

COMMITTEE REPORT

APPLICATION DETAILS

APPLICATION No:	DM/22/02955/FPA
FULL APPLICATION DESCRIPTION:	Demolition of the existing barn and erection of a new mixed-use visitor centre (Classes E, F1 and sui generis) with associated access, parking, landscaping and drainage
NAME OF APPLICANT:	North East Autism Society (NEAS)
ADDRESS:	New Warlands Farm Holmside Lane Burnhope
ELECTORAL DIVISION:	Lanchester
CASE OFFICER:	Scott Henderson Senior Planning Officer Telephone: 03000 256286 scott.henderson@durham.gov.uk

DESCRIPTION OF THE SITE AND PROPOSALS

The Site

1. The application site is located in open countryside approximately 400m to the south-west of the hamlet of Holmside. Currently the site is in agricultural use whilst the adjacent buildings and land are operated by the North East Autism Society (NEAS) as an adult education and training facility with workshops, classrooms, and open air agriculture as well as some short stay residential accommodation.
2. There are permanent residential properties on the southern boundary of the site. The entirety of the site is within an Area of High Landscape Value with Hag Wood, a defined Ancient Woodland, immediately north of the wider site. The site is not with a Conservation Area and there are no listed buildings in the vicinity. The site is within Flood Zone 1.
3. The site is served by the minor Holmside Lane, and in terms of public transport, the closest bus stop is 2km away to the west towards Burnhope. There are no footpaths along Holmside Lane although public footpath No.8 and public bridleway No.10 run through the site.

The Proposal

4. The proposed development seeks approval for the demolition of the existing barn and erection of a mixed-use visitor centre with associated access improvements, parking, landscaping and drainage works. The scheme will see the construction of 4 individual

buildings, providing a total of 1597sqm of new floorspace. The applicants wish for the four buildings to operate flexibly under the following use classes:

- Class E (a) Display or retail sale of goods, other than hot food
 - Class E (b) Sale of food and drink for consumption (mostly) on the premises
 - Class E (c) provision of services to visiting members of the public
 - Class E (g) office, research and development, light industry
 - Class F1 Learning and non-residential institutions
 - Sui Generis Apple Press facility
5. The broad objective of the work is to provide space for different types of shops, selling products produced on and off the site by the NEAS and to create a tourism centre and training hub, in turn creating employment opportunities for autistic young people in the area. The retail building will lead through into an open air courtyard with flexible spaces teaching, activities and performances. The courtyard will be bounded by a new workshop building, a new café with space for 80 covers, kitchen and toilets and to the north a new apple press facility to support the existing apple juice and cider production on site. This building would also feature a new shop and exhibition space. Car parking will be provided to the south of the new buildings near the entrance. 107 hard surfaced spaces will be provided including 5 accessible spaces, 14 cycle parking spaces and 2 EV charging points. The overall parking provision will be split into two areas, one dedicated to staff (38 spaces) and visitors (69 spaces). The junction to Holmside Lane is proposed to be widened to DCC Highway standards, and a new footpath from the junction into the site is proposed.
6. The buildings will all be single storey and not exceed the height of any of the existing buildings on site. The floorspace figures are as follows:
- Apple press – 320sm
 - Retail barn – 750sqm
 - Workshop – 140sqm
 - Café – 220sqm
7. Building materials reflect the surroundings being timber cladding, stone or brick bases, dark flashing, timber and metal doors.
8. The applicants have stated their intent to enhance biodiversity by expanding the orchards and planting on site. It is intended the provide a hardy mix of low and mid-level and slim and tall landscaping to stimulate pupil interest and soften building edges, as well as enhance wildlife habitat.
9. This application is being considered by committee at the request of a Local County Councillor.

PLANNING HISTORY

10. 1/2010/0165/73752 - Erection of single storey building (with mezzanine plant room) for use as an agricultural training centre for autistic adults, new car park, access road and landscaping – Approved June 2010.
11. 1/2012/0645/8565 - Erection of 2 no. Eco cabins for respite care/holiday accommodation – Approved March 2013

12. DM/16/03301/FPA - Construction of 4 No. lodges for children and adults with Autism – Approved February 2017

PLANNING POLICY

NATIONAL POLICY

13. The following elements of the National Planning Policy Framework (NPPF) are considered relevant to this proposal:
14. *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.
15. *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.
16. *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.
17. *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.
18. *NPPF Part 14 – Meeting the challenge of climate change, flooding and coastal change.* The planning system should support the transition to a low carbon future in a changing climate, taking full account of flood risk and coastal change. It should help to: shape places in ways that contribute to radical reductions in greenhouse gas emissions, minimise vulnerability and improve resilience; encourage the reuse of existing resources, including the conversion of existing buildings; and support renewable and low carbon energy and associated infrastructure.
19. *NPPF Part 15 - Conserving and enhancing the natural environment.* Planning policies and decisions should contribute to and enhance the natural and local environment.

<https://www.gov.uk/guidance/national-planning-policy-framework>

NATIONAL PLANNING PRACTICE GUIDANCE:

20. The Government has consolidated a number of planning practice guidance notes, circulars and other guidance documents into a single Planning Practice Guidance Suite. This document provides planning guidance on a wide range of matters. Of particular relevance to this application is the practice guidance with regards to; air quality; historic environment; design process and tools; determining a planning application; flood risk; healthy and safe communities; land affected by contamination; housing and economic development needs assessments; housing and economic land availability assessment; light pollution; natural environment; neighbourhood planning; noise; open space, sports and recreation facilities, public rights of way and local green space; planning obligations; travel plans, transport assessments and statements; use of planning conditions; and; water supply, wastewater and water quality.

<https://www.gov.uk/government/collections/planning-practice-guidance>

LOCAL PLAN POLICY:

The County Durham Plan

21. *Policy 6 – Development of 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 the character of 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; encourages the use of previously developed land and reflects priorities for urban regeneration.
22. *Policy 7 (Visitor Attractions)* supports the provision of new, or the expansion of existing attractions, provided they are: in sustainable and accessible locations or can be made so; are appropriate to the site’s location in terms of scale, design, layout and materials; can demonstrate viability of new attraction or helps support viability of existing attraction; enhances existing attractions and supports the visitor economy.

Where a countryside location is required, development should: meet identified visitor needs; support local employment and community services; ensure adequate infrastructure; and respect the character of the countryside.

23. *Policy 9 (Retail Hierarchy and Town Centre Development)* seeks to protect and enhance the hierarchy of Sub Regional, Large Town, Small Town, District and Local retail centres in the county
24. *Policy 10 Development in the Countryside.* Development in the countryside 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 the following exceptions; economic development, infrastructure development or the development of existing buildings. New development in the countryside must accord with all other relevant development plan policies and general design principles.
25. *Policy 21 Delivering Sustainable Transport* states that all development shall deliver sustainable transport by (in part) ensuring that any vehicular traffic generated by new development, following the implementation of sustainable transport measures, can be safely accommodated on the local and strategic highway network and does not cause

an unacceptable increase in congestions or air pollution and that severe congestion can be overcome by appropriate transport improvements.

26. *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.
27. *Policy 29 Sustainable Design* Requires all development proposals to achieve well designed buildings and places having regard to SPD advice and sets out detailed criteria which sets out that where relevant development is required to meet including; making a positive contribution to an areas character and identity; provide adaptable buildings; minimise greenhouse gas emissions and use of non-renewable resources; providing high standards of amenity and privacy; contributing to healthy neighbourhoods; providing suitable landscape proposals; provide convenient access for all users; adhere to the Nationally Described Space Standards (subject to transition period).
28. *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.
29. *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.
30. *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.
31. *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 and that development affecting valued landscapes will only be permitted where it conserves, and where appropriate enhances, the special qualities of the landscape, unless the benefits of the development in that location clearly outweigh the harm.

32. *Policy 40 Trees, Woodlands and Hedges* states that proposals will be expected to retain existing trees where they can make a positive contribution to the locality or to the development, maintain adequate standoff distances between them and new land-uses, including root protection areas where necessary, to avoid future conflicts, and integrate them fully into the design having regard to their future management requirements and growth potential.
33. *Policy 41 Biodiversity and Geodiversity* states that proposal for new development will not be permitted if significant harm to biodiversity or geodiversity resulting from the development cannot be avoided, or appropriately mitigated, or as a last resort, compensated for.
34. *Policy 43 - Protected Species and Nationally and Locally Protected Sites.* Development proposals that would adversely impact upon nationally protected sites will only be permitted where the benefits clearly outweigh the impacts whilst adverse impacts upon locally designated sites will only be permitted where the benefits outweigh the adverse impacts. Appropriate mitigation or, as a last resort, compensation must be provided where adverse impacts are expected. In relation to protected species and their habitats, all development likely to have an adverse impact on the species' abilities to survive and maintain their distribution will not be permitted unless appropriate mitigation is provided or the proposal meets licensing criteria in relation to European protected species.
35. *Policy 44 Historic Environment* seeks to ensure that developments should contribute positively to the built and historic environment and seek opportunities to enhance and, where appropriate, better reveal the significance and understanding of heritage assets. The policy advises on when harm or total loss of the significance of heritage assets can be accepted and the circumstances/levels of public benefit which must apply in those instances.
36. The site is not covered by any neighbourhood plans

CONSULTATION AND PUBLICITY RESPONSES

STATUTORY RESPONSES:

37. *DCC Highways* – Concerns raised as to how poor the site is in regards to accessibility to the wider highway network because of its remoteness. The site has a lack of pedestrian connections and no access for users to public transport options and is poorly related to local facilities. However, notwithstanding the sustainable merits of the site. The proposal is acceptable in highway safety terms subject to a carpark strategy management plan being conditioned if a lawful consent was granted for the site.

INTERNAL CONSULTEE RESPONSES:

38. *Spatial Policy* – The site is located outside of what would be regarded as the built-up area of the settlement of Burnhope. As a result, Policy 10 (Development in the Countryside) of the CDP is relevant to the determination of the application. Policy 10 states that development in the countryside 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 an exception listed in the policy. The exceptions are as follows:

- a. an existing agricultural or other existing rural land-based enterprise or associated farm diversification scheme, including the provision of new or the extension of existing building(s), structures or hard standings required for the functioning of the enterprise;
- b. the expansion of an existing business falling beyond the scope of a rural land based enterprise, where it can be clearly demonstrated that it is, or has the prospect of being, financially sound and will remain so;
- c. the establishment of a new agricultural or other rural land based enterprise which clearly demonstrates 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; or
- d. the undertaking of non-commercial agricultural activity which is located within or directly adjoining the applicant's existing residential curtilage which is of a scale commensurate to the incidental enjoyment of that existing dwelling.

It is considered that proposal would have a degree of alignment with the requirements set down under criteria 'a'. However, design, construction and scale should be suitable for and commensurate to the intended use and any resulting building(s), other structure(s) and hard standing(s) must be well related to the associated farmstead or business premises unless a clear need to ensure the effective functioning of the business. It would be a matter for the case officer in conjunction with specialist colleagues in design, landscape and highways to determine if the proposal is compliant with these requirements. In addition, the requirements under criteria 'l', 'o', 'p', 'q', 'r', 's' and 't' of Policy 10 would also need to be satisfied.

39. *Design and Conservation* – The subject site is not located within any designated conservation area, it does not contain any listed buildings, and it not within the setting of any designated heritage asset. Warland Farmhouse, bounding the site in the south, is identifiable on the 1st edition OS map c1860, and its footprint, that includes a gin-gang, is identical to that of today.

It therefore has some local historic interest, and despite being heavily and insensitively modernised following a 1980s conversion and renovation scheme, it is potentially a non-designated heritage asset (NDHA) but mainly for its historic interest and ties to local agricultural practices. The proposal to change the paddock directly behind the farmhouse into a car park will transform it from rural to suburban that would bring about harm to its current rural character.

The scheme considered at the earlier stage has been amended slightly, reducing the level of carparking with an earth bank and screen planting now provided along its south boundary to Warlands Farm.

In views approaching the farmhouse from the west the retention of the stone boundary wall plus the screening features and slight difference in levels, would be expected to negate the visual impact in the context of the farmhouse. Approaching from the east there would be no expected intervisibility on account of the intervening topography, hedgerows, trees, and vegetation along the side of the lane and the plot boundaries. By virtue of the retaining the general plan and layout to the rest of the development, the new buildings replacing existing beyond the car park, they would be anticipated to cause no greater harm to the setting of the farmhouse than the current situation. The best place to be able to understand and experience the conserved heritage values of the farmhouse is at close quarters in front of the building, that would be unchanged.

Given the above, the overall level of impact within the farmhouses setting is major given the scale of the development proposal but the effect not harmful. As such, no conflict is found with NPPF Section 16 (Conservation and Enhancement of the Historic

Environment) nor County Durham Plan Policy 44 (Historic Environment). The main impacts would appear to be wider planning policy based, given that the development would be in the open countryside, and landscape related, as the site is within the area of high landscape value where the proposals are intensive and transformative, that are matters for colleagues in the respective specialist teams to determine.

40. *Environmental Health (Nuisance Action Team)* – Acceptable subject to conditions relating to plant noise.
41. *Environmental Health (Contaminated Land)* – Acceptable subject to conditions relating to additional intrusive investigation and mitigation.
42. *Public Rights of Way Officer* – No objection, but safety measures may be needed where vehicles are proposed to cross the public footpath, and any diversion, no matter how slight, will need to be applied for under the appropriate legislation.
43. *Lead Local Flood Authority* – we as LLFA approve the principles of SuDS systems proposed for this development, but for the permeable paving we do not at this moment confirm we approve the design detail; from a Planning point of view would you accept the principles and approve the proposal based upon the principle of permeable surfacing being included? It would then be the responsibility of the design consultant to ensure the system works.
44. *Ecology* – There are no predicted impacts on protected species or Priority Habitats and Species.

Given the relatively small scale of the development we can deal with the BNG delivery through a condition rather than a legal agreement. Prior to commencement we will need a Biodiversity Management and Monitoring Plan and identification of the land to be used for “off-site” mitigation as per the Biodiversity Net Gain Assessment (E3 Ecology). Once built a revised metric will need to be produced showing net gains have been achieved (again see the E3 Ecology document).

Although we would normally want the off-site land clearly identified at this stage, suitable areas have been broadly identified (which could potentially generate a greater amount of biodiversity units than are predicted to be required) and the requirements of the condition will secure the details.

45. *Landscape* – The amendments made to the landscaping scheme are now acceptable subject to the maintenance and management plan.

EXTERNAL CONSULTEE RESPONSES:

46. *Northumbrian Water* have no comments to make.
47. *Durham Constabulary* have no objections but have provided a series of suggestions and recommendations to help create a safe and crime free development including lighting, door fittings, roller shutters, glazing specification and alarm systems.

PUBLIC RESPONSES:

48. Two representations have been received in response to the consultation exercise involving 40 individual letters, press and site notices. Both representations objected to the proposals on the basis of increased traffic, inadequate roads/pedestrian paths, increase in noise and pollution, and a drop in local property prices.

APPLICANT'S STATEMENT:

49. The fundamental aim at the heart of this development is to provide additional, wider training opportunities for NEAS's service users, who are young people and adults aged 19 and above with autism spectrum disorders (ASD) alongside other co-occurring learning difficulties and physical disabilities. Service users often have very complex needs and the New Warlands Farm training centre offers day services to these users, with multidisciplinary teams on hand at all time to assist with complex care needs, while also providing important training opportunities and work experience to users who have less complex needs and have the capacity to take up opportunities in formal employment settings.
50. The proposed development will offer a bespoke development which provides significantly enhanced training facilities for service users, taking advantage of the opportunities offered by the site and its agricultural surroundings to allow for managed and closely monitoring training and work experience in a working environment, which will benefit from visiting customers to the proposed small retail units, café, apple press and visitor centre. This development is only possible due to the co-location of the existing training centre next door, which provides the administrative and staffing functions required to maintain a safe and supported work environment for the service users within the new development. In addition, the development will provide 24 additional FTE jobs, generating a significant benefit for local people looking for employment; the shops and café will also supply goods sourced from local farms and suppliers, providing additional benefits to the wider economy and supply chain.
51. The applicant appreciates that the site is located in the open countryside and in a rural, sparsely populated part of County Durham. However, they are extremely disappointed that restrictive policy constraints within the adopted County Durham Plan Policy 10 are being applied in such a way that officers are recommending refusal of this application. We have provided DCC officers with a wealth of information which shows there are no other suitable locations that could accommodate this development, notwithstanding the fundamental issue that the scheme has to be co-located with the existing training centre. We have also demonstrated that the café and retail uses, which are the aspects of the development said to be in conflict with Policy 10, cannot be split apart from the rest of the development as the revenue generation they provide is necessary in order for NEAS to fund the additional training facilities at the heart of this development; they are not profit-generating uses with NEAS being a non-profit registered Charity. We consider that the development does meet the requirements of Policy 10.
52. It is our strong view that the nature of the proposed development and the significant social and economic benefits it provides to County Durham, the local community and most importantly the service users significantly outweigh the harm caused by the development. To conclude, NEAS are very disappointed that after several years of discussion with officers this application is being recommended for refusal, however they would politely urge members of the Committee to consider the circumstances of this development beyond the restrictive context of Policy 10; it would allow this important local charity (Head office in Chester-le-Street) to continue to provide support for the complex needs of autistic people, offering them vital opportunities to progress in wider society with work experience in a managed, but realistic commercial setting, and securing the future of the New Warlands Farm training centre. In that context, Paragraph 12 of the NPPF provides Members with the opportunity to approve the application despite the departure from the adopted Policy 10 requirements, and we would politely ask that they consider approving this application.

53. NEAS are thankful for the opportunity being offered by officers to take this application to Committee and will be looking forward to speaking at the meeting in April in support of 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=P8X9C0GDL8J00>

PLANNING CONSIDERATIONS AND ASSESSMENT

54. Section 38(6) of the Planning and Compulsory Purchase Act 2004 sets out that if regard is to be had to the development plan, decisions should be made in accordance with the development plan unless material considerations indicate otherwise. In accordance with advice within the National Planning Policy Framework (NPPF), the policies contained therein are material considerations that should be taken into account in decision making. Other material considerations include representations received. In this context, it is considered that the main planning issues in this instance relate to: the principle of the development, highway safety and access, layout and design, landscape and visual impact, heritage and archaeology, residential amenity, ecology, flooding and drainage, infrastructure and public open space, and other matters.

Principle of the Development

The Development Plan

55. Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The NPPF is a material planning consideration. The County Durham Plan (CDP) is the statutory development plan and the starting point for determining applications as set out in the Planning Act and reinforced at Paragraph 12 of the NPPF. The CDP was adopted in October 2020 and provides the policy framework for the County up until 2035.
56. Paragraph 11 of the NPPF establishes a presumption in favour of sustainable development. For decision taking this means:-
- c) approving development proposals that accord with an up to date development plan without delay; or
 - d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:
 - i) the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or,
 - ii) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.
57. Policy 6 of the County Durham Plan (CDP) supports development on sites which are 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, stating that such

development will be permitted provided it is compatible with uses 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.

58. However, as the site is not located within or adjacent to any existing settlement for planning purposes it is considered to be located within the open countryside and as such Policy 6 does not apply.
59. Policy 10 of the County Durham Plan seeks to control development within the Countryside and states that development will not be permitted unless allowed for by specific policies in the Plan (such as Policy 7 relating to visitor attraction), relevant policies within an adopted neighbourhood plan relating to the application site, or where the proposal relates to stated exceptions..
60. Policy 7 (Visitor Attractions) supports the provision of new, or the expansion of existing attractions, provided they are: in sustainable and accessible locations or can be made so; are appropriate to the site's location in terms of scale, design, layout and materials; can demonstrate viability of new attraction or helps support viability of existing attraction; enhances existing attractions and supports the visitor economy.
61. Where a countryside location is required, development should: meet identified visitor needs; support local employment and community services; ensure adequate infrastructure; and respect the character of the countryside.
62. As detailed above it is considered that the proposal could gain support from Policy 7 as a visitor attraction provided it meets the criteria as set out within that policy, which are as follows:
 - a. located in sustainable and accessible locations, or can be made so;
 - b. appropriate to the site's location in terms of scale, design, layout and materials;
 - c. it can demonstrate the viability of the new attraction or, where appropriate, helps support the viability of an existing attraction; and
 - d. it enhances and complements existing visitor attractions or priorities in the county and supports the development of a year-round visitor economy and/or extends visitor stays.Where a countryside location is necessary the development should:
 - e. meet identified visitor needs;
 - f. support local employment and community services;
 - g. ensure adequate infrastructure; and
 - h. respect the character of the countryside
63. In assessing these matters, it is considered that the proposal is acceptable in relation to criteria b, c, and h.

64. It is not considered that the proposal enhances/compliments any existing visitor attraction (criteria d) , as at present there is no visitor attractions on site, nor meets any county priorities for visitor attractions to develop year round visitor economy and/or visitor stays. In addition, there is no identified visitor need for the proposal (albeit there is a need for the charity work, this is not the test for this policy) (criteria e) , whilst the proposal will provide employment training opportunities for users of the charity, it will introduce town centre uses outside of the designated local centres (criteria f) and as such is considered to have a detrimental impact on the vitality and viability of the designated local centre, this is discussed in greater detail below.
65. In relation to criteria a and g – these are discussed in more detail below, however whilst the infrastructure the site will provide sufficient infrastructure on site to deal with visitors, the site will only be accessible by private motor vehicle.
66. It is therefore considered that the proposal is contrary to Policy 7 (d),(e) and (f).
67. In regard to the exceptions within Policy 10 of the County Durham Plan, it is considered that parts of the development could gain some support from exception (a) in relation to the elements that are directly land-based, and exception (b) provided that it can be established that the proposal is or has a potential to be financially sound. The applicants have submitted a projected financial assessment of the proposal that appears to make a number of prospective assumptions over aspirations of leasing out retail units and the cost of leasing the units per m², to make the scheme viable. However, these figures are only projections and do not appear to have the solidity of tenants signed up with preliminary lease agreements.
68. However, despite the above Policy 10 does contain a number of general principles for development in the Countryside which includes (i) which states that development must not give rise to harm to the intrinsic character, beauty and tranquillity of the countryside. In this regard it is considered that the introduction of a retail village and visitor attraction would harm the intrinsic character and tranquillity of the countryside due to the increase in traffic visiting the location.
69. Furthermore, exception (p) states that the development must not be reliant upon unsustainable modes of transport, and new development must exploit opportunities to make locations more sustainable through increasing access on foot, by cycle or public transport. In this regard and as discussed in greater detail below, the site is wholly reliant on private motor vehicles to access the site. The nearest active bus service stop is located approximately 0.9km to the West. There are no cycling or pedestrian links to the nearby settlements, nor does the proposal propose to introduce any.
70. It is therefore consider that the proposal is contrary to Policy 10 (i) and (p) of the Country Durham Plan.

Sustainable Development

71. The overriding objective of planning is to contribute to the achievement of sustainable development; this objective is echoed in the NPPF particularly as the presumption in favour of sustainable development is the golden thread running through the NPPF. In applying the presumption and in viewing the Government agenda to build more homes due regard must be had to the requirement to provide homes that meet the needs of the community and that are in the right location.
72. Considerable weight should be given to the fact that the authority can now demonstrate in excess of a five-year housing land supply but that does not override the requirement that is set out with the National Planning Policy Framework to ensure

that development is sustainable. The NPPF paragraph 8 sets out the three dimensions that form sustainable development, namely, economic, environmental and social. The three roles are mutually dependent and should not be taken in isolation.

73. Critically, paragraph 11 of the NPPF states that, for decision-takers, applying the presumption in favour of sustainable development means approving development proposals that accord with an up-to-date development plan without delay. Whilst paragraph 12 of the NPPF on the other hand stipulates that where a planning application conflicts with an up-to-date development plan, permission should not usually be granted. Local Planning Authorities may take decisions that depart from an up-to-date development plan, but only if material considerations in a particular case indicate that the plan should not be followed.
74. As detailed above the proposed development is located outside envelope of any settlement with no access to sustainable transport links, nor any safe pedestrian links between the nearest settlements and the site it is therefore considered that the site is in an unsustainable location wholly reliant on private motor vehicles contrary to Part 2 of the NPPF and the aspirations of paragraph 79 of the NPPF in supporting the vitality and viable of communities, and contrary to Policy 6 (f), Policy 21 and Policy 29 (m)(2) of the County Durham Plan .

Impact on the Designated Local Centres

75. Policy 9 (Retail Hierarchy and Town Centre Development) seeks to protect and enhance the hierarchy of Sub Regional, Large Town, Small Town, District and Local retail centres in the county, and states that “Proposals for town centre uses, as defined by National Planning Policy Framework (NPPF) not located within a defined centre, as shown on the policies map, will be required to provide a sequential assessment”, “Proposals for retail, as defined by NPPF, in excess of 400 sqm (gross) convenience or comparison floorspace, proposed outside of a defined centre, and that could impact on Small Town or Local Centres, will be required to provide an impact assessment in accordance with the guidance within the NPPF and the PPG” and “Where an application fails the sequential test or would have a significant adverse impact on investment or the vitality and viability of a town centre, it should be refused”
76. In this regard the proposal proposes approximately, 750sqm of retail space that are town centres uses as set out within the NPPF, the applicants have provided a sequential assessment of the totality of the proposal that show that there are no suitable locations within the designated centres to accommodate all the activities within the proposal. However, the sequential test does identify a host of vacant and empty retail units within the designated centres that could accommodate the retail elements of this proposal.
77. It is acknowledged that the applicants have stated that the income generated by the rent of the retail units will go towards funding the work of the charity. However, it is considered that host approximately 7 units that could be within the designated centres will have a detrimental impact on the vitality and viability of those centres, and having a destination venue outside of any settlement will discourage people from visiting the designated centres, potentially further reducing the footfall to the existing businesses within those centres, contrary to the aspirations of Policy 9 and Part 7 of the NPPF.

Principle of development summary

78. It is therefore considered that the proposal would be contrary to Policies 6, 7, 9, 10, 21, and 29 of the County Durham Plan due to the location of the site being within an unsustainable location within the Countryside, that is wholly reliant on private motor

vehicles, and would introduce a retail village, that is considered to have a detrimental impact on the vitality and viability of the Counties existing nearby designated centres.

Sustainability and Energy Efficiency

79. Policy 29 of the County Durham Plan criteria c and d require that developments should seek to minimise greenhouse gas emission by seeking to achieve zero carbon buildings and provide renewable and low carbon energy generation and should minimise the use of non-renewable and unsustainable resources.
80. The application has been supported by a BREEAM pre-assessment report that provides details how it is intended the development would achieve a 'very-good' rating on the BREEAM scale, as such it is considered that subject to an appropriate condition to secure this rating it is considered that the proposal is acceptable in regard to the provision of Policy 29 c d and o.

Highways Safety and Access

81. Policy 21 of the CDP outlines that development should not be prejudicial to highway safety or have a severe cumulative impact on network capacity. It also expects developments to deliver well designed pedestrian routes and sufficient cycle and car parking provision. Similarly, Policy 29 advocates that convenient access is made for all users of the development together with connections to existing cycle and pedestrian routes. Specifically, the NPPF sets out at Paragraph 110 that safe and suitable access should be achieved for all people. In addition, Paragraph 111 of the NPPF states that development should only be refused on transport grounds where the residual cumulative impacts on development are severe.
82. The Council's Highway Engineers have assessed the proposal and offered no objections in relation to highway and pedestrian safety subject to a car park management strategy. It is therefore considered the proposal can achieve a safe means of access. The scheme is therefore acceptable in this regard.
83. However, policy 21(a) also requires that all development delivers, accommodates and facilitates investment in safe sustainable modes of transport for people with mobility issues or disabilities, walking, cycling, bus and rail transport. In this regard and as detailed above, the site due to its location is primarily reliant on private motor vehicles to access facilities, with no pedestrian access or sustainable public transport link..
84. In light of the above it is considered that the proposal is contrary to Policy 21(a) of the County Durham Plan, and Part 9 of the NPPF.

Layout and Design

85. Policy 29 of the CDP outlines that development proposals should contribute positively to an area's character, identity, heritage significance, townscape and landscape features, helping to create and reinforce locally distinctive and sustainable communities. Parts 12 and 15 of the NPPF also seek to promote good design, while protecting and enhancing local environments. Paragraph 130 of the NPPF also states that planning decisions should aim to ensure developments function well and add to the overall quality of the area and establish a strong sense of place, using streetscapes and buildings to create attractive and comfortable places to live, work and visit.
86. It is considered that the overall layout and design of the proposal is in keeping with the character and appearance of the rural setting with the buildings broadly reflecting

agricultural buildings albeit with a more contemporary appearance to certain building such as the café.

87. It is therefore considered that the proposal is acceptable in terms of the design and layout are acceptable in line with Policy 29 of the CDP, and Parts 12 and 15 of the NPPF.

Landscape and Visual Impacts

88. Policy 39 of the County Durham Plan 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 would be expected to incorporate appropriate measures to mitigate adverse landscape and visual effects. Policy 26 outlines developments are expected to provide new green infrastructure and ensure provision for its long-term management and maintenance. Similar requirements are outlined in Policy 29. Policy 40 seeks to avoid the loss of existing trees and hedgerows unless suitable replacement planting is provided. Parts 12 and 15 of the NPPF promotes good design and sets out that the planning system should contribute to and enhance the natural and local environment by (amongst other things) recognising the intrinsic character and beauty of the countryside.
89. The Council's Landscape Section have considered the application and confirmed that the development following the amendments to the scheme would not have a detrimental impact on the character of the landscape when viewed from key receptors. As such it is considered that the development would be acceptable in accordance with Policy 39 of the County Durham Plan and paragraph 130 of the NPPF subject to appropriate condition.

Heritage and Archaeology

90. Policy 44 of the CDP sets out development will be expected to sustain the significance of designated and non-designated heritage assets, including any contribution made by their setting. Development proposals should contribute positively to the built and historic environment and should seek opportunities to enhance and, where appropriate, better reveal the significance and understanding of heritage assets whilst improving access where appropriate.
91. The NPPF advises that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification.
92. Paragraph 203 of the NPPF states "The effect of an application on the significance of a non-designated heritage asset (NDHA) should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.
93. The Design and conservation team have confirmed that the application site is not a listed building not part of a designated heritage asset but is considered to be a NDHA. Having considered the proposals the Design and Conservation team have confirmed that impacts of the development will have a neutral impact on the significance of the NDHA, and therefore in accordance with Policy 44 of the CDP and Part 12 of the NPPF.

Residential Amenity

94. Policies 29 and 31 of the CDP outline that developments should provide high standards of amenity and privacy, minimise the impact of development upon the occupants of existing adjacent and nearby properties and not lead to unacceptable levels of pollution. A Residential Amenity Standards Supplementary Planning Document (SPD) has also been adopted by the Council. The aforementioned policies and SPD can be afforded significant weight. Parts 12 and 15 of the NPPF, which require that a good standard of amenity for existing and future users be ensured, whilst seeking to prevent both new and existing development from contributing to, or being put at unacceptable risk from, unacceptable levels of pollution.
95. Guidance within the SPD advocates separation distances of 21m between facing principal elevations and 18m between bungalows, 13m between principal and two storey gable elevations and 10m to a single storey. It is advised that additional separation may be required where there are changes in levels across a site.
96. There are 2no. dwellings within close proximity to the proposal, the closest of which is approximately 15.0m from the main car park, and as such consideration will be needed to ensure that the activities within the car park do not cause undue detrimental impact on the residential amenity of this property.
97. The application has been supported by a noise assessment that has concluded that the activities within the proposal and the car park, will not have a detrimental impact in terms of noise nuisance on the neighbouring property, whilst a comprehensive landscaping screen is proposed to screen the development from the neighbours.
98. As such, and given the Environmental Health team have offered no objections to the proposal, subject to a condition, it is considered that the development will not have a significant detrimental impact on the residential amenity of any nearby dwelling, in accordance with Policies 29 and 31 of the CDP, Part 12 of the NPPF, and the Residential Design SPD.

Ecology

99. Policies 41 and 43 of the CDP seek to secure net gains for biodiversity and coherent ecological networks. Policy 43 relates to protected species and nationally and locally protected sites. Part 15 of the NPPF seeks to ensure that developments protect and mitigate harm to biodiversity interests, and where possible, improve them.
100. The application has been supported by an Ecology assessment that has been assessed by the Council's Ecology team. They have confirmed the assessment is acceptable and that subject to conditions.

Flooding and Drainage

101. Policies 35 and 36 of the CDP relate to flood water management and infrastructure. Policy 35 requires development proposals to consider the effects of the scheme on flood risk and ensure that it incorporates a Sustainable Drainage System (SuDs) to manage surface water drainage. Development should not have an adverse impact on water quality. Policy 36 seeks to ensure that suitable arrangements are made for the disposal of foul water. National advice within the NPPF and PPG with regard to flood risk advises that a sequential approach to the location of development should be taken with the objective of steering new development to flood zone 1 (areas with the lowest probability of river or sea flooding). When determining planning applications, local

planning authorities should ensure flood risk is not increased elsewhere and only consider development appropriate in areas at risk of flooding where a sequential test and some instances exception test are passed, informed by a site-specific flood risk assessment.

102. The Lead Local Flood Authority (LLFA) have assessed the scheme and concluded that the scheme is acceptable in principle although some concerns are raised in relation to the permeable paving. The LLFA have concluded that the scheme is satisfactory, but the onus would be on the drainage engineer to ensure the proposal is implemented and suitable.

Public Sector Equality Duty

103. Section 149 of the Equality Act 2010 requires public authorities when exercising their functions to have due regard to the need to i) the need to eliminate discrimination, harassment, victimisation and any other prohibited conduct, ii) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it and iii) foster good relations between persons who share a relevant protected characteristic and persons who do not share that characteristic.
104. In this instance, officers have assessed all relevant factors and do not consider that there are any equality impacts identified.

CONCLUSION

1. Section 38(6) of the Planning and Compulsory Purchase Act 2004 sets out that planning applications be determined in accordance with the development plan unless material considerations indicate otherwise.
2. In summary, it is considered that the development due to its location within the countryside, and the nature of the non-related retail elements of the proposal, that the proposal would be contrary to Policies 6, 7, 9, 10, 21 and 29 of the County Durham Plan, and Parts 2, 6, 7, 9 and 12 of the NPPF.

RECOMMENDATION

That the application be **REFUSED** for the following reasons:

1. The development is considered by virtue of its nature and location, to be an inappropriate form of development within the Countryside, that would be wholly reliant upon private motor vehicles, with no access to sustainable travel links, or safe pedestrian footpath links contrary to Policy 6, 10, 21 and 29 of the Country Durham Plan and Parts 2 and 9 of the NPPF.
2. The development proposes to introduce town centre retail uses within the Countryside, and outside of any designated centre despite evidenced available vacant units, which is considered will have detrimental impact on the vitality and viability of the local centres, by encouraging visitors to this standalone retail village, that it considered may result in a further reduction in footfall to the local centres, and result in a further decline in the rate of vacancies and the longevity of those local centres contrary to Policy 9 of the County Durham Plan and Part 7 of the NPPF.

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

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

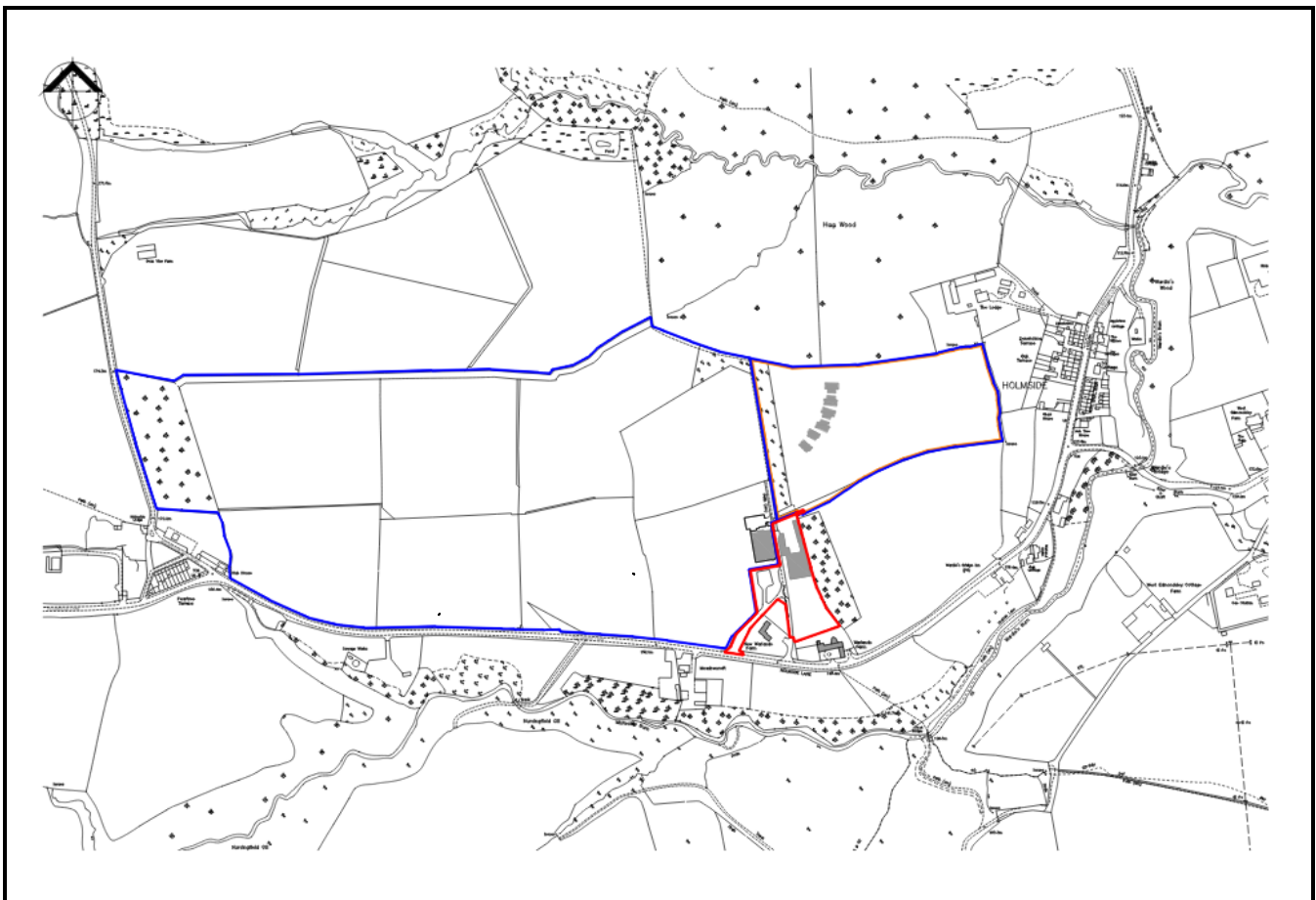
Statutory, internal and public consultation responses

The National Planning Policy Framework

National Planning Practice Guidance Notes

County Durham Plan

Residential Amenity Standards SPD (2022)



Planning Services	New Warlands Farm Holmside Lane Burnhope	
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	Date 14 th April 2023	Scale NTS