

# COMMITTEE REPORT

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## APPLICATION DETAILS

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<b>APPLICATION NO:</b>	<b>DM/16/00156/OUT</b>
<b>FULL APPLICATION DESCRIPTION:</b>	<b>Two detached bungalows (outline – all matters reserved)</b>
<b>NAME OF APPLICANT:</b>	<b>Mr P Fullard</b>
<b>ADDRESS:</b>	<b>Land North of New Brancepeth, between Plantation View and School House, Durham, DH7 7EY</b>
<b>ELECTORAL DIVISION:</b>	<b>Deerness</b>
<b>CASE OFFICER:</b>	<b>Chris Baxter</b> <b>Senior Planning Officer</b> <b>03000 263944</b> <a href="mailto:chris.baxter@durham.gov.uk">chris.baxter@durham.gov.uk</a>

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## DESCRIPTION OF THE SITE AND PROPOSALS

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### The Site

1. The application site relates to a parcel of land which the applicant describes as being south of New Brancepeth between the residential properties of Plantation View and School House. To the north of the site is the residential property of Plantation View, with the residential property of School House located to the south. There is woodland located to the east and an open field to the west. There is an access track which runs along the west boundary of the site and supplies the properties of Plantation View and School House.

### The Proposal

2. This application seeks outline planning permission for two detached bungalows. The application has been made in outline with all matters reserved for future consideration, therefore only the principle of development is to be assessed in this application. Although the application is made in outline, the applicant has submitted some layout and elevation details. The layout plan shows two bungalows located along the west side of the site with access taken off the access lane to the west. The proposed bungalows would have an overall footprint of 22 metres by 12.5 metres and would be single storey with hipped roof designs.
3. This application is being referred to the planning committee at the request of the Parish Council and the Ward Councillor.

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## PLANNING HISTORY

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4. No past planning history on 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. The following elements are considered relevant to this proposal;
8. *NPPF Part 1 – Building a Strong and Competitive Economy.* The Government attaches significant weight on the need to support economic growth through the planning system. Local Planning Authorities should plan proactively to meet the development needs of business and support an economy fit for the 21<sup>st</sup> century.
9. *NPPF Part 4 – Promoting Sustainable Transport.* Encouragement should be given to solutions which support reductions in greenhouse gas emissions and reduce congestion. Developments that generate significant movement should be located where the need to travel will be minimised and the use of sustainable transport modes maximised.
10. *NPPF Part 6 – Delivering a Wide Choice of High Quality Homes.* Local Planning Authorities should use evidence bases to ensure that their Local Plan meets the needs for market and affordable housing in the area. Housing application should be considered in the context of the presumption in favour of sustainable development. A wide choice of homes, widened opportunities for home ownership and the creation of sustainable, inclusive and mixed communities should be delivered. Where there is an identified need for affordable housing, policies should be met for meeting this need unless off-site provision or a financial contribution of broadly equivalent value can be robustly justified and such policies should also be sufficiently flexible to take account of changing market conditions over time.
11. *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.
12. *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.
13. *NPPF Part 10 – Meeting the Challenge of Climate Change, Flooding and Coastal Change.* Planning plays a key role in helping shape places to secure Local Planning Authorities should adopt proactive strategies to mitigate and adapt to climate change. Local Planning Authorities should have a positive strategy to promote energy from renewable and low carbon sources. Inappropriate development in areas at risk of flooding should be avoided.

14. *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, recognising the wider benefits of ecosystems, minimising the impacts on biodiversity, preventing both new and existing development from contributing to or being put at unacceptable risk from pollution and land stability and remediating contaminated or other degraded land where appropriate.

*The above represents a summary of the NPPF considered most relevant the full text may be accessed at:*

<http://www.communities.gov.uk/publications/planningandbuilding/nppf>

## **LOCAL PLAN POLICY:**

### **City of Durham Local Plan**

15. *Policy E7 (Development in the Countryside – Development Outside Settlement Boundaries)* aims to protect the countryside as an important resource.
16. *Policy E14 (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.
17. *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. Unacceptable harm to nature conservation interests will be avoided, and mitigation measures to minimise adverse impacts upon nature conservation interests should be identified.
18. *Policy H4 (Villages with no Settlement Boundary, Ribbon Development and Sporadic Groups of Houses)* states that infill housing development will only be permitted if the development, comprises no more than a single dwelling infilling a small gap between existing buildings; does not involve the development of an open space that is important to the street scene; and is appropriate in scale, form and materials to the character of its surroundings.
19. *Policy H5 (New Housing in the Countryside)* states that new housing development will only be acceptable if it is required for occupation by persons employed solely or mainly in agriculture or forestry.
20. *Policy H13 (Residential Areas – Impact upon Character and Amenity)* states that planning permission will not be granted for new development or changes of use which have a significant adverse effect on the character or appearance of residential areas, or the amenities of residents within them.
21. *Policy T1 (Traffic – 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. Policies Q1 and Q2 (General Principles Designing for People and Accessibility) states that the layout and design of all new development should take into account the requirements of all users.
23. 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.
24. *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.
25. Policy U14 (Energy Conservation – General) states that the energy efficient materials and construction techniques will be encouraged.

#### **RELEVANT EMERGING POLICY**

##### The County Durham Plan

26. Paragraph 216 of the NPPF says that 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. The County Durham Plan was submitted for Examination in Public and a stage 1 Examination concluded. An Interim Report was issued by an Inspector dated 15 February 2015, however that report was Quashed by the High Court following a successful Judicial Review challenge by the Council. As part of the High Court Order, the Council has withdrawn the CDP from examination. In the light of this, policies of the CDP can no longer carry any weight at the present time.

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## **CONSULTATION AND PUBLICITY RESPONSES**

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#### **STATUTORY RESPONSES:**

27. *County Highways Authority* has not raised any objections in principle.
28. *Northumbrian Water* has not raised any objections.
29. *The Coal Authority* has confirmed that the site falls within a defined Development High Risk Area. A condition is recommended for a coal mining risk assessment to be submitted.
30. *County Drainage Team* has not raised any objections.

#### **INTERNAL CONSULTEE RESPONSES:**

31. *Ecologist* has not raised any objections subject to a condition ensuring the mitigation detailed in the submitted report is adhered to.
32. *Landscape Team* has indicated that the proposed development will have some adverse landscape and visual effects.

33. *Environmental Management (Noise)* has not raised any objections.

34. *Environmental Management (Contamination)* has not raised any objections however a condition is recommended for further site investigation works to be undertaken.

#### **PUBLIC RESPONSES:**

35. Neighbouring residents were notified individually of the proposed development. The Parish Council have indicated that they support the scheme and had requested that the application be determined at a planning committee.

#### **APPLICANTS STATEMENT:**

36. We have owned and maintained the land for over 30 years during which time we have grazed horses and raised poultry on the land.

37. We have now reached retirement and due to ill health are looking to downsize from our current house into a bungalow which will be located on the site at New Brancepeth. The second bungalow will be built to accommodate a close member of our family.

38. Although we understand the land is considered to be outside the settlement boundary of New Brancepeth, the site was formerly part of the original settlement of New Brancepeth and was developed with terraced cottages which were demolished some time ago. Foundations of the dwellings have not been removed and are still evident on parts of the land.

39. We have been advised the national planning policy framework advocates a presumption in favour of sustainable development and seeks to provide additional housing on previously developed land although we understand the development of greenfield sites is not precluded.

40. In assessing the sustainability of the site we consider it performs well, being located largely within the original village limits of New Brancepeth and forms a natural infill to compliment existing patterns of existing development.

41. It is therefore considered that a proposal of this nature meets the NPPF criteria for sustainable development and should be supported in principle.

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## **PLANNING CONSIDERATIONS AND ASSESSMENT**

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42. 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 development; residential amenity; and highway safety.

#### Principle of development

43. This scheme proposes housing development on greenfield land that is located beyond the built up area of the settlement of New Brancepeth.

44. The site lies outside of any settlement boundary as identified by Policy H3 of the local plan. Additionally, Policy H5 of the local plan seeks to restrict housing development in the countryside, beyond settlement boundaries, as does Policy E7. Nationally, recent planning case law has found that policies within existing Local Plans that refer to settlement boundaries can be considered to be policies for the supply of housing. Furthermore NPPF paragraph 49 advises that housing applications should be considered in the context of the presumption in favour of sustainable development and relevant policies for the supply of housing should not be considered up-to-date if the LPA cannot demonstrate a five-year supply of deliverable housing sites. Given the age of the local plan and housing supply figures that informed it, the housing supply policies therein do not reflect an up-to-date objective assessment of need.
45. Paragraph 14 of the NPPF states that at its heart is a presumption in favour of sustainable development, and for decision-making this means that where relevant policies are “out of date” (in this case, policies for the supply of housing), that planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies the NPPF, or specific policies (between Paragraphs 18 and 207) in the framework indicate that development should be restricted.
46. Policy E7 of the local plan aims to protect the countryside as an important resource. The justification of policy E7 indicates that the countryside is a finite resource and it is important to protect it for its own sake. Many elements of the countryside , such as landscape character, is highly valued and worthy of protection in their own right. The most appropriate location for housing is within existing sustainable settlements. The application site is currently vacant greenfield land which is considered to contribute to the countryside and the landscape character of the area.
47. Policy H4 of the local plan refers to housing development which is outside existing settlements and involves infill development. Policy H4 states that infill housing will only be permitted if the development infills a small gap between existing building comprising of no more than one dwelling; does not involve development of open space that is important to the street scene; and is appropriate to the character of the surroundings.
48. The application site is a gap between the existing properties of Plantation View and School House, however as shown on the submitted drawings, the gap is large enough to accommodate more than one property and therefore the site and the proposal fails to accord with point 1 of policy H4 of the local plan.
49. The built up area of New Brancepeth village is consider to begin with the properties on the housing estate of Barley Rise which are located to the south of the application site. The properties of Plantation View and School House are not considered to be located within the built up area of New Brancepeth. There are visual gaps either side of the properties of Plantation View and School House which are considered to be important features within the character of the area. Development on the application site would compromise this character of the area by introducing development into a gap site which is important to the street scene appearance. The proposed development therefore fails part 2 and 3 of policy H4 which aims to protect important open space in the street scene and prevent inappropriate development from compromising the character of an area.
50. It is acknowledged that the NPPF states there is a presumption in favour of sustainable development. On balance though it is considered that the proposal would have a harmful impact on the countryside which would outweigh the

sustainability credentials of the site. The proposed development is not considered to be in accordance with policies E7 and H4 of the local plan as it is not the development of a small infill gap; it would compromise the character of the area and street scene; and would be harmful to the landscape character of the countryside.

### Residential amenity

51. The illustrative layout plan shows that two properties could be positioned on the site which would not result in the loss of privacy to neighbouring properties, nor would any adverse impacts be created in terms of overbearing or overshadowing impacts.
52. It is considered that the proposed development would not have an adverse impact on residential amenities of existing and future occupiers of neighbouring dwellings and the proposed properties. The development would therefore be in accordance with policy Q8 of the local plan.

### Highway issues

53. The County Highways Officer has been consulted and has not raised any objections to the proposed scheme. The existing access is sufficient to accommodate the proposed number of residential units on the site
54. The proposed development would not create any adverse impacts in terms of highway safety. The proposed development would be in accordance with policy T1 of the local plan.

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## **CONCLUSION**

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55. The proposed development is contrary to policies E7 and H4 of the City of Durham Local Plan as the proposal would not constitute development of a small infill gap and it would have a detrimental impact on the character of the area and surrounding countryside.
56. Paragraph 14 of the NPPF establishes a presumption in favour of sustainable development. On balance though, it is considered that the adverse impact the development would have on the character of the area and surrounding countryside outweighs the presumption of sustainable development in this particular instance.
57. The proposed development would not compromise residential amenity and highway safety would not be adversely affected. The proposal would be in accordance with policies Q8 and T1 of the City of Durham Local Plan.

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## **RECOMMENDATION**

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

1. The proposed development is contrary to policies E7 and H4 of the City of Durham Local Plan as the proposal would not constitute development of a small infill gap and it would have a detrimental impact on the character of the area and surrounding countryside.

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## **STATEMENT OF PROACTIVE ENGAGEMENT**

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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.

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## **BACKGROUND PAPERS**

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Submitted Application Forms, Plans and supporting documentation

City of Durham Local Plan 2004

National Planning Policy Framework

Internal consultee responses

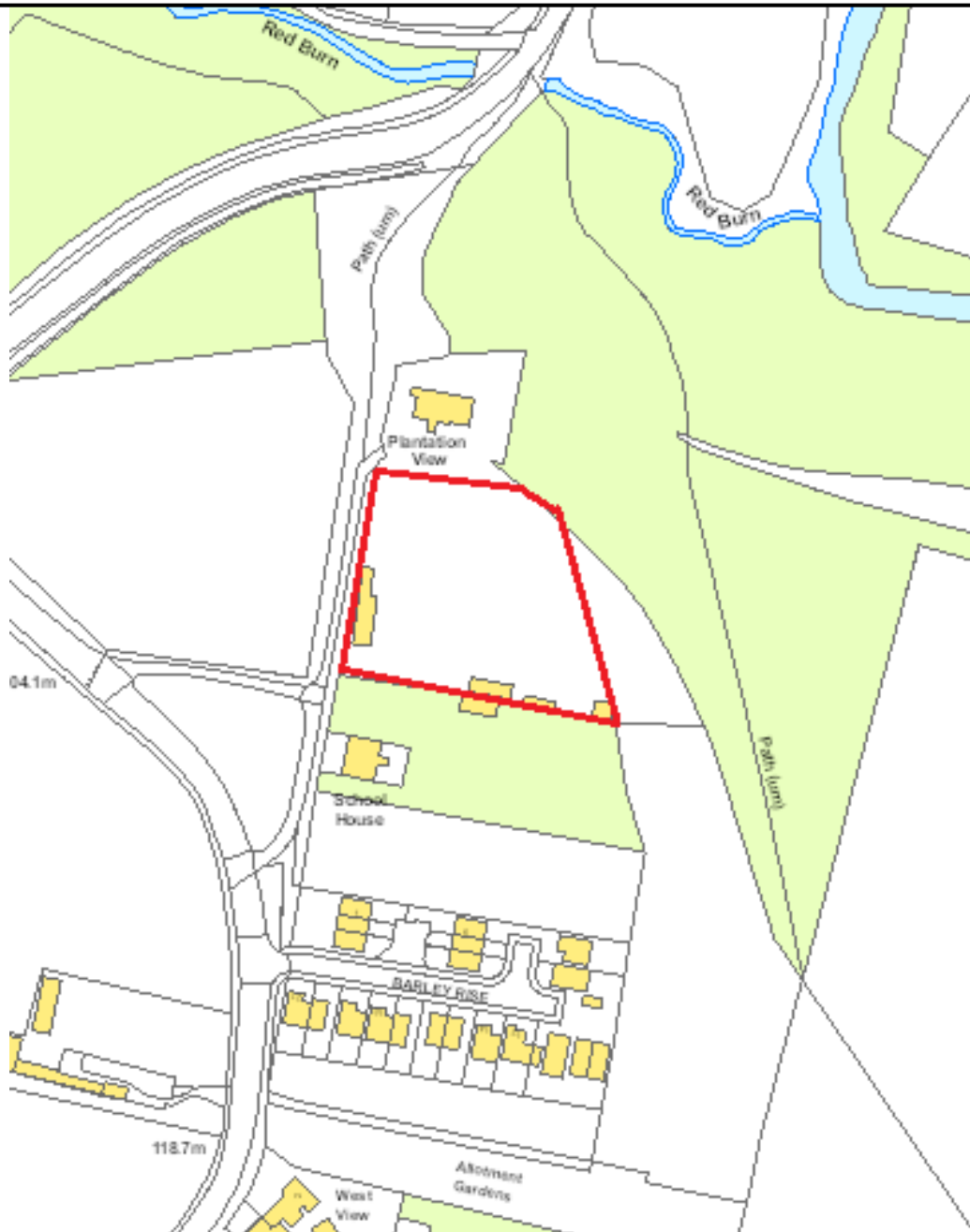
Public responses

Responses from statutory and other consultees

National Planning Policy Guidance







**Planning Services**

**Two detached bungalows (outline – all matters reserved) at Land North of New Brancepeth, between Plantation View and School House, Durham, DH7 7EY Ref: DM/16/00156/OUT**

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**Date**  
**12<sup>th</sup> April 2016**