

COMMITTEE REPORT

APPLICATION DETAILS

APPLICATION NO:	DM/16/00511/OUT
FULL APPLICATION DESCRIPTION:	Outline application with all matters reserved for 9 houses (5 houses to be starter/affordable homes)
NAME OF APPLICANT:	Mr William Oliver
ADDRESS:	Broom House, Cocken Road, Leamside, Houghton-le-Spring, DH4 6QN
ELECTORAL DIVISION:	Sherburn
CASE OFFICER:	Chris Baxter Senior Planning Officer 03000 263944 chris.baxter@durham.gov.uk

DESCRIPTION OF THE SITE AND PROPOSALS

The Site

1. The application site comprises of two parcels of land located to the south of Cocken Road in Leamside. For the purposes of clarity on this report, the application sites are identified as site A and site B. Site A is located within the grounds of Broom House and site B is located east of Broom House on a triangular parcel of land which is adjacent to the A1(M). Both sites are surrounded by mature tree coverage. There are a number of mature trees which are located within site A. Both sites are located within the Durham City Green Belt. Site A is located within an Area of High Landscape Value, whilst site B is directly adjacent to the Area of High Landscape Value.

The Proposal

2. Outline planning permission is sought for nine houses. The nine houses would be split across two sites, four of which would be located on site A and the other five properties would be located on site B and have been described as starter/affordable homes. The application has been submitted in outline with all matters reserved for future consideration. Illustrative layout plans have been submitted which indicates that the four properties on site A would be detached properties and the five properties on site B would be a row of terraced properties.
3. A community benefit statement has been provided that indicates that should planning permission be granted a donation of £100,000 will be made to the West Rainton & Leamside Community Association, in order to aid in the Associations debt portfolio.

4. The application is reported to the Planning Committee at the request of Councillor David Hall due to the local support for the rescuing and refurbishment of the local community centre.

PLANNING HISTORY

5. In relation to site A there have been several planning applications associated with the site. Outline planning was refused in June 2004 for a single dwelling and in November 2008 outline permission was refused for four dwellings. Permission was granted for a detached garage and solar panels in association with Broom House, in March 2006 and then again in November 2011.
6. There is no planning history in relation to site B.

PLANNING POLICY

NATIONAL POLICY:

7. 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.
8. 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'.
9. The following elements are considered relevant to this proposal;
10. *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 21st century.
11. *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.
12. *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.

13. *NPPF Part 7 – Requiring Good Design*. The Government attaches great importance to the design of the built environment, with good design a key aspect of sustainable development, indivisible from good planning.
14. *NPPF Part 9 – Protecting Green Belt Land*. The Government attaches great importance to 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. *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

16. *Policy E1 (Durham City Green Belt)* states that within the Green Belt the construction of new buildings is inappropriate and will not be permitted unless it is for purposes relating to agriculture or forestry; essential sport and recreation facilities or cemeteries; replacement of an existing dwelling, re-use or conversion of an existing building; and limited extensions to existing dwellings.
17. Policy E7 (Development in the Countryside – Development Outside Settlement Boundaries) aims to protect the countryside as an important resource.
18. *Policy E10 (Area of High Landscape Value)* states that the Council will protect the landscape value in respect of development by resisting development which would have an unacceptable adverse impact upon landscape quality or appearance of the area of high landscape value; and requiring that development respects the character of its landscape setting in terms of its siting, design and scale.
19. *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.
20. *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.

21. *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.
22. *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.
23. *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.
24. *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.
25. *Policy Q5 (Landscaping)* states that all new development which has an impact on the visual amenity of the area in which it is located will be required to incorporate a high standard of landscaping in its overall design and layout.
26. *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.
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.

RELEVANT EMERGING POLICY

The County Durham Plan

28. 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.

CONSULTATION AND PUBLICITY RESPONSES

STATUTORY RESPONSES:

29. *County Highways Authority* has raised objections to the proposed scheme and recommends that the application is refused on highway safety and sustainability grounds.
30. *Drainage Officer* has not raised any objections to the scheme.
31. *Northumbrian Water* have not objected to the proposal. A condition is recommended for details of foul and surface water disposal to be submitted.

INTERNAL CONSULTEE RESPONSES:

32. *Sustainability* has raised objections as the development does not meet the presumption in favour of sustainable development as it fails to meet some of the key principles of NPPF 17 and in particular has poor accessibility and is likely to have significant noise impacts.
33. *Environmental Management (Contamination)* has not raised any objections but has indicated that further information is required in terms of contamination.
34. *Ecology Team* has not raised any objections.
35. *Landscape Team* have confirmed that the proposals would have significant landscape and visual effects.
36. *Tree Officer* has indicated that further information is required in the respect of existing trees on the site.
37. *Environmental Management (Noise)* has indicated that insufficient details have been provided to allow for a proper assessment of the potential environment impact of the proposed development.

PUBLIC RESPONSES:

38. A press notice was issued. Site notices were also posted. Neighbouring residents were notified individually of the proposed development. Four letters of objection have been received, including an objection letter from the City of Durham Trust.
39. The previous refused application has been mentioned by residents, indicating that nothing has changed. Concerns have been raised in respect of impacts on the surrounding area and the Green Belt; and that the new houses would not blend in to the village. Residents have also indicated that the access roads would be dangerous as the main road is already a busy country lane. It has also been indicated that there is no need for additional housing in the area. There is limited services available in the area and there are concerns that the properties would have adverse impacts on trees and wildlife in the area.
40. Objectors have indicated that the £100,000 been offered to pay off the debt of the West Rainton & Leamside Community Association is not justification to allow new houses in the Green Belt. The City of Durham Trust has referred to this as a 'carrot being dangled'.
41. An objector has also stated that it is likely that not one of the people who have supported the scheme lives anywhere near the development. The objector also doubts that these supporters would even know where the proposed site of the development is, let alone understand what they are supporting, as they have been coerced by the offer of money. There is a concern that should this application be granted permission, this would create a precedent for future development.

42. It is also noted that a petition in support of the application has been submitted by the applicant. This petition has approximately 240 signatures. A letter of support has been received from a resident within West Rainton.

APPLICANTS STATEMENT:

43. The following should form the bases for the justification of confirming 'very special circumstances' to accommodate NPPF guidelines:

- Restoration of solvency to WR&LCA by way of a £100000 unrestricted capital injection.
- This restoration removes the potential of the vulnerable position (liability) in which the Trustees currently exist.
- The capital injection will save Jubilee Hall from the existing likelihood of closure.
- The restoration of solvency will allow other funders to provide monies to WR&LCA which currently they are unable to grant, due to the insolvency, and thereafter provide additional services and programmes to support the community.
- Should Jubilee Hall manage to survive, future surplus unrestricted funds will have to be allocated to pay down debts for a period of up to and exceeding 10 years – the capital injection will obviate this and the future surplus funds can be allocated to programmes/projects in the community particularly for the vulnerable and needy.
- The Ecological Report undertaken has revealed no major problems.
- The sites would aid in Central and Eastern Durham's Strategic shortfall in small site availability as identified in the SHLAA report.
- Professional third party advice indicating that an unrestricted capital injection is their recommended path to provide a sound financial basis from which WR&LCA to operate. (Senior partner KPMG and Unity Bank).
- Via consultation overwhelming majority of the village/community support the development project.
- Parish Council have no objections to the development.
- There is precedent elsewhere in the UK (Mrs S. Torrens – February 2016) that where a planning application rejection due to green belt constraints would likely result being injurious to an individual's physical or mental health then this situation can be granted 'very special circumstances' status and the planning application granted. Undoubtedly the closure of Jubilee Hall would have a very detrimental effect on many community members physical and mental health conditions.
- Jeff Morland (Chairman of WR&LCA) who was born in Cocken Road and has been resident in Leamside/West Rainton for 60+ years has written an analysis of the benefits and sustainability of the two small development sites to the local community and the very limited impact the development will impose on the environment. This commentary should be read in conjunction with Jeff Morland's analysis.

PLANNING CONSIDERATIONS AND ASSESSMENT

44. 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 principle of development; impact upon Green Belt and area of landscape value; highway considerations; and residential amenity.

Principle of development

45. The application site is located within the Durham City Green Belt. The fundamental aim of the Green Belt is to prevent urban sprawl by keeping land permanently open. This scheme proposes housing development on Greenfield land that is located in an unsustainable location. West Rainton is the nearest settlement which has some services and facilities however this settlement is over a kilometre away from the application site. The following gives an indication of distances from the application site to the nearest services:

Primary school – 1.5km

Doctors surgery – 2km

Cost Cutters Convenience Store – 2km

Secondary school – over 5km

46. Given the distance of the application site from the nearest shops, services and public facilities it is considered that the site is unsustainable and would conflict with the core aims of the NPPF.
47. Local plan policy E1 (Green Belt) clearly states that the construction of new buildings within the Green Belt is inappropriate and will not be permitted. There are some exceptions which do allow development in the Green Belt and these relate to agriculture or forestry; outdoor sport and recreation; limited infilling; replacement of an existing building; re-use or conversion of an existing building; or limited extensions to existing dwellings. The proposed development of nine houses do not fall within the exception criteria and therefore the proposals are clearly contrary to policy E1 of the local plan and represent inappropriate development, as defined by paragraph 89 of the NPPF.
48. The NPPF further states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. The NPPF also advises that substantial weight should be given to greenbelt harm and that very special circumstances will not exist unless the potential harm to the greenbelt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations. The applicant has argued that very special circumstances exist in this case. In particular, it is argued that the sum of £100,000 which the Developer is offering to pay to the West Rainton & Leamside Community Association to clear debts on the community building known as Jubilee Hall which is situated within the nearby settlement of West Rainton amounts to very special circumstances.
49. Whilst it is considered admirable that the applicant is willing to offer £100,000 to clear outstanding debt for the West Rainton & Leamside Community Association, such a financial contribution would not meet the requirements of the Community Infrastructure Levy Regulations.

In particular, it would not be necessary to make the development acceptable in planning terms, would not be directly related to the development, nor would it be reasonably related in scale and kind to the proposed development. Accordingly, any such financial contribution to be paid by the Developer would be entirely voluntary and could not constitute a reason for granting planning permission. No weight can therefore be afforded to this in the determination of this application. . Planning policy can sometimes require developers to provide a financial contribution towards recreational and amenity space within an area. These contributions are usually only required for major developments of 10 houses or more and these contributions are calculated at £1000 per house. A financial contribution from a scheme of nine houses would not require a contribution under current local planning policy.

50. Before coming to a view on whether the harm to the greenbelt by reason of inappropriateness and any other harm is clearly outweighed by any other considerations (such as to amount to very special circumstances), it is necessary to identify any other harm and any considerations which could outweigh that harm

Impact upon Openness of the Green Belt and area of landscape value

51. National and local policy attaches great importance to Green Belts. The fundamental aim of Greenbelt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence. Both sites are located to the south of Cocken Road, both within the Green Belt and site A is also within an Area of Landscape Value with site B on the boundary with the Area of Landscape Value. The County Durham landscape character assessment identifies the application sites to be located within the Eastern Valley Terraces of the Wear Lowlands. The landscape strategy for the farmland is to 'enhance' and as a result is a Landscape Improvement Priority Area.
52. Openness is simply absence of development/building. Accordingly, the proposed development, particularly the quantum and intensification of the built form will have a significant adverse effect on openness.
53. The County Landscape Officer has objected the proposed development. The Landscape Officer has indicated that the proposals will inevitably have a negative impact on the landscape and visual amenity of the surrounding area. The impact is considered more significant given the recognised landscape character amenity of this part of County Durham, being within or immediately adjacent an area of high landscape value. Although there is a scattering of dwellings in the immediate vicinity of Broom House, the introduction of nine properties will double the number of properties.. Both developments will be isolate within the countryside, with built development of this nature out of keeping with the surrounding scattered dwellings, and resulting in an urbanising effect within an essentially rural landscape. The development to site B will be highly conspicuous along the major transport corridor of the A1(M), which is close by, and with an open aspect onto the site. This site is also visible from Cocken Road beside the access track. Development within site A will be less conspicuous from public vantage points, but development will still be evident from Cocken Road. Development will be set within the large, well treed garden of Broom House, notably with one or more attractive mature horse Chestnut. This large garden presently provides a suitable rural context and connection with the adjacent self-set woodland to the west and the open arable land to the south. It is noted that both developments will require adequate highway visibility splays, and this could potentially affect trees and hedgerow located in close proximity to the road verge. Clearance for sightlines would open-up views into both sites. In terms of design issues, the proximity of mature trees within the garden and the adjacent woodland may cause issues with regard shade and general nuisance to the enjoyment, and this may result in subsequent opening-up of the plots, thereby making it more conspicuous within the countryside.

54. It is therefore considered that the proposed development would have a significant and detrimental impact on the openness of the Green Belt and an adverse impact on the landscape qualities of the Area of High Landscape Value. The proposal would therefore be contrary to policies E1 and E10 of the local plan.

Highway considerations

55. Although the application is made in outline with all matters reserved, it is considered prudent to assess the highway implications relating to the principle of development at this stage. Both sites would be accessed from Cocken Road. The County Highways Officer has commented on the application indicating that previous highway comments on the 2008 application stated that visibility for access was poor and refusal was recommended. The Highways Officer also notes that safe stopping distance to accesses could not be achieved due to poor visibility for both accesses.

56. The Highways Officer has also commented on the sustainability of the proposed sites. The site is remote from services and not served by public transport. It has no pedestrian provision and limited street lighting provision. The site would be reliant on travel by private car and is therefore considered to be in an unsustainable travel location.

57. Given the above comments it is considered that the proposed development would have an adverse impact on highway safety and would be contrary to policy T1 of the local plan.

Residential amenity

58. In terms of impacts on adjacent residential properties, it is considered that nine properties could be positioned on the site without compromising the amenities of the neighbouring residents.

59. The application sites, in particular site B, are within close proximity to the A1(M). The Council's Noise Officer has indicated that a detailed acoustic report should be carried out to establish whether sound attenuation measures are required to protect future residents from the transferral of sound from road traffic noise.

As the applicant has not submitted a noise report, it is not possible to assess whether there would be an adverse impact upon future residential occupiers of the proposed dwellings and whether adequate mitigation could be put in place to address this.

Other Issues

60. The Council's Drainage Officer and Northumbrian Water have not raised any objections to proposed scheme. Further details are required in relation to foul and surface water disposal, however it is not considered that drainage would be adversely impacted upon.

61. The Council's Environmental Management Contamination Team have not raised any objections to the scheme, however further details are required in relation to potential contamination on the site and any required remediation works.

62. The Council's Ecology Team have not raised any objections to the proposed scheme.

Whether very special circumstances exist

63. The proposal represents inappropriate development in the greenbelt, which is by definition harmful to the openness and permanence of the greenbelt. It is also considered that additional harm arises in terms of adverse landscape and visual impacts, the unsustainable location of the site and any access arrangement would be substandard and unacceptable in terms of highway safety. Applying the balancing test in paragraph 88 of the NPPF, there are no considerations which would clearly outweigh this harm. Accordingly, very special circumstances do not exist and the proposal is contrary to both part 9 of the NPPF and policy E1 of the local plan.

CONCLUSION

64. The application sites are situated within an unsustainable location. West Rainton is the nearest settlement which has some services and facilities however this settlement is over a kilometre away from the application site. The application site is detached from any shops, services or public facilities and the site would be reliant on travel by private car. The proposed development is considered contrary to sections 1, 4, 6 and 11 of the NPPF as the application would constitute unsustainable development.

65. National and local planning policy clearly states that this type of development in Green Belts is inappropriate. There are no considerations which clearly outweigh the greenbelt harm by reason of inappropriateness and other harm identified such as to amount to very special circumstances. Accordingly, the proposed development is unacceptable in principle and would be contrary to policy E1 of the local plan and part 9 of the NPPF.

66. The proposed developments will be isolate within the countryside, with built development of this nature out of keeping with the surrounding scattered dwellings, and resulting in an urbanising effect within an essentially rural landscape. The development would have an unacceptable adverse impact upon the appearance of the Area of High Landscape Value and therefore the proposal would be contrary to policy E10 of the local plan.

67. Durham County Highway Officers have raised concerns with the proposed development, indicating that there is poor visibility from the proposed access points. The Highways Officer also notes that safe stopping distance to accesses could not be achieved due to poor visibility for both accesses. The proposed development would have an adverse impact on highway safety and would be contrary to policy T1 of the local plan.

68. The proposed development would not have any adverse impact on the residential amenity of neighbouring properties. The Council's Noise Officer has raised some concerns in terms of noise over the close proximity of the A1(M) to the proposed properties. Detailed noise surveys would be required to be submitted.

69. The Council's Drainage Team, Contamination Team, Ecology Team and Northumbrian Water have not raised any objections to the proposed scheme.

RECOMMENDATION

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

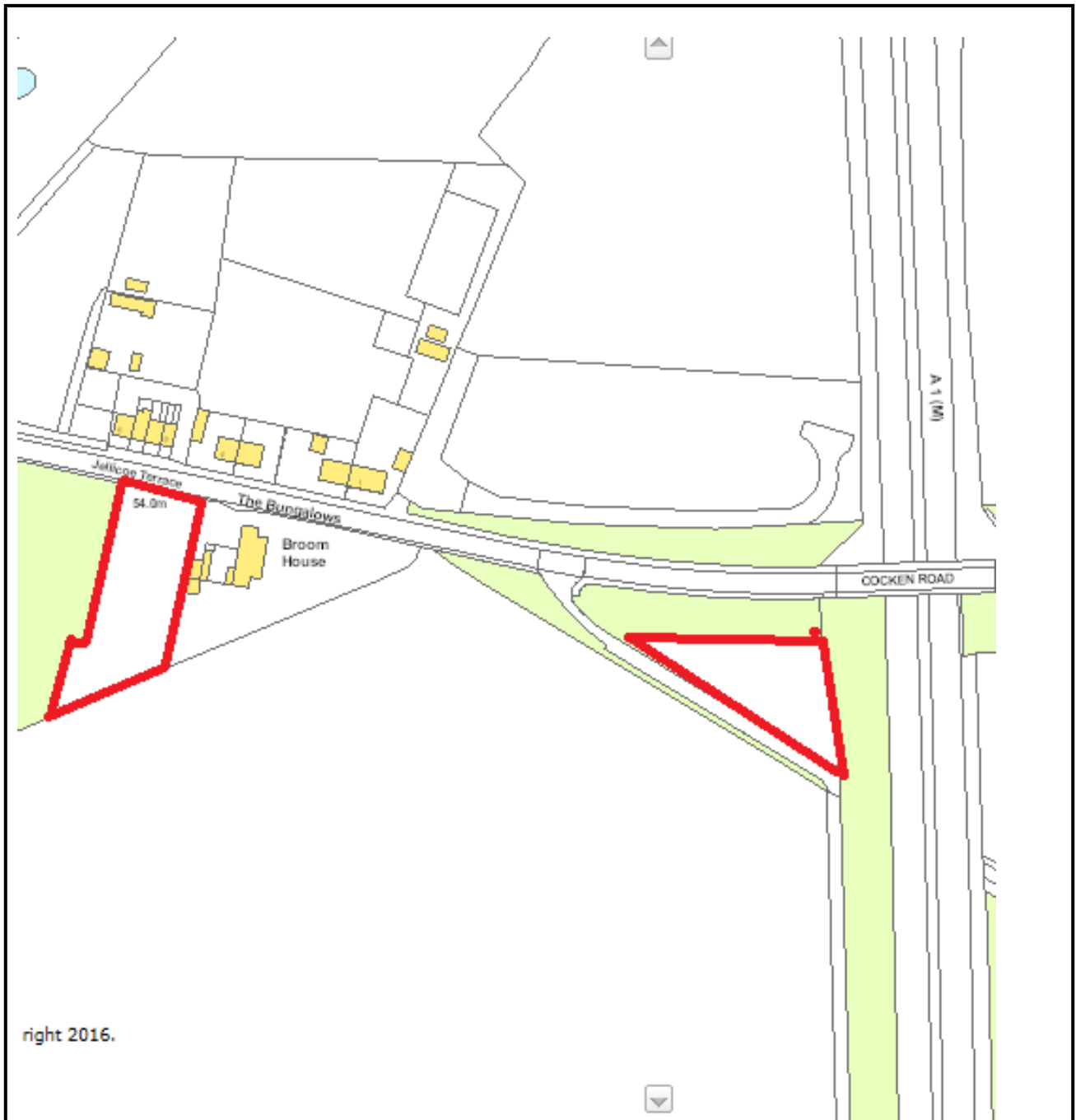
1. The proposed development is contrary to sections 1, 4, 6 and 11 of the National Planning Policy Framework as the proposed development would constitute unsustainable development and prospective occupiers of the proposed property would not be within close walking distance to local services or public transport.
2. The proposed development is contrary to Policy E1 of the City of Durham Local Plan and Part 9 of the National Planning Policy Framework as the proposal is for inappropriate development in the Durham City Green Belt and there are no very special circumstances which clearly outweigh the harm to the greenbelt by reason of inappropriateness and other harm identified
3. The proposed development is contrary to Policies E10 of the City of Durham Local Plan as the proposal would compromise the landscape qualities of the Area of High Landscape Value.
4. The proposed development is contrary to policy T1 of the City of Durham Local Plan as an acceptable access arrangement to the site cannot be achieved and any access would impact upon highway safety.
5. Insufficient information has been submitted by the Applicant to enable an assessment of whether the proposal is acceptable in terms of noise impacts upon future residential occupiers from the A1(M) motorway.

STATEMENT OF PROACTIVE ENGAGEMENT

In dealing with the application, the Local Planning Authority has worked in a positive and proactive manner to ensure that the Durham City Green Belt is not compromised.

BACKGROUND PAPERS

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

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10th May 2016