

COMMITTEE REPORT

APPLICATION DETAILS

APPLICATION NO:	DM/14/02141/OUT
FULL APPLICATION DESCRIPTION:	Outline application for 5 no. dwellings with all matters reserved except access
NAME OF APPLICANT:	Mr Jonathan Elmer
ADDRESS:	The Garth Mill Road Langley Moor Durham DH7 8HF
ELECTORAL DIVISION:	Brandon
CASE OFFICER:	Tim Burnham, Planning Officer, 03000 263963 tim.burnham@durham.gov.uk

DESCRIPTION OF THE SITE AND PROPOSAL

SITE

1. The application site is an area of land which is associated with a residential dwelling named 'The Garth' at Langley Moor, Durham. The site currently hosts a detached bungalow with garage, garden curtilage, areas of hardstanding and in the north of the site overgrown vegetation with wooden and concrete fence posts with some rusting wire mesh. The southern part of the site is relatively flat before sloping away on the north east section of the site towards the river. To the immediate east of the site sits Deerness Boarding Kennels and Cattery. To the south west sits Langley Moor/Littleburn Industrial Estate. To the west sits an Agricultural field with the east coast railway line beyond. The site sits within the Durham City Green Belt, outside of any settlement boundary and within an area of landscape value.

PROPOSAL

2. Outline planning approval is sought for the erection of 5 no. dwellings at the site. The application is also seeking to agree in principle the use of an access point from Mill Road. Although indicative plans showing how the development might be laid out have been submitted, matters such as appearance, landscaping, layout and scale are reserved at this stage and would need to be agreed at a later date. Officers understand that the dwellings would be built to Passivhaus standards. This is an eco-friendly approach to building design which means that there is only a minimal heating demand to the property.

3. The application has been referred to planning committee at the request of Brandon and Byshottles Parish Council. They suggest the application incorporates innovative design features and will enable the restoration of a derelict but valued landscape in the lower Browney area.

PLANNING HISTORY

4. In 1996 planning approval was granted for a single storey extension to the existing bungalow on site. In 1976 planning approval was granted for the temporary placing of a caravan at the site.

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 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'. The following elements are considered relevant to this proposal;

7. 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.

8. 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.

9. 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.

10. 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.

11. NPPF Part 9 - Protecting Green Belt Land. This part of the NPPF sets out the Governments approach to the type of development that would be suitable on Green Belt land and outlines measures for its protection.

12. NPPF Part 10 – 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.

13. 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:

14. Policy E1 (Durham City Green Belt) This Policy seeks to restrict development within the Green Belt to Agricultural or Forestry development, essential facilities for outdoor sport and recreation, limited infilling or redevelopment of existing major developed sites, replacement of an existing dwelling, re use or conversion of an existing building or limited extensions and alterations to existing dwellings.

15. Policy E7 (Development outside Settlement Boundaries) This Policy outlines when development outside a settlement boundary would be deemed acceptable.

16. Policy E10 (Areas of Landscape Value) The Council will seek to protect the landscape value of the former district.

17. Policy E14 (Protection of existing trees and hedgerows) This Policy states that the Council will require development proposals 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.

18. Policy E16 (Protection and Promotion of Nature Conservation) is 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. As far as possible, Unacceptable harm to nature conservation interests will be avoided. Mitigation measures to minimise unacceptable adverse impacts upon nature conservation interests should be identified. The nature conservation value of the district will be enhanced through the creation and management of new wildlife habitats and nature conservation features in new development schemes.

19. 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.

20. 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.

21. 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.

22. 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.

23. Policy R14 (Browney Valley) seeks to encourage the informal recreation potential of the Browney Valley.

24. Policy R17 (Public Rights of Way) seeks to encourage and safeguard public access to the countryside.

25. 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.

26. Policy U7 (Pollution Prevention- Developments Sensitive to Pollution) of the City of Durham Local Plan states that developments which are sensitive to pollution will not be permitted on land which is subject to unacceptable levels of contamination, pollution, noise or vibration.

27. Policy U8a (Disposal of Foul and Surface Water) requires developments to provide satisfactory arrangements for disposing foul and surface water discharges. Where satisfactory arrangements are not available, then proposals may be approved subject to the submission of a satisfactory scheme and its implementation before the development is brought into use.

28. Policy U12 (Development on Contaminated Land) This Policy seeks to ensure that sites are not contaminated or are suitably decontaminated prior to development.

29. Policy U13 (Development on unstable land) This policy states that development on unstable land will only be permitted where there is no risk to users of the development or where appropriate remediation measures can be undertaken.

EMERGING PLANNING POLICY

30. The emerging County Durham Plan was submitted in April 2014 and is currently being examined 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; Policies 1, 14, 15 and 16 are particularly relevant. They state;

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. There are specified exceptions to this.

33. Policy 15 – Development on un-allocated sites All development on sites that are not allocated in the County Durham Plan or in a Neighbourhood Plan will be permitted provided the development:

- a. Is appropriate in scale, design and location to the character and function of the settlement;
- b. Does not result in the loss of a settlement's last community building or facility (of the type which is the subject of the proposal) unless it can be demonstrated that it is no longer viable or has not been purchased by the community following the procedures set out in the Community Right to Bid;
- c. Is compatible with and does not prejudice any intended use of adjacent sites and land uses; and would not involve development in the countryside that does not meet the criteria defined in Policy 35 (Development in the Countryside).

34. Policy 16 Sustainable Design in the Built Environment

This Policy outlines a number of manners in which sustainable development could be achieved.

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>, <http://durhamcc-consult.limehouse.co.uk/portal/planning/ps/psdlp?pointId=1379602383089#section-1379602383089> & <https://www.gov.uk/government/publications/national-planning-policy-framework--2>

CONSULTATION AND PUBLICITY RESPONSES

STATUTORY RESPONSES:

35. Brandon and Byshottles Parish Council: issue support for the application as it would incorporate innovative design features and will enable the restoration of a derelict but valued landscape in the lower Browney area.

36. Highways Development Management: No objection to the application subject to highways improvements proposed

37. Northumbrian Water: No objection

38. Coal Authority: Object – coal mining risk assessment required

INTERNAL CONSULTEE RESPONSES:

39. Planning Policy: object to application as the principle of the development is not acceptable

40. Archaeology: No objection

41. Environmental Health: Object to the application due to noise issues

42. Contaminated Land: No objection – site survey required

43. Ecology: No objection

44. Drainage: No objection

45. Landscape/Trees: No objection

46. Sustainability Section: Support Passivhaus principle

47. Public Rights of Way: object to application.

PUBLIC RESPONSES:

48. The application has been advertised through neighbour notification, a press notice and a site notice.

49. Six letters of support have been received including letters from the County Durham Green Party and the friends of Langley Moor. These letters support the principle of the proposed Passivhaus development adding that it would bring an innovative and prestigious development to the area. The green principle of the development is supported and it is suggested that it will be beneficial to highways safety. The development is supported on the basis that it will improve visual amenity and be beneficial to wildlife in the area.

50. Four letters of objection have been received in relation to the development. It has been suggested that a site next to a kennel business is an inappropriate place to build 5 no. dwellings due to concerns over noise impact of the development for new residential occupiers and concern of how the development would impact on noise patterns in the area. Concerns are also expressed at siting houses here as dogs such as stray and abandoned dogs etc. can be noisy with unpredictable behaviour. It has been suggested that the development is contrary to planning policy. Concern is expressed over the timing of the traffic and noise surveys which were undertaken in December 2013. Objectors suggest that normal residential activities such as using fireworks in the garden could disturb dogs at the kennels. Concern is expressed over the proposed access arrangements and increase in traffic in and around the site. There is concern for the future of a meadow at the bottom end of the site.

APPLICANTS STATEMENT:

51. Mill Road Passivhaus Development has been driven by the goal of demonstrating how housing development can create overall benefits for both people and the environment, providing much needed housing and deploying design innovation to restore a degraded landscape. There are no other examples of Passivhaus construction in County Durham, therefore the development will be a 'first' for the County and for this reason the development should be viewed as 'exceptional'.

52. Future home owners will largely avoid heating bills and will incur dramatically reduced water and electricity bills as these resources will be captured and generated by the houses. This will increase the disposable income of the home owners. In addition, these homes will demonstrate how new housing can be provided without threatening achievement of the County Carbon Reduction Targets.

53. The site is located between Deerness Kennels and the Littleburn Industrial Estate on land described by the Council as previously developed / brownfield land. Both the Landscape and Visual Impact Assessment (LVIA) conducted for the development, and the Council's Landscape section agree that the development will create a net visual

improvement to the location. This will be achieved through use of planting and green roofs that will consolidate and screen the current views of dereliction and the adjacent Kennels complex.

54. The development will include noise reduction measures that will reduce external noise levels from the adjacent kennels by an equivalent of a 100m distance, surpassing the requirements of BS4142. A full Noise Assessment has concluded that following the implementation of proposed noise reduction measures, residual external noise will be 'negligible' and internally the homes will be silent.

55. Should the development go ahead I intend to run a series of open days to establish wider understanding and use of the Passivhaus concept, and how sustainable development might be used to restore degraded landscapes and improve local ecology. In addition, I intend to use the profits from this development to fund the delivery of similar developments around Durham City.

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://plan-1:8080/IDOXSoftware/IG_search?sort=5&dir=asc&page=1&FormParameter1=DM%2F14%2F02141%2FOUT&app_id=1002

PLANNING CONSIDERATIONS AND ASSESSMENT

56. Having regard to the requirements of Section 38(6) of the Planning and Compulsory Purchase Act 2004 the relevant Development Plan policies, relevant guidance and all other material planning considerations, including representations received, it is considered that the main planning issues in this instance relate to the principle of residential development at the site, Impact upon Amenity, highways issues and other issues.

The Principle of the development

57. The site sits within the City of Durham Green Belt. As such the site is subject to the provisions of Policy E1 of the City of Durham Local Plan and Part 9 of the National Planning Policy Framework. Both local and National planning policies operate along the same lines.

58. The NPPF states that Green Belts serve five purposes - to check the unrestricted sprawl of large built-up areas; to prevent neighbouring towns merging into one another; to assist in safeguarding the countryside from encroachment; to preserve the setting and special character of historic towns; and to assist in urban regeneration by encouraging the recycling of derelict land other urban land.

59. The National Planning Policy Framework advises that planning authorities should regard the construction of new buildings within Green Belts as inappropriate. Exceptions to this include buildings for agriculture and forestry, outdoor sport, outdoor recreation and cemeteries, extension or alteration of a building or replacement of a building (both subject to limitations) limited infilling in villages and limited affordable housing where in accordance with local plan policy and limited infilling or the partial or complete redevelopment of previously developed sites (brownfield land), whether redundant or in continuing use which would not have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development.

60. Officers consider openness to be the absence of built development. A development of 5no. dwellings would clearly increase the quantum of built development on the site, therefore having a greater impact on the openness of the Green Belt and the purpose of including land within it of safeguarding the countryside from encroachment contrary to planning policy representing inappropriate development. Bunding and other screening

treatment is also proposed as part of the sound mitigation measures, these element would add further bulk to the development.

61. The NPPF states that inappropriate development is by definition harmful to the Green Belt and should not be approved except in very special circumstances.

62. The document also states that when considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. It states that very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.

63. The development of five residential dwellings does not fit within the listed exceptions and is therefore to be regarded as inappropriate development that would be harmful to the Green Belt. Officers do not consider that any very special circumstances are in existence.

64. Officers have given this matter substantial weight in considering the principle of the development, as required by the NPPF. Officers consider that the principle of the development would be contrary to part 9 of the NPPF and Policy E1 of the City of Durham Local Plan.

65. Alterations to the Green Belt can only be proposed through the local plans process where they are subject to the relevant public scrutiny and inquiry as part of a longer term strategy.

66. Further, Policy E7 relates to development outside of settlement boundaries and is interlinked with Policy H5 in relation to housing. Policy H5 indicates that new housing outside of settlement boundaries will only be appropriate whereby the dwelling is associated with a proven and compelling agricultural or forestry need that cannot be satisfied by existing accommodation. The application is in open Countryside and outside of any settlement boundary, therefore the application is also considered unacceptable in relation to Policies E7 and H5.

67. The site by reasoning of its positioning to the east of the railway line is disassociated from the body of the Langley Moor settlement boundary and Officers question its sustainability in locational terms. Officers consider it likely that residents could feel cut off and would be faced with a relatively un-pleasant walk to access the main body of Langley moor with associated transport and services, particularly on dark evenings or mornings. This suggests that the private car would be likely to be used to access facilities, detracting from the sustainability credentials of the development.

68. Whilst Officers are currently only affording Emerging Local Plan Policy limited weight, the development would likely be contrary to both Policy 14 relating to Green Belt and Policy 15 relating to development on unallocated sites. Guidance in relation to Green Belts echoes that of the NPPF while Policy 15 states that development on unallocated sites needs to be compatible with that adjacent.

69. There is debate as to whether the land represents 'previously developed' land, 'partially previously developed' land or 'largely previously developed' land. Upon final review and consultation Officers consider that the land is partially previously developed. The top part of the site appears well developed with an existing residential bungalow, garage and hardstanding. The lower part of the site although having been subject to some form of development in the form of mesh fencing forming pens would not necessarily appear to constitute previously developed land. The NPPF definition of previously developed land excludes land that was previously-developed but where the remains of the permanent

structure or fixed surface structure have blended into the landscape in the process of time as is the case on parts of the site.

70. The argument however relating to the extent that the site is previously developed is not of high importance and serves to distract from the main issue in relation to principle. The key issue is whether the development would have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development.

Impact upon Amenity

71. Policy U7 of the City of Durham Local Plan states that developments which are sensitive to pollution will not be permitted on land which is subject to unacceptable levels of contamination, pollution, noise or vibration.

72. The supporting text for this policy states that sensitive uses such as dwellings should be sited away from uses that generate levels of noise above recognised acceptable limits.

73. Officers hold significant concerns in relation to the development of 5 no. dwellings immediately next to Deerness Boarding Kennels and Cattery. In Officers experience, Boarding Kennels and residential property do not make good neighbours. Dog barking has been clearly audible at all visits to the site.

74. Officers acknowledge that there are two residential properties in close proximity to the kennels. 'Fremar' sits to the south of the site. In relation to The Garth, Officers understand that this dwelling was occupied by a greyhound breeder who used the site to breed and house greyhounds. Clearly this use and the kennels would have been compatible.

75. Officers acknowledge the efforts of the applicant in relation to noise mitigation at the site. The applicant has submitted a noise assessment which proposes the potential for mitigation measures such as an acoustic bund, acoustic fencing, enhanced sound insulation to windows, walls and roof with sound attenuated ventilation.

76. However, Environmental Health Officers have raised objections to the scheme and have noted:

- It is difficult to determine whether the noise monitoring period would be representative of the noise at the site. (Officers note that the survey was undertaken in December 2013 which may not be the kennels busiest period)
- Concerns over the use of BS 4142 as an assessment methodology
- Noise assessment shows that dog barking is frequent and loud suggesting that statutory noise nuisance would be likely
- Proposed mitigation measures could reduce noise levels although EH officers are not confident this would significantly mitigate the noise to the extent that barking would not be a nuisance
- Mitigation measures are overly engineered and rely on living by such measures in perpetuity, this cannot be guaranteed

77. Whilst Environmental Health officers are primarily concerned with statutory nuisance in relation to noise issues, Planning Officers have a wider remit to consider. Policy Q8 requires that the layout of new development should provide adequate amenity to each dwelling. The issue of the amenity of future residents of the property can be considered widely. Notwithstanding the opinion of the Environmental Health Officer that statutory noise

nuisance would be likely, Officers do not consider it reasonable that occupants would have to live in line with a raft of extensive noise mitigation measures in perpetuity at the site.

78. The planning authority would have no mechanism to ensure that such measures are retained and kept up at the site. Whilst the noise report seems to suggest that certain outdoor areas could be screened from sound issues, Officers would question whether this would be the case for the site as a whole.

79. Another aspect of this is the potential for future occupants of the dwellings to submit complaints about noise from the kennels. The established existing kennel business is well located to serve its purpose, within reasonable reach of a large population area. A valid complaint about statutory nuisance has the potential to adversely impact on the business activities, as environmental health officers would have a duty to seek resolution of the complaint. The development proposed therefore represents a potential threat to the continued successful operation of the business which provides a valuable service to both members of the public through its boarding kennels and cattery and other organisations such as SOSAD which is a charity that rescues and re-homes mis-treated dogs. Further, Deerness Kennels are an established employer in the local area.

Highways Issues

80. Access to the site would be taken from Mill Road next to the road bridge that crosses the East Coast railway line and along a lane to the site.

81. A supporting transport statement has been supplied which outlines highways improvements proposed. A turning head for refuse vehicles is proposed. At the junction of Mill Road and the unadopted lane it is proposed to amend the northern kerb line and to provide white lining to allow two vehicles to pass while entering and exiting the junction. A warning sign and a re paint of a road marking are also proposed. Cutting back of vegetation is proposed to the access lane to allow for two way running of cars, along with dashed white lines to demark a pedestrian space.

82. Highways Development management have carefully assessed the suitability of the proposed upgrade to the access in and around the site and have concluded that this would be acceptable. Officers therefore consider the development appropriate in terms of highways safety and acknowledge that the scheme would offer highways improvement in the immediate locality. It should be noted however, that no problems appear to have been caused by the existing arrangement with no accidents recorded in the immediate vicinity of the site.

Other issues

83. Given the undeveloped nature of the site a Phase 1 habitat survey has been undertaken. The site has been identified as not having significant ecological value and the Senior Ecology Officer has advised that he offers no objection, while noting that the habitat enhancements proposed would provide a net benefit for biodiversity along the riparian corridor of the river Browney. Overall, the granting of Planning Permission would not constitute a breach of The Conservation of Habitats and Species Regulations 2010 as there is unlikely to be any interference with a European Protected Species.

84. Landscape officers have stated that the development could be accommodated in this location which would not have an unacceptable adverse impact upon the landscape quality or appearance of the area of landscape value. They suggest that the proposals would simplify and partially screen the existing visual clutter of buildings and as such would have on balance a slightly positive effect in the medium term as perimeter vegetation developed.

85. However, while there would not be harm to the area of landscape value, Officers consider there would be harm to the openness of the Green Belt and the issues need to be considered separately. The harm to the Green Belt is an overriding matter to which significant weight must be given.

86. Use of the main sewer and a sustainable drainage system are proposed. Northumbrian Water and the Council's Drainage and Coastal Protection team would require the submission of a drainage scheme. No Archaeological interest has been identified at the site.

87. The site is within the Coal Authority 'High Risk' area. A coal mining risk assessment is needed to ensure that the site is, or can be made safe and stable for development although this has not yet been submitted. While ideally these assessments should be submitted upfront it is Council Policy not to invalidate an application if such a risk assessment is lacking. This information can be conditioned and developers are required to submit a coal mining risk assessment via condition upon which the Coal Authority would be consulted and the developer would be required to carry out any necessary remedial measures.

88. The public rights of way section have objected to the application as they have concerns over the indicative position of a building and planting which would appear to block an un-registered footpath and access track.

CONCLUSION

89. Officers consider the application contrary to National and Local Planning Policy as the proposal would represent inappropriate development that would be harmful to the openness of the Green Belt. This is a matter to which Officers are required by the NPPF to give significant weight in the decision making process.

90. Officers also consider it in-appropriate to place a residential development directly next to a large and well established kennel business. Environmental Health Officers have noted that the kennels would likely cause a statutory noise nuisance to the development which would lead to a detrimental impact on amenity for any future occupiers of dwellings at the site.

91. The NPPF states that the purpose of the planning system is to contribute to the achievement of sustainable development and carries a presumption in favour of sustainable development.

92. Officers note that the Passivhaus standard is considered a sustainable form of construction. Officers note proposed highways and biodiversity improvements and slight landscape benefits and have afforded some weight to these merits.

93. However, the scheme as a whole, by reason of the harm identified through its inappropriate location would not be considered sustainable taking into account the three dimensions of sustainable development and its need to perform an economic, social and environmental role.

RECOMMENDATION

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

1. The development would represent inappropriate development within the Green Belt which would harm its openness with no very special circumstances to justify the proposal

contrary to Part 9 of the National Planning Policy Framework and Policy E1 of the City of Durham Local Plan 2004.

2. Development of dwellings on the site would result in a detrimental impact on amenity for any future occupiers due to unacceptable levels of noise and disturbance which would be generated by the nearby established kennel business contrary to Part 11 of the NPPF and Policies Q8 and U7 of the City of Durham Local Plan 2004.

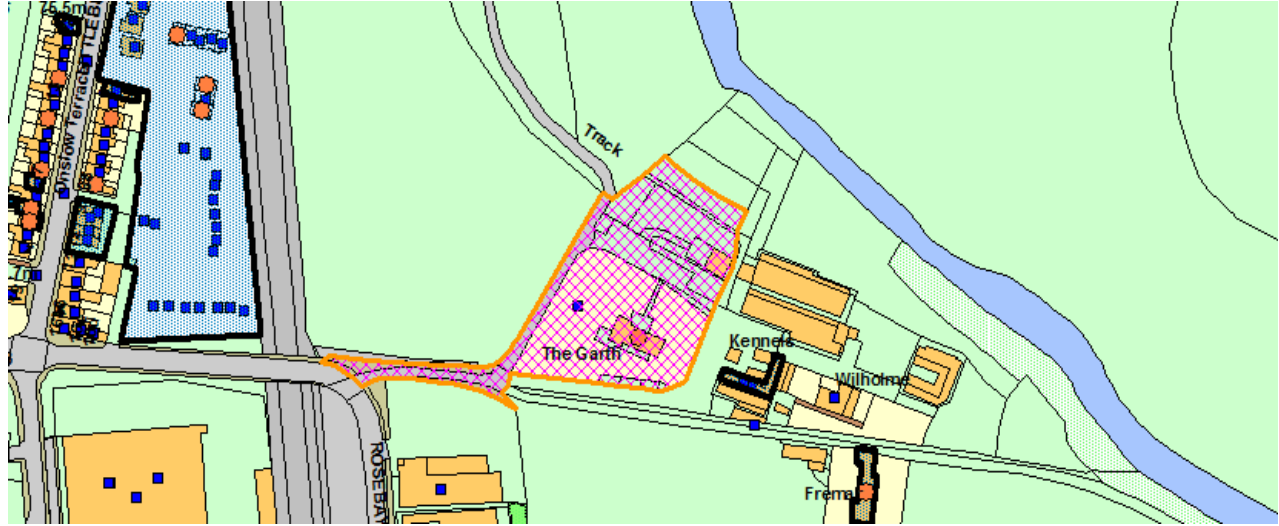
3. The scheme would represent unacceptable housing development outside the Brandon, Brandon Village, Meadowfield & Langley Moor settlement boundary with limited sustainability credentials contrary to Policies E7 and H5 of the City of Durham Local Plan 2004.

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 the application has not been reported to committee within the 8 week target provided to the applicant on submission due to committee cycles the applicant has been kept updated on progress towards determination and the application has been put forward to the first possible meeting.

BACKGROUND PAPERS

Submitted Application Forms, Plans and supporting documents
National Planning Policy Framework
City of Durham Local Plan 2004
County Durham emerging local plan
Response from Brandon and Byshottles Parish Council
Consultee responses
Internal Consultee responses



Planning Services

Outline application for 5 no. dwellings with all matters reserved except access

This map is based upon Ordnance Survey material with the permission of Ordnance Survey on behalf of Her Majesty's Stationary Office © Crown copyright.

Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceeding.

Durham County Council Licence No. 100022202 2005

Date 11th November 2014