

Planning Services

COMMITTEE REPORT

APPLICATION DETAILS

APPLICATION NO:	CE/13/00752/OUT
FULL APPLICATION DESCRIPTION:	Residential Accommodation for Over 55's and care Home / EMI Facilities and Access Road
NAME OF APPLICANT:	Brett Bros Developments
ADDRESS:	Land to the East of Aldridge Court, Ushaw Moor, County Durham, DH7 7RT
ELECTORAL DIVISION:	Deerness
CASE OFFICER:	Allan Fenwick

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DESCRIPTION OF THE SITE AND PROPOSALS

The Site

1. The application site relates to a field used for the grazing of horses within the open countryside and designated Green Belt outside the settlement of Ushaw Moor and to the east of Aldridge Court.

The Proposals

- Outline planning permission with all matters reserved is sought for the construction of 96 flats comprising 66 one-bedroom and 30 two-bedroom apartments in a range of two, two and a half and three storey buildings with associated Elderly Mentally Infirm (EMI) facility and access road.
- 3. The application is brought before members as the scheme represents a major development.

PLANNING HISTORY

4. N/A

PLANNING POLICY

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 dependent

- 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. The following elements are considered relevant to this proposal:-
- 8. Part 1 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
- 9. 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
- 10. Part 4 Transport policies have an important role to play in facilitating sustainable development but also in contributing to wider sustainability and health objectives
- 11. 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
- 12. Part 7 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
- 13. 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 facilites. An integrated approach to considering the location of housing, economic uses and services should be adopted
- 14. Part 9 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
- 15. 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
- 16. 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.

The above represents a summary of those policies considered most relevant. The full text can be accessed at: <u>http://www.communities.gov.uk/planningandbuilding/planning/planningpolicyguidance/planningpolicystatements</u>

LOCAL PLAN POLICY: City of Durham Local Plan

- 17. 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
- 18. Policy E7 Development Outside Settlement Boundaries. Advises that new development outside existing settlement boundaries will not normally be allowed. However, there are a number of exceptional circumstances where development outside existing settlement boundaries may be considered acceptable
- 19. Policy E14 Protection of Trees and Hedgerows. Sets out the Council's requirements for considering proposals which would affect trees and hedgerows. Development proposals will be required to retain areas of woodland, important groups of trees, copses and individual trees and hedgerows wherever possible and to replace trees and hedgerows of value which are lost. Full tree surveys are required to accompany applications when development may affect trees inside or outside the application site
- 20. Policy E16 Protection and promotion of Nature Conservation. Aimed at protecting and enhancing the nature conservation assets of the district. Development proposals outside specifically protected sites will be required to identify any significant nature conservation interests that may exist on or adjacent to the site by submitting surveys of wildlife habitats, protected species and features of ecological, geological and geomorphological interest. Unacceptable harm to nature conservation interests will be avoided, and mitigation measures to minimise adverse impacts upon nature conservation interests should be identified
- 21. Policy H3 New Housing Development within the Villages. Policy H3 (New Housing Development within the Villages) allows for windfall development of previously developed sites within the settlement boundaries of a number of specified former coalfield villages across the District, provided that the scheme is appropriate in scale, design location and number of units
- 22. Policy H5 New Housing in the Countryside. Sets out criteria outlining the limited circumstances in which new housing in the countryside will be permitted, this being where it is required for occupation by persons employed solely or mainly in agriculture or forestry
- 23. Policy H14 Residential Areas Improvements to Housing Stock and Environment. Seeks to improve the environment of existing residential areas and their housing stock

- 24. Policy H16 Residential Institutions. Provides for purpose-built accommodation provided that they are well related to local facilities and are not likely to impact adversely on adjacent development or lead to community imbalance
- 25. Policy Q1 General Principles Designing for People. Requires development proposals to take into account personal safety, crime prevention and access needs for people with disabilities. Requires all developments to protect highway safety and/or have significant affect on the amenity of occupiers of neighbouring properties
- 26. Policy Q2 General Principles Designing for Accessibility. Should embody the principles of sustainability and prevent conflict between, pedestrians, cyclists and motorists
- 27. Policy Q8 Layout and Design Residential Development. Sets out the Council's standards for the layout of new residential development. Amongst other things, new dwellings must be appropriate in scale, form, density and materials to the character of their surroundings. The impact on the occupants of existing nearby properties should be minimised
- 28. Policy T1 Traffic Generation General. States that the Council will not grant planning permission for development that would generate traffic likely to be detrimental to highway safety and / or have a significant effect on the amenity of occupiers of neighbouring property
- 29. Policy T10 Parking General Provision. States that vehicle parking should be limited in amount, so as to promote sustainable transport choices and reduce the land-take of development

EMERGING POLICY: County Durham Plan

- 30. The emerging County Durham Plan was Submitted in April 2014 ahead of Examination in Public. In accordance with paragraph 216 of the NPPF, decision-takers may give weight to relevant policies in emerging plans according to: the stage of the emerging plan; the extent to which there are unresolved objections to relevant policies; and, the degree of consistency of the policies in the emerging plan to the policies in the NPPF. Further, the Planning Practice Guidance explains that in limited circumstances permission can be justifiably refused on prematurity grounds: when considering substantial developments that may prejudice the plan-making process and when the plan is at an advanced stage of preparation (i.e. it has been Submitted). To this end, the following policies contained in the Submission Draft are considered relevant to the determination of the application:
- 31. Policy 1 Sustainable Development When considering development proposals, the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework. It will always work proactively with applicants jointly to find solutions which mean that proposals can be approved wherever possible, and to secure development that improves the economic, social and environmental conditions in County Durham.
- 32. Policy 14 Green Belt. Within the Green Belt, as shown on the Proposals Map, the construction of new buildings will be regarded as inappropriate and will not be permitted. Exceptions to this are set out in the policy.

- 33. Policy 15 Development on Unallocated Sites sets out criteria for development on sites that are not allocated in the County Durham Plan or in a Neighbourhood Plan.
- 34. Policy 16 Sustainable Design in the Built Environment. Development sets out the general requirements for sustainable development.
- 35. Policy 17 Exception Sites. Housing and employment related development that is contrary to Policy 35 (Development in the Countryside) but accords with other relevant policies in the Plan will be permitted it meets a specified exception.
- 36. Policy 31 Addressing Housing Need requires all qualifying new housing proposals to provide a percentage of Affordable Housing(lii) which is accessible, affordable and meets the needs of those residents unable to access the open housing market.
- 37. Policy 35 Development in the Countryside. Planning permission for development in the countryside deals with exceptions cases.
- 38. Policy 39 Landscape character. Proposals for new development will only be permitted where they would not cause significant harm to the character, quality or distinctiveness of the landscape, or to important features or views, unless the benefits of the development clearly outweigh its impacts.
- 39. Policy 40 Trees, Woodlands and Hedges requires that proposals for new development will not be permitted that would result in the loss of, or damage to, trees of high landscape, amenity or biodiversity value unless the need for, and benefits of, the proposal clearly outweigh the loss.
- 40. Policy 49 Delivering Sustainable Transport considers the transport implications of development

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 <u>http://content.durham.gov.uk/PDFRepository/EasingtonLocalPlan.pdf</u>

CONSULTATION AND PUBLICITY RESPONSES

STATUTORY RESPONSES:

- 41. City of Durham Trust Consider the proposal to be a worth-while project and well thought-through, unfortunately the application site is located within Green Belt and suggest the proposal is an inadmissible exceptional circumstance in NPPF. Therefore, the Applicant's first task should be to seek an amendment to the Green Belt boundary in the current consultation period of the County Plan
- 42. The Coal Authority No objection subject to condition
- 43. Parish Council raise no objection in principle. However, have expressed concerns that the proposed development is within green belt land and is outside the settlement boundary
- 44. Environment Agency No objection

INTERNAL CONSULTEE RESPONSES:

- 45. Access and Rights of Way Express concern over the close proximity of the south east corner of the building to the Bridleway 63 and would much prefer a buffer or area of landscaping between the Bridleway and the building
- 46. Environment, Health and Consumer Protection No objection subject to conditions
- 47. Highways Development Management as the application is all matters reserved, the Highways Development Manager accepts that this matter could be addressed at reserved matters stage and would reiterate that indicated parking provision at outline stage is not acceptable
- 48. Landscape Unable to support the proposal as it will negatively impact upon the open countryside and the designated greenbelt
- 49. Neighbourhood Services Suggest additional planting to the south and east of the building so as to soften the appearance of the building from afar
- 50. Sustainability Officer Does not accept that the application is sustainable development as defined by the NPPF

PUBLIC RESPONSES:

- 51. The application was advertised by means of a site notice and by letter to 22 neighbouring properties within the area. 4 letters of objection have been received raising concerns relating to:-
 - Additional traffic
 - Highways Safety
 - Development in the countryside and green belt

APPLICANTS STATEMENT:

52. The Applicant was invited to submit a statement in support of this application. To date, nothing has been received

PLANNING CONSIDERATIONS AND ASSESSMENT

- 53. As identified in Section 38(6) of the Planning and Compulsory Purchase Act 2004 the key consideration in the determination of a planning application is the development plan. Applications should be determined in accordance with the development plan unless material considerations indicate otherwise.
- 54. The main considerations in regard to this application are the principle of the development, visual amenity and impact upon the designated Green Belt, impact upon the countryside and highways.

Principle of Development

55. The application site is located within the open countryside and within the designated Green Belt, as defined within the City of Durham Local Plan Proposals Map. Saved Policy E1 of the Local Plan seeks to limit development within the designated Green Belt to protect its purpose, openness and visual amenity. In addition, saved Policy H5 of the City of Durham Local Plan sets out that new housing within open countryside will only be permitted where it would serve a functional need. The

proposed development would therefore conflict with the relevant saved Policies of the City of Durham Local Plan.

- 56. Policy E1 of the City of Durham Local Plan states that, within the Green Belt, new building is inappropriate and will only be permitted for specific listed uses. National Planning Policy Framework also states that new buildings are inappropriate in the designated Green Belt. Exceptions are agriculture, forestry, sport, recreation and other use which preserve the openness of the designated Green Belt and do not conflict with other purposes of including land within it, limited extension or alteration, replacement, infilling in villages or on previously developed land, where this would not have a greater impact upon openness or purposes of designated Green Belt than the original development. These exceptions are repeated in emerging Policy 14 of the County Durham Plan.
- 57. When determining applications, all material considerations need to be taken into account, in this instance the key considerations include National Planning Policy Framework and the emerging County Durham Plan, including its evidence base. In consideration, it is noted that National Planning Policy Framework sets out that the government attaches significant important to designated 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 designated Green Belts are their openness and permanence. Indeed, Paragraphs 87 and 88 of National Planning Policy Framework seeks to protect designated Green Belts from inappropriate and harmful development unless there are very special circumstances.
- 57. Ensuring sustainable development is a key consideration of the National Planning Policy Framework, indeed it is essential that social, economic and environmental issues are supported in equal measure. The Applicant accepts that there are issues with the site being in the designated Green Belt, however the Applicant considers any harm is outweighed by the need for such housing in the area and in the absence of other suitable sites within the settlement boundary, there are very special circumstances that would justify the proposal. The reduced environmental impact resulting from the proposed sustainability measures adds weight to the benefits of this proposal. Accordingly, the Applicant considers that although all matters are reserved in this outline planning application, the principle of the development of the site for the type of housing proposed is acceptable having regard to national, regional and local policies and guidance. On balance, it is considered the proposal represents inappropriate development in the designated Green Belt.
- 58. Whilst it is acknowledged the application site is generally centrally located between the settlements of Ushaw Moor and Bearpark, it is still relatively isolated within a residential area, significantly away from the nearest shops and facilities, it is also uncertain how much the residents or visitors would add to the local economy. Socially, the development would have a positive impact in terms of supplying much needed housing for older residents. However, the location at the very rear of a housing estate makes integration with the community much more difficult. This issue is also emphasised by the distance to the main road and access to the main bus stops, a vital link for older people, which is over 400m away. Environmentally, the application site is on Grade III agricultural land and has the aforementioned landscape issues.
- 59. Whilst the consideration of Solar PV and Biomass is very much encouraged and supported, it should not be used as leverage against other aspects of sustainability. The impact of the development upon landscape, including the designated Green Belt is a significant issue and one which cannot be overridden through the offsetting of other issues. Indeed, very special circumstances to justify inappropriate development

will not exist unless the harm by reason of inappropriateness and any other harm is clearly outweighed by other considerations. The proposal is deemed contrary to saved Local Plan, emerging County Plan and national guidance. In general terms, the Local Planning Authority is seeking to adopt a positive stance towards development proposals where possible, seeking to encourage development for the benefit of the local community. However, in this instance the Local Planning Authority consider the conflict with established designated Green Belt policy to be significant and do not see an exceptional argument to override this stance.

60. Overall, the provision of residential accommodation and delivering economic growth are key aspects of government policy in National Planning Policy Framework, contributing to the delivery of sustainable development. However, National Planning Policy Framework directs the promotion of growth and development should not be at the expense of other elements of sustainable development. In this particular instance, the environmental role to protect and enhance the natural environment including the protection of the designated Green Belt and open countryside. On balance, it is considered the proposal would not amount to the very special circumstances required to justify inappropriate development within the designated Green Belt or would overcome the harm to the openness of the designated Green Belt and open countryside. Therefore, In conclusion, the Local Planning Authority does not accept that the application is sustainable development as defined by all of the elements of National Planning Policy Framework.

Landscape and Visual Impact on the Greenbelt

- 61. Saved policies E1 and E7 of the City of Durham Local Plan seek to preserve the openness and visual amenity of the Green Belt. This is replicated in the National Planning Policy Framework 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.
- 62. The proposal is located in the sensitive urban fringe landscape. The application site is visible from the west boundary beside Aldridge Court and along the public footpath to the east boundary as well as the wider countryside beyond as viewed on the same footpath. The proposed development will be visible from the adjacent countryside especially from the northeast.
- 63. Although this is an Outline Application, the proposals are accompanied by a sketch layout and three images suggesting landscape treatment. These indicate an internal courtyard with areas of grass and trees. Constraints recently identified include the need for more buffer space beside the eastern boundary for the footpath. These may reduce the effectiveness of illustrative landscape treatment submitted. In addition and from a policy perspective, there would be a need for structural landscape treatment on the north and east boundaries adjacent the open countryside, which is not provided, and this would conflict with the extent of development proposed.
- 64. It is acknowledged the proposal may improve the much neglected appearance of this urban fringe site and development could enhance the overall amenity of the area. However, this does not outweigh the significant issue of development within the existing countryside and designated Green Belt location. In addition, the proposal would appear from the indicative plans to represent an over development of the application site and would not allow effective landscape treatment to really enhance this neglected but sensitive urban fringe landscape.
- 65. In conclusion, it is considered the proposal would significantly and negatively impact upon the open countryside and designated Green Belt. Whilst it is acknowledged the paddock is neglected and the boundary is in a dilapidated state, the proposals will

not enhance the landscape amenity of the urban fringe landscape. In particular, given the extent of proposed development and lack of sufficient land set aside to the perimeter that may provide appropriate long-term structural landscape treatment. The proposals are therefore in conflict with saved Policies E1 and E7 of the City of Durham Local Plan and emerging Policies 14, 35 and 39 of the County Durham Plan.

66. The Area Planning Policy Team have conducted an assessment of the degree to which saved Local Plan Policies are compatible with the National Planning Policy Framework.

Impact on the Countryside

- 68. Saved Policy H3 of the City of Durham Local Plan restricts new housing development in the countryside to within settlement boundaries. However, this was judged to be too restrictive in the compatibility assessment. National Planning Policy Framework states that Local Planning Authorities should avoid new isolated houses in the countryside except in special circumstances. It also states that Local Planning Authorities should respect the character and beauty of the countryside and states that housing in rural areas should be located where it will enhance or maintain the vitality of rural communities. However, it does not rule out new dwellings adjacent to existing settlements.
- 69. Emerging Policy 15 of the County Durham Plan states that development will be permitted on unallocated sites provided it is appropriate in scale, design and location to the character and function of the settlement. Emerging Policy 35 states that development will be permitted in the countryside under certain circumstances where the development proposals are considered necessary for the continued viable operation of land based businesses, where the proposal demonstrates that it will directly support the enhancement of local services, community facilities and infrastructure. where the development would enhance County Durham's environmental or tourism assets, or where the proposal is for the change of use of a heritage asset or other redundant or disused building or structure. Supporting text states that land which is outside existing built up areas will be counted as countryside.
- 70. Saved Policy H16 of the City of Durham Local Plan states that new hostels or other residential institutions are permissible within settlement boundaries if they are well related to shops, community and social facilities and the location and form provide sufficient amenity and open space, they do not detract from the character, appearance of the setting or amenity.
- 71. Paragraph 50 of National Planning Policy Framework states that Local Planning Authorities should plan for a mix of housing based upon current and future demographic trends, market trends and the needs of different groups, identify the size, type, tenure and range of housing required.
- 72. Paragraph 35 of National Planning Policy Framework states that developments should be located and designed wherever practical to give priority to pedestrian and cycle movements. Emerging Policy E1 of the County Durham Plan states that development should be located with the aim of reducing the need to travel. It is noted that sustainability officers have judged the proposal to be unsustainable due to its relative isolation at the rear of a housing estate, at some distance from local facilities and services.
- 73. Paragraphs 17 and 156 of National Planning Policy Framework states that planning should respect the character and beauty of countryside and Local Planning Authorities should plan for conservation and enhancement of the natural and historic

environment, including landscape. Emerging Policy 39 of the County Durham Plan states that proposals for new development will only be permitted where they would not cause significant harm to the character, quality or distinctiveness of the landscape, or to important features or views, unless the benefits of the development clearly outweigh its impacts. It is noted that Landscape Officers have objected to the scheme on the basis that it will impact negatively upon the open countryside and the designated Green Belt given the extent of proposed development and lack of sufficient land set aside to the perimeter that could provide appropriate long term structural landscape treatment.

74. Paragraph 56 of National Planning Policy Framework states good design is indivisible from good planning and sets out the criteria against which design should be assessed. Similar sets of criteria are found at saved Policies H14, Q1, Q2 and Q8 of the City of Durham Local Plan as well as Emerging Policy 17 of the County Durham Plan. It is therefore considered that the application site does contribute to the purposes of including land within the designated Green Belt and the erection of residential accommodation with associated facilities and access road would represent an expansion of the built up area and an encroachment of development into the countryside. Therefore, the proposal is considered inappropriate development in the designated Green Belt contrary to saved Policies E1 and E7 of the City of Durham Local Plan and Part 9 of National Planning Policy Framework impacting upon the visual amenity and openness of the designated Green Belt and the open countryside.

<u>Highways</u>

75. It is noted that the Highways Manager has since withdrawn their objection to the scheme and accepts that this matter could be addressed at reserved matters stage and would reiterate that indicated parking provision at outline stage is not acceptable.

CONCLUSION

- 76. Were the application site not in the designated Green Belt, a revised form of the proposal could be permissible. This would require additional parking spaces and modifications and improvements to improve landscape proposals. It could be argued that while the location is not highly sustainable, it is still adjacent to existing residential development and could be made appropriate in scale, design and location to the character and function of the settlement as Emerging Policy 15 requires and would support the enhancement of local services, community facilities and infrastructure as Emerging Policy 16 requires.
- 77. At the Reserved Matters stage, it would be necessary to ensure that the development was well designed as all relevant documents require.
- 78. However, the designated Green Belt location rules out built development on this particular site given the proposal does not fit in to any of the exception categories established in National Planning Policy Framework. Inappropriate development within the designated Green Belt is by definition harmful to the designated Green Belt. The village of Ushaw Moor has a specific settlement boundary beyond which at this point is designated Green Belt and the development would constitute an extension of the village into the designated Green Belt. In addition to the inappropriate nature of the development, the proposal would constitute a significant build within the designated Green Belt most crucially requiring protection. The application site is located within a relatively narrow break between Ushaw Moor and Bearpark. The main purpose for the designated Green Belt in this particular area is

to prevent coalescence between these settlements. The development would impinge significantly on this break.

- 79. As previously stated, very special circumstances to justify inappropriate development will not exist unless the harm by reason of inappropriateness and any other harm is clearly outweighed by other considerations. The proposal is deemed contrary to saved Local Plan, emerging County Plan and national guidance. In general terms, the Local Planning Authority is seeking to adopt a positive stance towards development proposals where possible, seeking to encourage development for the benefit of the local community. However, in this instance the Local Planning Authority consider the conflict with established designated Green Belt policy to be significant and do not see an exceptional argument to override this stance.
- 80. Whilst limited weight can be given at this stage to the policies in the emerging plan, those relevant to this application generally reflect current policies and the NPPF considerations.
- 81. Taking all relevant matters into account, the proposals are considered to be unacceptable.

RECOMMENDATION

That the application be REFUSED for 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

STATEMENT OF PROACTIVE ENGAGEMENT

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

BACKGROUND PAPERS

- Submitted Application Forms and Plans
- Design and Access Statement
- City of Durham Local Plan 2004
- National Planning Policy Framework
- Consultation Responses

