objectors, in a public forum.

PLANNING HISTORY

10. 1/2006/0132 - Erection of 3 dwellings (outline): Refused: Appeal Dismissed. The policies in the Derwentside District Local Plan, 1997, sought to restrict development outside built-up areas if it resulted in encroachment into the surrounding countryside, and further ensure that new housing development did not extend beyond the built-up area of the settlement. The applicants argued the site was centrally located in White-le-Head and the development was an infill.
11. The Inspector concluded the land had a stronger relationship with the countryside notwithstanding the presence of the access drive around it and that the development did not 'round off' White-le-Head and was harmful to its setting. The presence of sporadic development nearby did not alter his finding.
12. The nature of the topography of the village in accessing services and shops was considered, 'not conducive to walking'.

PLANNING POLICY

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 plan-making 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 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.
20. *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.
21. *NPPF Part 15 - Conserving and enhancing the natural environment.* Recognises the wider benefits from natural capital and ecosystem services – including the economic and other benefits of trees and woodland.

NATIONAL PLANNING PRACTICE GUIDANCE:

22. 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:

23. The following policies in the Durham County Plan (adopted October 2020) are relevant to the consideration of this application:
24. *Policy 6 (Development on Unallocated Sites)* supports 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.
25. *Policy 15 (Addressing Housing Need)* establishes the requirements for developments to provide on-site affordable housing, the circumstances when off-site affordable housing would be acceptable, the tenure mix of affordable housing, the requirements of developments to meet the needs of older people and people with disabilities and the circumstances in which the specialist housing will be supported.
26. *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.
27. *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.
28. *Policy 25 (Developer Contributions)* advises that any mitigation necessary to make the development acceptable in planning terms will be secured through appropriate planning conditions or planning obligations. Planning conditions will be imposed where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects. Planning obligations must be directly related to the development and fairly and reasonably related in scale and kind to the development.
29. *Policy 26 (Green Infrastructure)* states that development will be expected to maintain and protect, and where appropriate improve, the County's green infrastructure network. Advice is provided on the circumstances in which existing green infrastructure may be lost to development, the requirements of new provision within development proposals and advice in regard to public rights of way.

30. *Policy 29 (Sustainable Design)* requires all development proposals to achieve well designed buildings and places having regard to SPD advice and sets out 18 elements for development to be considered acceptable, including: making positive contribution to areas character, identity etc.; adaptable buildings; minimising greenhouse gas emissions and use of non-renewable resources; providing high standards of amenity and privacy; contributing to healthy neighbourhoods; and suitable landscape proposals. Provision for all new residential development to comply with Nationally Described Space Standards, subject to transition period.
31. *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.
32. *Policy 32 (Despoiled, Degraded, Derelict, Contaminated and Unstable Land)* requires that where development involves such land, any necessary mitigation measures to make the site safe for local communities and the environment are undertaken prior to the construction or occupation of the proposed development and that all necessary assessments are undertaken by a suitably qualified person.
33. *Policy 35 (Water Management)* requires all development proposals to consider the effect of the proposed development on flood risk, both on-site and off-site, commensurate with the scale and impact of the development and taking into account the predicted impacts of climate change for the lifetime of the proposal. All new development must ensure there is no net increase in surface water runoff for the lifetime of the development. Amongst its advice, the policy advocates the use of SuDS and aims to protect the quality of water.
34. *Policy 36 (Water Infrastructure)* advocates a hierarchy of drainage options for the disposal of foul water. Applications involving the use of non-mains methods of drainage will not be permitted in areas where public sewerage exists. New sewage and waste-water infrastructure will be approved unless the adverse impacts outweigh the benefits of the infrastructure. Proposals seeking to mitigate flooding in appropriate locations will be permitted though flood defence infrastructure will only be permitted where it is demonstrated as being the most sustainable response to the flood threat.
35. *Policy 39 (Landscape)* states, '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'.
36. *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.

37. *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/media/34069/County-Durham-Plan-adopted-2020-/pdf/CountyDurhamPlanAdopted2020vDec2020.pdf?m=63742496933140000>

CONSULTATION AND PUBLICITY RESPONSES

STATUTORY RESPONSES:

38. Highways – The detail of the submitted highways layout has been redesigned during the course of the planning application and is capable of approval subject to confirmation of the details. Subject to these details of layout and to ensure sight-lines the proposals are considered acceptable.
39. The site is not affected by The Coalfield Development High Risk Area, and the Coal Authority do not require consultation on this basis.
40. Northumbrian Water have been consulted on this proposal and have not replied at the time this report was written. Any response received before the Committee Meeting will be relayed verbally at the Meeting.

EXTERNAL RESPONSES:

41. Following a complaint regarding the felling of trees, the Forestry Commission Woodland Officer investigated the works as potentially an 'Illegal Fell'. They subsequently confirmed that the investigation has closed for this case and that no further action will be taken.

INTERNAL CONSULTEE RESPONSES:

42. *Spatial Policy Officers* advise 'the site is currently utilised as a paddock, however its historic use was for mining associated with Tanfield Moor Colliery. The landscape continues to bear witness to this industrial legacy; pockets of development from this period remain to the south of the site, in a scattered array which may be conceived as forming an outer 'edge' to White-le-Head settlement'.
43. 'The site is not covered by any specific planning designations, and I am of the view that it would be considered against the requirements of Policy 6 of the CDP. This policy applies to the development of unallocated sites which are within, or well-related to, the built-up area. Proposals should satisfy criteria 'a' to 'j', as appropriate. It would appear that criteria 'a', 'c', 'd', 'e', 'f', 'h' and 'i' would form the basis for determining the suitability of this site in principle'.
44. 'It is likely that the scheme would have impacts in relation to the character, form and setting of the settlement in accordance with the directions of criteria 'c' and 'd'

are flagged owing to the location of the site on the settlement and its potential impact on the setting and character of the settlement’.

45. It is noted that the site was part of a much larger site that was subject to the Strategic Housing Land Availability Assessment (SHLAA) that informed housing allocations in the County Plan with concerns in relation to it being poorly related to the existing settlement and in landscape terms. Landscape noted that impacts were likely to be less problematic if a smaller site were considered.
46. The Spatial Policy response sets out the required policy framework and notes contributions would be required towards open space and green infrastructure off site - this would equate to £1739 per dwelling (£15,651) and that sustainability requirements must be met.
47. *Public Rights of Way* Officers note a 32m length of public bridleway no. 103 Stanley abuts the west site boundary. The application documentation suggests that the bridleway will be unaffected by the proposed residential development.
48. The County *Ecologist* notes that the Preliminary Ecology Assessment states that medium distinctiveness habitats are on site and in good condition; as a result, the LPA will be using the information provided by the DEFRA metric to determine net gains. Given that this is a minor application the LPA is willing to accept a financial contribution. The current rate is £3.7K per biodiversity unit therefore a contribution of £13,727 (based on 3.71 biodiversity units being lost to development). The contribution should be paid to the LPA prior to commencement and shall be used for the delivery of biodiversity enhancements within County Durham.
49. The County *Tree* Officer writes, ‘since the application has been submitted felling of mature trees have taken place, this opens the site from all viewpoints. To ensure replanting takes place the landscape plan shows hedge planting around the site which include specimen trees; proposed tree and hedge species are acceptable’.
50. The County *Landscape* Officer considers that ‘the proposals would cause harm to the local landscape and it is unlikely that this could be reduced other than through substantial design changes or additional mitigation. If these issues are not resolved prior to determination the proposals would conflict with Policy 39 and with the requirements of policies 6, 10, 29 and 40 where relevant unless the benefits of development clearly outweigh the harm’. The site is described as forming ‘a green gap on the edge of the settlement’.
51. *Environmental Health (Contamination)* Officers have reviewed the submitted reports and conclude that due to the fact that this development constitutes a change of use to a more sensitive receptor, standard contaminated land conditions should apply to require detailed investigation, mitigation where required and validation of works before occupation. Informatives are suggested for unexpected contamination.

PUBLIC RESPONSES:

52. 28 letters of consultation were sent out including an extended exercise beyond those directly affected, at the request of residents. This has resulted in receipt of 13 objections, including one from the Residents of White-le-Head Residents Association with a petition of 58 names from 39 addresses, and from White-le-Head, Tantobie, Stanley, Consett and Darlington, and from County Durham Green Party. There are two letters in support. Site notices were not posted, with the application not classified as a ‘major’ proposal.

53. The Objectors challenge assessment of the site against policy 6 of the Plan, describing the site as 'stand alone and quite unspoilt'....'countryside', concerned that 'there appears to be an assumption in this application that White Le Head is a continuation of the village of Tantobie. This is not the case. It is completely different in nature e.g., density of houses, lack of village facilities etc but is merely a cluster of random, extremely well-spaced individual dwellings. No linear frontage exists '. They remind that in the application refused and upheld at appeal in 2006 the site was accepted as countryside. The development will result in the conjoining of White-le-Head and the unnamed settlement.
54. The houses will be too big and expensive for local people – therefore there are no local benefits. The creation of large 3 or 4-bedroom houses does little to contribute to sustainable housing goals, as these houses will be under occupied (the average household in the UK is 2.4 people according to ONS) and additional wasted energy and associated carbon emissions will be generated in their construction, maintenance and under occupation. The site is described as of 'disproportionate density'. The lack of affordable housing is noted, and those provided do not meet the needs of the old or disabled.
55. The site offers an open aspect for views for users of public footpaths in the area. The horses that have grazed on the site give pleasure to adults and children and are an attraction.
56. The proposed parking arrangement will result in 'gross congestion', Pavement parking is already evident in the area. The complex arrangement of existing accesses will be further complicated by the proposal to the detriment of highway safety. Access from the south of the site rather than from the main road is suggested by one correspondent, although residents who 'reside down the unadopted road, in the unnamed settlement' who also run holiday and horse related businesses express concerns for highway safety. Proposed drives existing onto the main road will restrict opportunities for on-street parking and commercial vehicles servicing existing businesses may prevent access to the bus stops outside the site. The development may compromise this tourism activity and farm access.
57. The approach to proposed materials is contended vague.
58. Effects on Wildlife are considered unacceptable. The development will destroy the 'aural amenity' of the area by replacing the sounds of nature with residential activity.
59. The exact extent of the site is questioned in relation to the existing fence on site.
60. Distress at advance tree works on the site adjacent the Public Bridleway last winter (March) is expressed. Particular exception is taken to the wording of the submitted tree reports. Concern is expressed for the future safety of off-site trees when the site is serviced. The removal of the trees may cause flooding problems.
61. Education provision for residents' children needs consideration.
62. The relationship between the windows proposed to directly face the former Waggon Inn is substandard and unacceptable. Likewise, the effect on the residential amenity for the four properties to the south is a concern, considered a 'breach of the Human Rights Act, article 8, respect for private and family life, home

and correspondence, as being overlooked by 4 properties to this extent infringes this right’.

63. Potential land contamination issues relating to the historic presence of the colliery are raised.
64. The developer is quoted as having a lack of regard for existing residents in previous developments.
65. The nature and extent of the Planning Application Consultation exercise is criticised.
66. Of the supporters, one correspondent writes to raise concern at an apparent lack of objectivity in objectors discussion.
67. The site is contended to have a limited biodiversity value.
68. The personal circumstances of the applicant and the finances of the developer are not material; however, support is offered to local developers, supporting local trades for small scale projects.
69. Some elements of housing are in short supply and there is a need to increase good quality housing stock – with the proposals a useful contribution to local housing need.
70. The proposed 9 houses do not have a significant impact on the character of the village but could improve it and bring more trade for local shops and amenities. Not affecting the existing unadopted road, the development should not impact on existing residents and the local farmer, nor local rights of way.

APPLICANT’S STATEMENT

71. *‘The application site is located at the western end of White-le-Head and is not allocated for any land use purpose. Officers confirmed at the pre-application stage that the site is well related to the existing settlement and is therefore appropriate for consideration under Policy 6 of the recently adopted County Durham Plan which is the basis on which the application has been brought forward’.*
72. *‘The proposals have been developed with careful consideration being given to ensuring a high-quality design approach that respects local character and the urban edge setting of the site. Concerns raised by Officers at the pre-application stage have been positively addressed and the proposal would assimilate successfully with existing development whilst also significantly enhancing the settlement edge at the western end of the village. The proposals have been amended during the course of the application process to ensure that any potential issues of overlooking to adjacent residential properties, particularly the former Waggon Inn opposite the site, have been addressed and this has been achieved through an innovative design solution that ensures a strong frontage to the main road that reflects the village character can be retained’.*
73. *‘A range of technical reports have been submitted with the application to demonstrate that sustainable development in environmental terms would be achieved. Subject to conditions securing the recommended mitigation measures, the proposal is acceptable in terms of its potential environmental impacts and it is therefore fully compliant with the NPPF and relevant policies of the County Durham Plan, including Policy 6, in this respect’.*

74. *‘Overall therefore, it is the case that an entirely national and local planning policy compliant scheme would be delivered. In accordance with paragraph 11 of the NPPF, the application should be approved without delay and planning permission granted for a small but important residential development that would deliver the type of high-quality new homes that would complement the socio-economic profile of the area and help to meet the specific housing needs of the local population. Members are therefore respectfully requested to approve the application’.*

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=QWCDOFGDH9U00>

PLANNING CONSIDERATIONS AND ASSESSMENT

The Principle of the Development

75. 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 whilst there are a number of detailed topics for assessment the key to determination is the principle of whether the development site is countryside or urban fringe.
76. As objectors note an application refused in 2006 with the site concluded by both the Planning Officer and the Planning Inspector not a logical extension of the village when assessed against the then relevant policy framework of the Derwentside District Local Plan 1997. That decision also pre-dates the National Planning Policy Framework, first introduced in 2012 which consolidated over two dozen previously issued documents called Planning Policy Statements (PPS) and Planning Policy Guidance Notes (PPG).
77. Policy 6 of the County Plan relates to the development of sites which are not allocated in the Plan or in a Neighbourhood Plan which are either (i) within the built-up area; or (ii) outside the built-up area (except where a settlement boundary has been defined in a neighbourhood plan) but well-related to a settlement, will be permitted provided the proposal accords with all relevant development plan policies and a list of set criteria.
78. Policy 10 of the Plan relates to development in the countryside, which will not be permitted unless allowed for by specific policies in the Plan, relevant policies within an adopted neighbourhood plan relating to the application site or where the proposal relates to one or more of a series of exceptions directed to agricultural and infrastructure activities.
79. Particularly in light of the previous planning decision, Officers acknowledge that there is a judgement to be made on this issue. The site is an attractive open paddock, with built development last apparent on it on the 1951-1959 OS Map, before which houses and wagonways are apparent back to the 1860 Map, the land within the settlement then part of ‘Whitely Head’, near ‘Tantoby’. This clear separation in time allows the site to be considered as ‘greenfield’ rather than ‘brownfield’, or previously developed land.

80. The objectors consider Bolams Buildings – the loose group of buildings that extend south-west below the site - to be separate from White-le-Head and an ‘unnamed settlement’. It is clear however that the settlement has contracted, and the remaining dwellings were historically part of the village, physically and functionally. Whilst the dwellings in Bolams Buildings turn away from the site or present their gable ends to it, with residential curtilage included in the assessment of the extent of the built environment, the proposed development site is surrounded by built development on three sides. This is less apparent on site with mature hedging surrounding 54 Bolams Buildings giving a visual separation. The site is concluded more ‘urban fringe’ than ‘open countryside’, with assessment most appropriate against policy 6 rather than Policy 10. The proposal must then be assessed against the detailed requirements of Policy 6, as below.
81. That this is a different conclusion as that reached in 2006 reflects the specific wording of the current policies and their context in light of government advice.

The Development Plan

82. The County Plan 2020 is up to date in terms of the required consistency with the NPPF. The NPPF and NPPG guidance is a material consideration in its own right. These set out Government advice for the assessment of planning applications against the backdrop of the national imperative for new housebuilding.

The Detailed Issues

83. Having determined that policy 6 is appropriate for the nature of the site on the edge of the settlement, detailed assessment is required against it’s criteria. Spatial Policy advise that criteria ‘a’, ‘c’, ‘d’, ‘e’, ‘f’, ‘h’ and ‘i’ would form the basis for determining the suitability of this site in principle. For each the relevant criteria (in italics) Officers consider:
- *a. is compatible with, and is not prejudicial to, any existing, allocated or permitted use of adjacent land; The site is edge of settlement surrounded in the first instance by existing residential, and other edge of settlement open land.* The relationship to surrounding residential use is discussed in detail below, likewise the relationship to the footpath. Claimed conflicts with the operation of holiday accommodation and agricultural operations do not appear sustainable arguments.
 - *b. does not contribute to coalescence with neighbouring settlements, would not result in ribbon development, or inappropriate backland development.* The extended settlement of Bolams Buildings was historically part of White-le-Head and still sits on maps as an extension of the village. Objector’s contention that these buildings sit somehow separate, as an ‘unnamed settlement’ is questionable, especially with the implications of land on the urban fringe when considered against current planning policies.
 - *c. does not result in the loss of open land that has recreational, ecological or heritage value’ or contributes to the character of the locality which cannot be adequately mitigated or compensated for.* The ecological value in the land can be compensated for. The land has no recreational or heritage value.
 - *d. is appropriate in terms of scale, design, layout, and location to the character, function, form and setting of the settlement.* The scheme is argued compliant with this criteria in the assessment of policy 29, below.

- *e. will not be prejudicial to highway safety or have a severe residual cumulative impact on network capacity.* The scheme is argued compliant with this criteria in the assessment of policy 21, below.
- *f. has good access by sustainable modes of transport to relevant services and facilities and reflects the size of the settlement and the level of service provision within that settlement.* The site fronts bus stops on both sides of the road, is a walk of around 400m from the services offered by the village, and is adjacent footpaths used as a popular cycle-route.
- *h. minimises vulnerability and provides resilience to impacts arising from climate change including but not limited to, flooding.* The approach to drainage on the site is commensurate with its status as a 'minor' application.
- *i. where relevant, makes as much use as possible of previously developed (brownfield) land.* Sufficient time has passed for the site to be considered 'greenfield' in nature. In both national and local planning policies, the use of brownfield land is a material preference rather than a stipulation.

Highway Safety

84. Highways Officers have looked at the proposals in terms of the safety of existing and new residents, to make sure the scheme meets parking and safety standards. A scheme providing detail amendments submitted in process provides for a turning head to required standards and provision of a bin-store area to assist collection.
85. The development is within the 30mph zone, with existing private drives and accesses in the immediate area accessing directly onto the B6311. That the presence of private drives will restrict opportunities for on-street parking, whilst offered as an objection to the scheme is not seen as a negative by Officers. No highways safety objections have been identified by County Highways. The private access road that incorporates the bridleway will be physically unaffected by the development has required visibility at it's junction with the main road.
86. The existing bus stop is unaffected by the proposals. As a result, the proposed development is considered to not harm highway safety, offering sufficient car parking spaces off street, in accordance with the requirements of Policies 21 of the Durham County Plan and Part 9 of the Framework.

Residential Amenity

87. There are two specific residential amenity concerns that have been identified during the application process.
88. As submitted plot 5 included a bay window on its gable side elevation at ground floor level and two-bedroom windows on the first floor. These both provided light to the rooms they served and offered visual interest to the street frontage of the development. The facing side elevation of the converted former Waggon Inn is set at a slight angle to the roadside. The ground floor includes three windows – two clear-glazed – including one made from a former doorway, and one with opaque glazing on the nearest corner of the building – with a corresponding opaque window on the front elevation apparently serving the same room. There is a single

first floor window in the west end of the elevation. Objectors identified the 21m separation requirement for facing living room windows as not compliant with the Residential Amenity Standards SPD. The applicant has revised the proposals to provide 'false' windows to the front face of the bay to ensure the facing property's privacy (noted as retained in perpetuity) whilst retaining the side windows for light. First floor windows have been replaced with recessed panels to retain visual interest on the street frontage whilst removing potential overlooking. The resultant relationship with the former Waggon Inn, at 13m separation, is now SPD compliant.

89. Within the scheme, whilst the required 9m garden length is apparent the relationship between plots 6 and 9 allows only 9m between the rear elevation and a single garage. Whilst not ideal, the relationship will be apparent to buyers of the houses and is not such that in it's own right warrants a refusal.
90. The second residential amenity relationship raised as of concern is to the gable windows of 59 Bolams buildings, to the south of the site, which has three windows on the ground floor including one in the single storey rear off-shot, and a single upstairs window. The dwelling is also used as a home office. The closest proposed dwelling, plot 4 is 31m distant at an angle of 45 degrees. Proposed plots 6 to 9 have a more direct relationship but exhibit separation distances of 35m to 45m, more than compensating for the differences in levels. In terms of both the requirements of the Residential Amenity Standards SPD and claimed conflicts with Article 8 of the Human Rights Act, in 'respect for private and family life, home and correspondence' the development is considered acceptable.
91. There are no 'rights' to views onto or across the site.

Sustainable Design

92. Policy 29 of the Plan includes requirements for new development to 'contribute positively to an area's character, identity, heritage significance, townscape and landscape features, helping to create and reinforce locally distinctive and sustainable communities' and meet increasing stringent sustainability standards.
93. As noted in the submission, the application is an evolution of a scheme submitted pre-submission where Officers suggested that a potentially acceptable form of development would have to have a clear and direct relationship to the main road, rather than be set back. The submitted scheme gives a clear street frontage – including amendments to plot 5 mentioned. The proposed units are modern dwellings with a strong, simple vernacular appearance albeit with some compromises to modern living, i.e. garage doors and patio windows. There are a range of style as and scales of development in this part of the village, and the indicative materials palette suggested gives Officers enough comfort that an appropriate detailed scheme of materials can be achieved by condition, with likewise for details of boundary markers to be provided in addition to the proposed site boundary native hedge mix detailed on the submitted landscaping plan.
94. For the latter requirement, whilst the Policy directs the latter on 'major' schemes, this application is accompanied by a Sustainability Statement. This sets out a 'fabric first' approach to demonstrating efficiency standards and lowering carbon emissions. The report sets out that the site can achieve at least a 10% reduction in carbon emissions through the application of FEE measures across the development, relying on a specification in it's appendix. There are elements of the appendix that are still to be confirmed, but sufficient provided to indicate the

scheme can meet the policy requirement. Subject to formal confirmation this additional detail – the scheme looks to meet sustainability requirements – a condition is proposed to ensure this is supplied and meets the required standards.

Other Issues

95. The removal of a belt of trees earlier in the year on the boundary with the bridleway has caused upset among neighbouring residents. The trees were not subject to a Tree Preservation Order and therefore not subject to control or protection by the Council. Correspondence with the Forestry Commission has confirmed that they have investigated a compliant and are taking no action. The removal of the trees is not a material consideration in the assessment of this application.
96. Policy 41, Biodiversity and Geodiversity, has a range of requirements, including for new development to minimise impacts on biodiversity by retaining and enhancing existing biodiversity assets and features and providing net gains for biodiversity including by establishing coherent ecological networks. The County Ecologist notes that the required gains cannot be wholly achieved on-site, acknowledging the proposals in the submitted landscaping plan and have asked for a financial contribution of £13,727 worked out by a standardised formula, to provide the required mitigation. This is considered to therefore meet the requirements of Policy 41 in mitigating for the ecological impacts from the development.
97. The County Tree Officer is satisfied with the submitted landscaping scheme, the detail of which will be conditioned.
98. The comments of the Landscape Officer require examination. The site is proposed to be changed from open paddock to built residential development. This causes 'harm' to the open green aspect of the site as a matter of principle. The detailed comments acknowledge that any visual harm would be in the immediate vicinity of the site as, *'visual effects on receptors located further out in the landscape would be limited due to changes in topography and screening by buildings and vegetation'*. Policies 6 and 10 (Development in the Countryside) are considered mutually exclusive and the site is being assessed as urban fringe, well related to an existing settlement rather than as open countryside – the comments describe the site as a 'green gap at the edge of the settlement', with the need for a *'robust settlement boundary'*.
99. As described above – the site is effectively surrounded on three sides by existing dwellings and their gardens, the remaining boundary being formed by the bridleway to the west beyond which there is a 25m wide belt of trees that screens the site from the approach from Flint Hill. The required detailed assessment against Policy 6 is set out above. Ecology and Tree Officers raise no objection to the proposals. The resultant impact upon the surrounding landscape is subsequently reduced to the predominate, immediate views of the site from the adjacent highway as above and as a consequence bring compliance with Policies 6 and 39 of the CDP in this regard by not causing unacceptable harm.
100. For Drainage, the scheme is below the threshold where Council Drainage Officers for Surface water Drainage and Northumbrian Water for foul drainage would currently comment. The site is not within Environment Agency Flood Risk Zones 2 or 3, nor is it affected by records of surface water overland flood routes. The road fronting the site has a section classified as at Low Risk from surface water flooding, but this does not appear to directly affect the site. That the drainage from

the development will be built to appropriate standards will be regulated by the Building Control process.

101. Spatial Policy Officer have identified a need for £15,651 as mitigation for the open space needs the development of family housing will generate. The joined settlements of White-le-Head and Tantobie have a community centre and sports fields and access to an extensive network of footpaths and bridleways, that will help meet the leisure needs of the development. That the bridleway that runs alongside the site will be unaffected by the development has been confirmed by the Rights of Way Officer.
102. As a 'minor' scheme the development is below the threshold where contributions to education provision would be sought.
103. Policy 15 of the plan requires that for schemes of 5 or more dwellings, to meet the needs of older people and people with disabilities, 66% of dwellings must be built to Building Regulations Requirement M4 (2) (accessible and adaptable dwellings) standard. A condition is proposed to secure this requirement.
104. With the site previously occupied by both dwellings and the colliery wagonway there will be contamination to be removed for the site to allow for the 'more sensitive receptor' – i.e. the residential use proposed. Having assessed the submitted documentation, Environmental Health Officers advise imposition of standard conditions and informatives to ensure the implications of this are fully investigated, mitigated and validated. This ensures compliance with the relevant elements of Policy 32 of the Durham County Plan and part 15 of the Framework.
105. The site is not in the Coalfield High Risk Area, so no condition is required in this respect. Spatial Policy Officers have advised against the requirements of Policy 56 – for Minerals Safeguarding, that the, 'site is within a mineral safeguarding area (coal resource). Ordinarily a Minerals Assessment would be required however it appears the site has already been mined and it would be likely to be considered exempt given its location (loosely within the built-up area) in accordance with App C'.

CONCLUSION

106. Officers are of the opinion that the proposal should be assessed against the requirements of Policy 6 of the Durham County Plan. The site is urban fringe, and the extended built area formed of Bolams Buildings is considered a historic extension of the settlement rather than a separate nameless entity as suggested by objectors.
107. The scheme has been assessed and found to be sustainable and policy compliant. That it will add to the County's housing supply and variety is of positive material weight.
108. No objections have been identified that outweigh the apparent merits of the scheme.

RECOMMENDATION

109. That the application be **APPROVED** subject to the applicant securing a legal agreement for mitigation payments of £15,651 for open space and £13,727 for ecology, and 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 5, 15, 19, 21, 25, 26, 29, 31, 32, 35, 36, 40 and 41 of the Durham County Plan, 2020 and parts 2, 4, 5, 8, 9 and 15 of the National Planning Policy Framework.
 3. Notwithstanding any details of materials submitted with the application no development shall commence until details of the make, colour and texture of all walling and roofing materials have been submitted to and approved in writing by the Local Planning Authority. The development shall be constructed in accordance with the approved details.
Reason: In the interests of the appearance of the area and to comply with Policy 29 of the County Durham Plan and Part 12 of the National Planning Policy Framework. The condition is required pre-commencement to ensure that the visual impacts from the development are controlled from the outset, maintaining the character of the area.
 4. Prior to the first occupation the development hereby approved, details of all means of enclosure of the site shall be submitted to and approved in writing by the Local Planning Authority. The enclosures shall be constructed in accordance with the approved details thereafter.
Reason: In the interests of the visual amenity of the area and to comply with Policy 29 of the County Durham Plan and Parts 12 and 15 of the National Planning Policy Framework.
 5. The detailed planting scheme shown on plan reference N1095-ONE-ZZ-DR-L-0201 must be completed in full. The Local Planning Authority shall be notified in advance of the start on site date and the completion date of all external works. The scheme must be implemented before the end of the first available planting season following the commencement of material building works and completed in accordance with the timetable agreed. Trees, hedges and shrubs shall not be removed without agreement within five years. Any specimens that fail must be replanted to the original specification within the same time period.
Reason: In the interests of the visual amenity of the area and to comply with Policy 29 of the County Durham Plan and Part 12 of the National Planning Policy Framework.
 6. Before any development above damp proof course levels takes place, an updated Sustainability Statement, with all values included in the Appendix to demonstrate compliance with the detailed requirements of policy 29 of the

Durham County Plan 2020 must be submitted to, and approved in writing by, the Local Planning Authority. Once agreed, the development shall be carried out in accordance with the agreed details.

Reason: In the interest of sustainability and to reduce carbon emissions as required by Policy 29 of the Durham County Plan 2020.

7. 66% of dwellings must be built to Building Regulations Requirement M4 (2) (accessible and adaptable dwellings) standard. A written scheme to show compliance with this requirement must be submitted to and approved in writing by the Local Planning Authority before any part of the development hereby approved is occupied.

Reason: To meet the needs of older people and people with disabilities, as required by Policy 15 of the Durham County Plan 2020.

8. 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 32 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.

9. 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 Policy 32 of the Durham County Plan 2020 and Part 15 of the National Planning Policy Framework.

STATEMENT OF PROACTIVE ENGAGEMENT

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.

BACKGROUND PAPERS

The National Planning Policy Framework (2021)
National Planning Practice Guidance Notes
Durham County Plan 2020
Statutory, internal and public consultation responses
Submitted forms, plans and supporting documents



Planning Services

DM/21/02577/FPA

Construction of 9no. residential dwellings (Use Class C3) with associated access and landscaping works

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Comments

Date 28 September 2021

Scale NTS