

# COMMITTEE REPORT

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### APPLICATION DETAILS

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<b>APPLICATION No:</b>	4/13/00079/OUT
<b>FULL APPLICATION DESCRIPTION:</b>	Outline application for the erection of 9 executive dwellings, including means of access.
<b>NAME OF APPLICANT:</b>	Mr and Mrs Coates
<b>ADDRESS:</b>	Land At Langley Wood House Sleetburn Lane Langley Moor Durham
<b>ELECTORAL DIVISION:</b>	Brandon
<b>CASE OFFICER:</b>	Steven Pilkington, Senior Planning Officer, 03000 263964, <a href="mailto:steven.pilkington@durham.gov.uk">steven.pilkington@durham.gov.uk</a>

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### DESCRIPTION OF THE SITE AND PROPOSALS

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1. The application site is located within the Durham Green Belt to the east of Langley Moor. The site is adjacent to open fields, separated by pockets of woodland and vegetation, to the north east a group of farm buildings and the ribbon development of Sleetburn Lane is located. The building of Langley Old Hall Farm lies immediately to the south, access to the site is provided off Sleetburn Lane.
2. Outline Planning Permission including the means of access is sought for the erection of 9 executive dwellings. Although all other matters remain reserved at this stage, it is indicated that the development would be arranged around a large cul-de-sac with a woodland buffer to the north and northeast of the site. It is also indicated that the dwellings would be substantial and two storey in scale, occupying a plot size averaging 1100m<sup>2</sup>.
3. This application is being reported to Planning Committee at the request of the Local Councillor for the Bowburn area.

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### PLANNING HISTORY

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4. There is no relevant planning history associated with this site.

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### PLANNING POLICY

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#### NATIONAL POLICY

5. 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.

6. The presumption in favour of sustainable development set out in the NPPF requires local planning authorities to approach development management decisions positively, utilising twelve 'core planning principles'.
7. In accordance with paragraph 215 of the National Planning Policy Framework, the weight to be attached to relevant saved local plan policy will depend upon the degree of consistency with the NPPF. The greater the consistency, the greater the weight. The relevance of this issue is discussed, where appropriate, in the assessment section of the report below.
8. The following elements of the NPPF are considered relevant to this proposal;
9. *NPPF Part 1 – Building a strong, competitive economy.* The Government is committed to securing economic growth in order to create jobs and prosperity, building on the country's inherent strengths, and to meeting the twin challenges of global competition and of a low carbon future.
10. *NPPF Part 3 – Supporting a prosperous rural economy.* Planning policies should support economic growth in rural areas in order to create jobs and prosperity by taking a positive approach to sustainable new development.
11. *NPPF Part 4 – Promoting sustainable transport.* Transport policies have an important role to play in facilitating sustainable development but also in contributing to wider sustainability and health objectives. Smarter use of technologies can reduce the need to travel. The transport system needs to be balanced in favour of sustainable transport modes, giving people a real choice about how they travel. However, the Government recognises that different policies and measures will be required in different communities and opportunities to maximise sustainable transport solutions will vary from urban to rural areas.
12. *NPPF Part 6 - Delivering a wide choice of high quality homes.* To boost significantly the supply of housing, applications should be considered in the context of the presumption in favour of sustainable development.
13. *NPPF Part 7 – Requiring Good Design.* The Government attaches great importance to the design of the built environment, with good design a key aspect of sustainable development, indivisible from good planning.
14. *NPPF Part 8 – Promoting Healthy Communities.* The planning system can play an important role in facilitating social interaction and creating healthy, inclusive communities. Developments should be safe and accessible, Local Planning Authorities should plan positively for the provision and use of shared space and community facilities. An integrated approach to considering the location of housing, economic uses and services should be adopted.
15. *NPPF Part 9 – Green Belts.* The Government attaches great importance to Green Belts. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence.
16. *NPPF Part 10 – Climate Change.* Meeting the challenge of climate change, flooding and coastal change. Planning plays a key role in helping shape places to secure radical

reductions in greenhouse gas emissions, minimising vulnerability and providing resilience to the impacts of climate change, and supporting the delivery of renewable and low carbon energy and associated infrastructure. This is central to the economic, social and environmental dimensions of sustainable development.

17. *NPPF Part 11 – Conserving and enhancing the natural environment.* The planning system should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes, geological conservation interests and soils; recognising the wider benefits of ecosystem services; minimising impacts on biodiversity and providing net gains in biodiversity where possible, contributing to the Government’s commitment to halt the overall decline in biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures; preventing both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels of soil, air, water or noise pollution or land instability; and remediating and mitigating despoiled, degraded, derelict, contaminated and unstable land, where appropriate.

#### **LOCAL PLAN POLICY:**

18. *Saved Policy E1 – Durham City Green Belt* - Sets out that within the defined Green Belt the construction of new buildings is considered inappropriate unless it is for agricultural or forestry activities, essential sport and recreation facilities, replacement of an existing dwelling and the re-use conversion of an existing building.
19. *Saved Policy E7 – Development Outside Settlement Boundaries* – Seeks to limit new development in the open countryside
20. *Saved Policy E14 – Trees and Hedgerows* – sets out that development proposals should retain important trees and hedgerows wherever possible.
21. *Saved Policy E16 – Nature Conservation* – Seeks to ensure that mitigation measures to minimise unacceptable adverse effects on identified nature conservation interests that cannot be avoided.
22. *Saved Policy E24 – Archaeological Remains* – Sets out that the council will ensure that prior to the development commencing an appropriate programme of archaeological investigation, recording and publication has been made.
23. *Saved Policy H5 – New Housing in the Countryside* – Sets out that new build housing development will only be permitted where it is essential that a person needs to live near their place of work.
24. *Saved Policy T1 – General Transport Policy* – Requires all developments to protect highway safety and/or have significant affect on the amenity of occupiers of neighbouring properties.
25. *Saved Policy T10 – Parking Provision* – Sets out that off street car parking should not exceed 1.5 spaces per dwelling to promote sustainable transport choices.
26. *Saved Policy Q1 – General Design Principles* – Requires development proposals to take into account personal safety, crime prevention and access needs for people with disabilities
27. *Saved Policy Q2 - General Design Principles* – Should embody the principles of sustainability and prevent conflict between, pedestrians, cyclists and motorists

28. *Saved Policy Q5 – Landscaping* – Requires that development proposals provide a high standard of landscaping on site.
29. *Saved Policy Q8 – Residential Layout* – Sets out design criteria that every residential property should comply with, including the requirement for suitable amenity areas and privacy for each dwelling, provide safe access onto the site, while be being appropriate in scale and character of the surrounding area.
30. *Saved Policy Q15 – Art in Design* – Identifies that the council will seek to ensure that provision is made for artistic elements in the design of developments and where appropriate seek the provision of 1% of development costs for offsite art provision.
31. *Saved Policy U8a – Disposal of foul and surface water* – Development should include satisfactory arrangements for the disposal of foul and surface water.
32. *Saved Policy U11- Contaminated Land* – Require development proposals to assess the level of land contamination and take appropriate mitigation measure to deal with any contamination.

*The above represents a summary of those policies considered most relevant in the Development Plan the full text, criteria, and justifications of each may be accessed at <http://www.cartoplus.co.uk/durham/text/00cont.htm>.*

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## **CONSULTATION AND PUBLICITY RESPONSES**

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### **STATUTORY RESPONSES:**

33. Highways – Offer no objections to the scheme

### **INTERNAL CONSULTEE RESPONSES:**

34. Coal Authority – Raise no objection subject to a condition requiring the carrying out of a site investigation before development commences.
35. Landscape – Consider that the proposal would have an adverse impact on the Green Belt and has the potential to adversely affect Langley Wood.
36. Northumbrian Water – Raise no objections.
37. Rights of Way Officer – Raise no objections.
38. Environmental Health Officer – Offers no objections, but request details of noise and dust suppression should planning permission be granted.
39. Drainage Officer – No Response Received
40. Arboricultural Officer – No objection subject to a tree constraints plan being submitted prior to development commencing.
41. Planning Policy – Consider that the proposal should not be supported in principle given that it is located in the Green Belt and countryside contrary to saved local plan policies

E1, E7 & H5 and the NPPF paragraphs 55, 87 to 89. Furthermore, this site has been considered in some detail through the Non-strategic Green Belt Modifications Evidence Paper Sept 2012 which informs the development of the County Durham Plan and recommends that the site is not deleted from the Green Belt given its development would adversely affect the openness of the Green Belt. The proposed site would also form an uncontained extension separated from the main settlement of Langley Moor and would not consolidate any settlement boundary. In terms of sustainability, the site is separate from the main settlement with implications for access to services and facilities.

42. Environment Agency – Offer no objections to the scheme following the submission of additional information.
43. Archaeology Officer – Recommends that a scheme of Archaeological work be implemented prior to development commencing.
44. Ecology Officer – Offers no objections subject to the provision of a buffer to the woodland as demonstrated on the amended plan.

#### **PUBLIC RESPONSES:**

45. Neighbouring residents have been notified by individual notification letters, site notice and press notice. In total 7 letters of objection have been received relating to:-
  - Impact on Green Belt
  - Principle of development
  - Highway Safety
  - Sustainability of the site
  - Ecological Impact
  - Localised Flooding
  - Visual Impact
  - Impact on character of the area
  - Loss of amenity
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46. In addition to this 15 letters of support have been received highlighting the benefits of the development, including the economic benefit of providing executive housing and the minimal visual impact of the development.

#### **APPLICANTS STATEMENT:**

47. The development will relate to the erection of 9 executive dwellings helping meet a significant undersupply of executive housing within the county, which is having a detrimental impact on economic growth. The need to provide executive housing is therefore of strategic importance and the proposals which deliver housing should be afforded significant weight.
48. This development will bring investment and important economic benefits to the area, including:-
  - An economic impact from construction expenditure of £10,224,000
  - An estimated annual economic impact from consumer spending generated by the properties is £667,724
  - Additional annual Council Tax receipts of around £28,008
49. The proposals are sustainable, accessible and capable of being accommodated without significant risk to highway safety

50. Overall it is considered that the site does create a critical mass within a physical context that gives a prestigious identity that can stand out and be differentiated from the general housing sites and other executive sites in the region. These reasons amount to the very special circumstances to allow the approval of the proposed development within the Green Belt.

*The above represents a summary of the comments received on this application. The full written text is available for inspection on the application file which can be viewed at:*

[http://publicaccess.durhamcity.gov.uk/publicaccess/tdc/DcApplication/application\\_detailview.aspx?caseno=MHHFSABN5B000](http://publicaccess.durhamcity.gov.uk/publicaccess/tdc/DcApplication/application_detailview.aspx?caseno=MHHFSABN5B000)

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## **PLANNING CONSIDERATIONS AND ASSESSMENT**

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51. Having regard to the requirements of Section 38(6) of the Planning and Compulsory Purchase Act 2004, the relevant Development Plan policies, relevant guidance and all other material planning considerations, including representations received, it is considered that the principal material planning considerations raised relate to the principle of development, visual amenity and impact on openness of Green Belt, highways safety, impact on amenity of neighbouring land users, and ecological interests.

### **The Principle of Development**

52. The application site is located within the open countryside and within the North Durham Green Belt, as defined in the Durham City Local Plan Proposals Map. Saved Policy E1 of the Local Plan seeks to limit development within the Green Belt to protect its purpose, openness and visual amenity, in addition to this policy H5 of the Local Plan sets out that new housing within the open countryside will only be permitted where it would serve a functional need for a person to live near their place of work. The proposed development would therefore conflict with these policies of the Durham City Local Plan.
53. However when determining applications, all material considerations need to be taken into account, in this instance the key considerations include the NPPF and the emerging County Durham Plan (CDP), including the evidence base behind it. In considering these it is noted that the NPPF sets out that the government attaches significant importance to Green Belts, setting out that a fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. The essential characteristics of Green Belts are their openness and their permanence, paragraphs 87 to 88 of the NPPF seeks to protect Green Belts from inappropriate and harmful development unless there are very special circumstances.
54. In this instance the special circumstance that has been put forward by the applicant is the council's aspiration to provide executive dwellings. In preparation of the County Durham Plan the council has produced a Strategic Housing Market Availability Assessment, which along with wider evidence papers has identified that there is a lack of executive housing in the County and considers this to be an inhibitor to economic growth. The council has sought to address the deficiency through the provision of a strategic executive housing site at Lambton Estate, Chester-le-Street, this is embodied within policy 12 of the CDP (pre submission version), as endorsed by cabinet members. Although the focus of executive housing delivery is proposed to be at Lambton Policy 13 of the CDP does not preclude executive housing at other sites. It is however envisaged that sites would be in existing built up areas or allocated through the Local Plan or Neighbourhood Plans while conforming to a set criteria. In assessing the development against the proposed criteria the proposal would fail to satisfy policy 13 being located on a Greenfield site, separated from an existing settlement, served by limited public transport. However these policies can only be given limited weight at this time given the current status of the CDP.

55. Paragraphs 7-10 of the NPPF outline that there are three dimensions to sustainable development: economic, social and environmental, roles, which should be sought jointly and simultaneously. In considering this matter, it is clear as set out above, that the council has outlined its desire to provide for executive housing within the County, principally for the potential economic benefits that developments of this nature would bring contributing to the economic element required by the NPPF. It is accepted that the proposed development would have economic benefits; these however on balance are considered marginal in the wider context, particularly considering the contribution of the larger strategic approach to executive housing.
56. The council is also seeking to plan positively and pragmatically for the delivery of executive housing within the county to meet the identified shortfall, which is expected to be brought forward in a reasonable timescale. In addition to this the council can demonstrate a 5 year supply of available, deliverable sites which could facilitate executive housing, before the adoption of the CDP. It is also considered that this specific proposal would make relatively little contribution to the supply of housing land and given the strategic approach it is considered there is no overriding need to develop this site. It is considered that the provision of executive housing in the CDP will meet the social element of sustainable development.
57. The NPPF requires that development should be located where it will maintain or enhance existing community facilities, while developments should be located where the need to travel, particularly by the private motor car, will be minimised. The application site is separated from the main settlement of Langley Moor, which has implications in terms of accessibility to existing services and facilities. However it is recognised that there are public transport links to the site while it would be feasible to walk into Langley Moor to access services, a strategic cycle link is also in proximity of the site. Notwithstanding this reservations are made regarding the accessibility of the site in comparison to more central locations and the likely reliance on private transport.
58. Overall the provision of additional housing and delivering economic growth are key aspects of government policy in the NPPF, contributing to the delivery of sustainable development. However the NPPF directs that the promotion of growth and development should not be at the expense of other elements of sustainable development. In particular in this instance the environmental role to protect and enhance the natural environment, including the protection of the Green Belt and open countryside. Given the strategic provision of executive housing within the county it is considered that on balance the proposal would not amount to the very special circumstances required to justify inappropriate development within the Green Belt or would overcome the harm to the openness of the Green Belt and open countryside. In principle the development is therefore not considered to represent sustainable development when assessed against all elements of the NPPF, particularly the environmental element of sustainable development.

### **Visual amenity and impact on openness of the countryside and Green Belt**

59. Saved policies E1 and E7 of the Local Plan seek to preserve the openness and visual amenity of the Green Belt. This is replicated in the NPPF which sets out that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and permanence.
60. The application site is located within the North Durham Green Belt, which in this location is characterised by open fields separated by pockets of woodland and vegetation, the site

also backs on to an area of designated Ancient Woodland. A number of farm buildings in the ribbon development of Sleetburn Lane are located to the north east of the site.

61. The site currently constitutes an undeveloped Greenfield Site, and approval of the development would change the character and appearance of the site by definition. The applicant has attempted to demonstrate that a comprehensive landscape scheme could be implemented on site to mitigate views of the development from a number of key vantage points. In appraising this issue, it is accepted that the views of the site would be restricted from wider vantage points within the Green Belt due to existing vegetation and the indicated additional planting. Views of the development would be achievable in closer proximity to the access of the site, although softened slightly through the indicated planting. However, notwithstanding the potentially limited wider views the development would still substantially alter the open nature of the site in itself and therefore would have an adverse effect on the openness of the Green Belt, while representing an uncontained extension of development separated from the main settlement of Langley Moor.
62. This matter has been given previous consideration through the CDP process in the preparation of the Non Strategic Green Belt Deletions evidence paper. This paper considered the suitability of the removal of sites from the Green Belt which represented anomalies or offered a rationalisation of boundaries. However following input from landscape colleagues this site was not considered suitable to be removed as it would have an adverse effect on the openness of the greenbelt.
63. It is therefore considered that the existing site does contribute to the purposes of including land within the Green Belt and the erection of the dwellings would represent an expansion of the built up area and an encroachment of development into the countryside. The proposal would therefore be contrary to policies E1 and E7 of the Local Plan and Part 9 of the NPPF impacting upon the visual amenity and openness of the Green Belt and the open countryside.

### **Highway Safety**

64. The proposed access forms part of this outline application for the authority to consider its suitability, objections have been raised from local residents regarding the appropriateness of the proposed access and the potential impact on highway safety.
65. Saved Policy T1 of the local plan requires that development proposals achieve a satisfactory means of access onto the wider highway network. In considering this matter consultation has been held with the Highway Authority who raise no objection to the scheme due to the visibility achievable and the likely speeds on the road. It is accepted that the proposed development would increase the traffic to and from the site which would lead to a loss of amenity to neighbouring residents. However this is not considered sufficient to justify a reason for refusal given the low density of the scheme and the capacity of the highway network.

### **Impact on amenity of adjacent landusers**

66. Saved policy Q9 of the Local Plan highlights that residential developments should protect the amenities of neighbouring residents. Although this scheme is an outline application, the indicative site layout would achieve the minimum separation distances of 21m between habitable room windows of existing and proposed properties, as advocated in the Local Plan. A loss of amenity is therefore not considered to arise for local residents in this respect.
67. A reduction in outlook would be experienced from neighbouring residential properties, however the proposed development is not considered to lead to an overbearing impact as



the nearest property is located in excess of 26m away, while the loss of a view is not a material planning consideration. During construction there would be noise and disturbance created, however a condition could be imposed to limit the working hours on site with a scheme of dust suppression.

## **Ecology**

68. Paragraph 11 of the NPPF and policy E16 of the Local Plan requires Local Planning Authorities to take into account, protect and mitigate the effects of development on Biodiversity Interests. In this instance the applicant has submitted ecology survey reports and assessed the potential impacts of the development on protected species. In considering these reports in detail and receiving an amendment to the indicative layout the councils Ecology Officer offers no objection to the scheme. Therefore overall it is considered the granting of Planning Permission would not constitute a breach of the Conservation Habitats, & Species Regulations 2010

## **Other Issues**

69. The development is proposed to be located in close proximity to existing coal mining features and hazards. The Coal Authority considers that subject to a detailed site investigation and appropriate remedial measures it is unlikely that the development would be affected by potentially unstable land. The submitted desktop study highlights that there is unlikely to be any significant risk of contaminants being present on the site, again subject to a detailed site investigation.
70. Saved policy U8a of the Local Plan requires consideration be given to issues regarding flooding particularly from surface water run off while requiring that developments adequately dispose of foul water. Objections have also been received in relation to localised flooding in the area and pollution of a nearby watercourse. Consideration has therefore been given to this matter through the preparation of a flood risk assessment and a drainage assessment. Accordingly consultation has been held with the Environment Agency, who offer no objections following the preparation of an additional technical report. After visiting the site it is also considered unlikely that the development would lead to any additional localised flooding issues given the land levels and likely flow of water, while a condition could fully deal with surface water run off and means of drainage.
71. Saved Policy E24 sets out that the council will ensure that prior to the development commencing an appropriate programme of archaeological investigation, recording and publication has been made. Accordingly after appraising the application the councils archaeological officer recommends a suitably worded condition
72. Saved Policy Q15 of the Local Plan identifies that the council will seek to ensure that provision is made for artistic elements in the design of developments and where appropriate seek the provision of 1% of the construction costs for offsite art provision. Thresholds are set of either 10 dwellings or a site area of 0.5ha, the latter of which would be applicable to this development. No provision has been made for public art in this application. The policy highlights that it is preferable for art installations to be incorporated into the development, where this is not feasible an off site contribution through a s106 agreement may be sought. It is therefore considered that this issue could be dealt with by a condition and therefore would not warrant an additional reason for refusal.

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## **CONCLUSION**

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73. The proposed scheme has been assessed against the policy documents identified above. Although the applicant has resolved a number of outstanding detailed issues, it is considered that in principle the benefits potentially arising from the scheme would not outweigh the strong policy presumption against inappropriate development within the Green Belt and countryside. Development of the application site would by definition impact upon the openness of the Green Belt and would represent an encroachment into the countryside. It is therefore considered that the application conflicts with policies E1, E7 and H5 of the Durham City Local Plan, which is considered consistent with the NPPF in this respect.

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## **RECOMMENDATION**

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That the application is **Refused** for to the following reasons:-

1. The development represents inappropriate development within the Durham City Green Belt without special circumstances to justify otherwise, adversely impacting on its purposes, openness and visual amenity, contrary to Part 9 of the National Planning Policy Framework and policy E1 of the City of Durham Local Plan 2004.
2. The development would result in an encroachment in the open countryside impacting upon its character, openness and visual amenity, contrary to policies E7 and H5 of the City of Durham Local Plan 2004 and paragraph 17 of the National Planning Policy Framework.

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## **STATEMENT OF PROACTIVE ENGAGEMENT**

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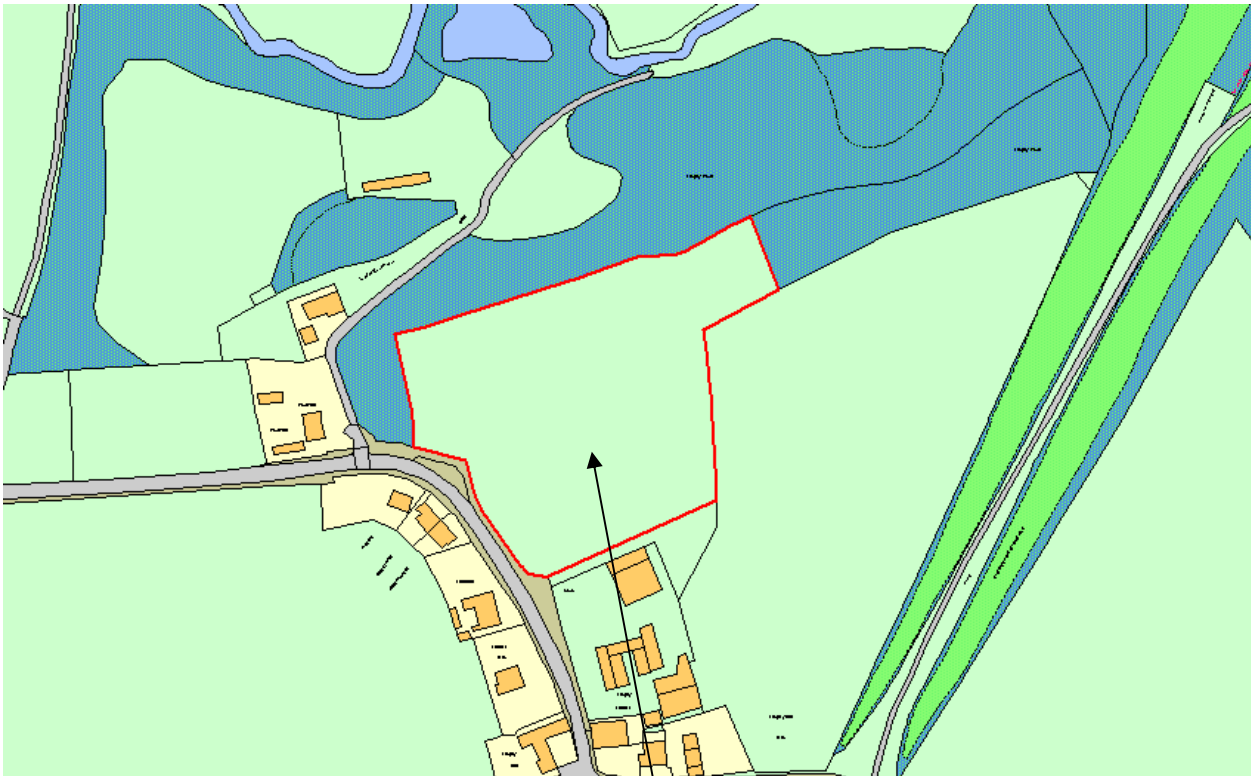
74. In dealing with the application, the Local Planning Authority has worked with the applicant in a positive and proactive manner based on seeking to resolve outstanding issues during the application process, although disagreeing on the principle of development.

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## **BACKGROUND PAPERS**

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Submitted Application Forms, Plans and supporting documents  
National Planning Policy Framework  
County Durham Plan (pre submission version)  
Strategic Housing Market Availability Assessment 2013  
Non-Strategic Green Belt Modifications Evidence Paper  
Response from Highway Authority  
Response from Landscape Officer  
Response from Environmental Health  
Response from Public Rights of Way Officer  
Response from Coal Authority  
Response from Planning Policy  
Response from Ecology  
Response from Environment Agency  
Response from Archaeology  
Public Consultation Responses



Application Site



**Planning Services**

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**Comments**

**Date** 29 August 2013

**Scale** 1:2500