

COMMITTEE REPORT

APPLICATION DETAILS

APPLICATION NO:	DM/16/00871/OUT
FULL APPLICATION DESCRIPTION:	Outline planning permission for residential development (C3) of up to 14 dwellings with all matters reserved except access, including demolition of no. 7 The Paddock
NAME OF APPLICANT:	Beavertail Ltd
ADDRESS:	Land To The South Of And Including No. 7 The Paddock Lanchester Durham DH7 0HW
ELECTORAL DIVISION:	Lanchester Steve France
CASE OFFICER:	Senior Planning Officer Telephone: 03000 264871 steve.france@durham.gov.uk

DESCRIPTION OF THE SITE AND PROPOSALS

The Site

1. Lanchester is a large village that sits on the A691 midway between Durham City and Consett. To the north are the larger mining originated settlements of Annfield Plain and Stanley, whilst south of the village is a network of small rural and mining related settlements including Cornsay, Quebec and Esh. The settlement is identified within the Durham Settlement Study 2012 as a 'local service centre'.
2. Based around a central historic core designated as a Conservation area, the village was extensively extended in the late 20th Century by primarily Local Authority built housing on the east A691 access to the settlement, and latterly large estates of private residential development on the west side, where Newbiggin Lane, the B6296 at Cadger Bank, and the B6301 a Ford Road enter the village. Lanchester sits astride Smallhope Burn, with the modern estates sited on the sometimes steep valley sides. This watercourse, although small, has a history of flooding the village centre. The surrounding countryside is a mix of arable and grazing agricultural land, with the countryside to the north, east and south of the village subject to an Area of High Landscape Value (AHLV) designation in the Derwentside District Local Plan, including the application site.
3. The proposed application site consists of a sloping agricultural field, just over a hectare in size at the south west corner of the village of Lanchester. The west and south boundaries of the site, defined by agricultural fencing, hedging and occasional trees follows the traditional field pattern, evident on the 1860 Ordnance Survey plan, with the east and north boundaries shared with modern housing development dating from the

1960s/1970s. Access to the land at present is via a narrow passage and field gate between the dwellings on Ford Road, to the east.

4. The field is proposed accessed by demolishing a dwelling in the adjacent residential cul-de-sac to overcome the previous landlocked nature of the site for development purposes, the area of this land being 0.13ha. There are no features on the land, it being maintained as semi-improved grassland. The cul-de-sac, named The Paddock, is a 1970s development of large detached bungalows set in matured landscaping, strongly reflecting the vernacular of the time, constructed of pale brickwork, with shallow roofs and large or horizontally proportioned openings. Those dwellings accommodate the comparable slope by being 'built-up' at their lower end, rather than through land-forming. Much of the boundary planting around The Paddock, including that separating that street from the site, is protected by Tree Preservation Order, as are individual trees within the curtilage of the dwelling – number 7 - proposed demolished. The site is within the Area of High Landscape Value, and out-with the development limit as defined in the Derwentside District Local Plan, 1997.
5. The edge of settlement site is visible for a short distance from the B6301, Ford Road, as it approaches the village and in more distant views from the single track road connecting Bargate Bank to Ragpathside as it passes Greenwell Farm, on the facing side of the River Browney Valley. There are no designated public footpaths in the area that give a view of the site.

The Proposal

6. This application is for 'outline' development - seeking approval for the principle of residential development of up to 14 self-build units, with all matters except the site access and the demolition of the existing dwelling reserved for future determination. Whilst the applicant presents the application – and presented their presubmission consultation with the local community – as a scheme of self-build units, either individual or in small groups, any approval would be on the basis of 'outline' consent, allowing the scheme to be built as a whole or by individual plots.
7. The application is reported to Committee as a 'Major' scheme.

PLANNING HISTORY

8. The site has no recent planning history.

PLANNING POLICY

NATIONAL POLICY

9. 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.

10. 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'.
11. In accordance with paragraph 215 of the National Planning Policy Framework, the weight to be attached to relevant saved local plan policy will depend upon the degree of consistency with the NPPF. The greater the consistency, the greater the weight. The relevance of this issue is discussed, where appropriate, in the assessment section of the report below.
12. The following elements of the NPPF are considered relevant to this proposal;
13. *NPPF Part 4 – Promoting Sustainable Transport.* Notes the importance of transport policies in facilitating sustainable development and contributing to wider sustainability and health issues. Local parking standards should take account of the accessibility of the development, its type, mix and use, the availability of public transport, levels of local car ownership and the need to reduce the use of high-emission vehicles.
14. *NPPF Part 6 – Delivering a wide choice of high quality homes.* Housing applications should be considered in the context of a presumption in favour of sustainable development. Local Planning Authorities should seek to deliver a wide choice of high quality homes, widen opportunities for home ownership and create inclusive and mixed communities. Policies should be put in place to resist the inappropriate development of residential of residential gardens where development would cause harm to the local area.
15. *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.
16. *NPPF Part 8 – Promoting Healthy Communities* – the planning system is considered to have an important role in facilitating social interaction and creating healthy, inclusive communities, delivering social recreational and cultural facilities and services to meet community needs. Access to high quality open spaces and opportunities for sport and recreation can make an important contribution to the health and well-being of communities.
17. *NPPF Part 10 - Meeting the challenge of climate change, flooding and coastal change.* Applicants for energy development need not demonstrate the overall need for renewable or low-carbon energy. Small scale projects provide a valuable contribution to cutting green-house gas emissions. Applications should be approved if the impacts are considered acceptable.
18. *NPPF Part 11 – Conserving and enhancing the natural environment.* The planning system should contribute to and enhance the natural environment by; protecting and enhancing valued landscapes, recognizing the benefits of ecosystem services, minimising impacts on biodiversity and providing net gains in biodiversity where possible, preventing new and existing development being put at risk from unacceptable levels of soil, air, water or noise pollution or land instability, and remediating contaminated and unstable land.

NATIONAL PLANNING PRACTICE GUIDANCE:

19. The newly introduced National Planning Practice Guidance (NPPG) both supports the core government guidance set out in the NPPF, and represents detailed advice, both technical and procedural, having material weight in its own right. The advice is set out in

a number of topic headings and is subject to change to reflect the up to date advice of Ministers and Government.

20. *Climate change* - Addressing climate change is one of the core land use planning principles which the National Planning Policy Framework expects to underpin both plan-making and decision-taking. Planning can also help increase resilience to climate change impact through the location, mix and design of development. Reflecting the 'golden thread' of the NPPF, sustainable development is key.
21. *Natural Environment* - Section 40 of the Natural Environment and Rural Communities Act 2006, which places a duty on all public authorities in England and Wales to have regard, in the exercise of their functions, to the purpose of conserving biodiversity. A key purpose of this duty is to embed consideration of biodiversity as an integral part of policy and decision making throughout the public sector.
22. *Flood Risk and Coastal Change* - The general approach is designed to ensure that areas at little or no risk of flooding from any source are developed in preference to areas at higher risk. Application of the sequential approach in the plan-making process, in particular application of the Sequential Test, will help ensure that development can be safely and sustainably delivered and developers do not waste their time promoting proposals which are inappropriate on flood risk grounds.
23. *Planning obligations* - Planning obligations mitigate the impact of unacceptable development to make it acceptable in planning terms. Obligations should meet the tests that they are necessary to make the development acceptable in planning terms, directly related to the development, and fairly and reasonably related in scale and kind. These tests are set out as statutory tests in the Community Infrastructure Levy Regulations 2010 and as policy tests in the National Planning Policy Framework.

LOCAL PLAN POLICY:

24. The following are those saved policies in the Derwentside District Local Plan relevant to the consideration of this application:
25. *Policy GDP1 – General Development Principles* – is an overarching policy which aims to ensure that all developments incorporate a high standard of design, conserve energy and are energy efficient, protect the existing landscape and natural and historic features, protect and manage the ecology of the area, protect valuable open land, provide adequate landscaping, incorporate crime prevention measures and improve personal safety, protect amenity, provide adequate drainage, protect flood risk areas and protect the water resource from pollution.
26. *Policy EN1 – Development in the Countryside* – will only be permitted where it benefits the rural economy / helps maintain / enhance landscape character. Proposals should be sensitively related to existing settlement patterns and to historic, landscape, wildlife and geological resources.
27. *Policy EN2 – Preventing Urban Sprawl* – Except where provision has been made in the plan, development outside built up areas will not be permitted if it results in: the merging / coalescence of neighbouring settlements; ribbon development or; and encroachment into the countryside.
28. *Policy EN6 - Development within Areas of High Landscape Value* - Development will only be permitted provided that it pays particular attention to the landscape qualities of the area in the siting and design of buildings and the context of any landscaping proposals.

29. *Policy EN9 – Works to trees covered by preservation orders* – Only allows the cutting down, loping, pruning, topping or uprooting of protected trees if the work is necessary because of good arboricultural reasons or the survival or growth prospect of other protected trees is threatened, or if the tree is causing structural damage and no other remedial action is possible, or the tree is a danger to life or limb.
30. *Policy EN11 – Trees and Development* – states that throughout the district existing trees should be retained where possible.
31. *Policy HO7 – Development Limit for Lanchester and Burnhope*, states that no new housing development in Lanchester will be approved outside of the Development Limit.
32. *Policy TR2 – Development and Highway Safety* – relates to the provision of safe vehicular access, adequate provision for service vehicle manoeuvring, etc.

OTHER MATERIAL DOCUMENTS:

33. *The Lanchester Village Design Statement* May 2004 – outlines guidance to conserve the valued aspects of the village and the land around it and seeks to enable appropriate development based on guidance and aspirations

RELEVANT EMERGING POLICY:

34. Paragraph 216 of the NPPF says that decision-takers should 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 withdrawn CDP can no longer carry any weight. As a new plan progresses through the stages of preparation it will begin to accrue weight in due course.

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>.

CONSULTATION AND PUBLICITY RESPONSES

STATUTORY RESPONSES:

35. *Highways* – County Highways Engineers have no objections to the proposal noting access will be taken direct from The Paddock and would require removal of a single property. The carriageway and footways are adequate to support additional residential development. The internal access road should be designed as a 4.8m wide carriageway. The highway network in The Paddock is able to accommodate this new development.
36. *Northumbrian Water* raise no issues provided the application is approved and carried out within strict accordance with the submitted document entitled “Segment 002 of The Paddock Lanchester- FRA Drainage Strategy- Planning”. A condition is requested to

ensure adherence to the flow rates and detailed connections proposed in this document. They caveat their comments, noting they are not commenting on the quality of the flood risk assessment as a whole or the developers approach to the hierarchy of preference. The Council, as the Lead Local Flood Authority, needs to be satisfied that the hierarchy has been fully explored.

INTERNAL CONSULTEE RESPONSES:

37. *Spatial Policy* - The scope of the Policy assessment covered; whether this development is acceptable in this location, and whether there are any constraints upon the site which could affect development. With a presumption in favour of sustainable development where relevant policies in a Development plan are 'out-of-date', the NPPF sets out a clear driver to ensure economic growth and provision of sustainable new housing and development.
38. In terms of the current housing land supply position, the Council accepts that it is unable to demonstrate a five year supply of deliverable sites in the absence of a sufficiently advanced and publically tested up to date the Objectively Assessed Need of the area (OAN), in accordance with paragraph 47 of the NPPF. Consequently, paragraph 49 indicates that the housing supply policies are to be regarded as 'not up to date'. In the light of the recent Court of Appeal judgment in the Richborough case, policies which restrict the locations where new housing may be developed in the widest sense are to be regarded as policies for the supply of housing for the purposes of paragraph 49 of the NPPF.
39. In the absence of a OAN the Council has calculated the housing supply position on the basis of currently available housing need data to ascertain a 'proxy' measurement and thus housing land position, acknowledging that the data relied upon cannot be regarded as representing the OAN as it does not take into account market signals, and nor has it been publicly tested. The findings do not suggest a significant deficit in supply exists. Rather this suggests that significant weight should not be placed upon the site's contribution to boosting the supply of housing where there are significant adverse impacts as there is no pressing need to support unsustainable housing proposals.
40. This is considered to be a material consideration when undertaking the relevant planning balance assessment in accordance with Paragraph 14 of NPPF. Although the proposed development will provide some benefit to the supply of housing, the weight to be given to that benefit should be reduced on the basis that an adequate supply has been established without requiring the development of this site. Indeed weight should be given to the countervailing consideration, namely the fact that a five year's supply has been demonstrated as measured against the proxy OAN figure.
41. Policy H07 in the Development Plan sets down a development limit which is drawn to the north of the site. Policies EN1 and EN2 of the LP therefore apply, which seek to contain development within existing built up areas to prevent sprawl into the open countryside. The land is also regarded as an area of high landscape value - under Policy EN6 – which places an emphasis on high quality development to prevent harm to the landscape. As set out above, housing supply policies within the Derwentside Development Plan, including Policy H07, are not based on an up-to-date OAN. Therefore settlement boundaries are considered out of date, in accordance with para 49 of the NPPF and should be afforded only limited weight regardless of the 5 year housing land position.
42. The LP environmental policies (EN1, EN2 and EN6) are considered to fit into this category insofar as while they impact on housing supply through their role in reinforcing settlement limits. So for EN1 and EN2, while they could limit housing supply they are

not numerically based on outdated evidence. They do however have a wider remit of protecting the countryside from development that will be harmful to it so in that context are broadly consistent with the NPPF (para. 55). The implication of this is that some limited weight should be attributed to the environmental policies. It is noted that the site is relatively well contained and related to existing development to at least two sides. As such, it is considered that the scheme would offer some alignment with Policies EN1 and EN2.

43. The lower half of the site has been assessed through the Strategic Housing Land Availability Assessment process and rated as amber (unsuitable). The main reason for the unsuitable assessment is based on technical constraint whereby a suitable access could not be achieved. This has been resolved by the revised access point in the planning application. Some adverse landscape impacts were noted however in mitigation the site was deemed to be relatively well-contained and developable subject to adequate landscape mitigation.
44. In conclusion, the starting point for considering this proposal is DDLP as this is the development plan. Relevant policies in the DDLP are considered out of date as they relate, to varying extents, to housing land supply. Therefore, in accordance with the NPPF a paragraph 14 balance should be performed to determine the acceptability of the proposal. Permission should therefore be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework as a whole taking into account the two limbs of paragraph 14.
45. Very limited weight can be ascribed to the settlement boundary and the site is relatively well-related to the built up area in relation to policy EN2 which resists urban sprawl. It is also understood that landscape impacts can be mitigated. On the balance of these factors, the Spatial Policy Team would raise no objection to the proposal.
46. It is further noted, a Neighbourhood Plan is being prepared for Lanchester Parish by the Parish Council. The NP has been progressed through two rounds of informal consultation however at this stage there are no draft policies in place. In accordance with Planning Policy Guidance no weight can be afforded to the plan at this stage. Further, given the scale of the proposal it is considered a 'prematurity argument' would carry no weight in the balance.
47. *Drainage* – State that according to the Environment Agency and Durham County Council Strategic Flood Risk Assessment (SFRA) data there does not appear to be a risk of flooding to the development site. In accordance with The Flood and Water Management Act 2010, Durham County Council (DCC) is designated as a Lead Local Flood Authority responsible for flood risk management for its area.
48. *Landscape* – consider that the loss of the field and part of the conifer belt to form the access would be a negative result of the development, with further potential effects on the longevity of the trees around the site entrance. The development would be 'slightly damaging' to the setting of the Roman Fort, and affect the 'tranquility and particular character' of The Paddock'.
49. *Tree Officers* – the extent of tree removal and then location of the protected trees is discussed in the tree officers' response, noting the need for detailed levels information and specifications of new planting is requested. There is no formal objection to the scheme.
50. *Sustainability Officers* – in terms of locational sustainability, this consultee does not consider the site within short walking distance of some services and access to buses

and their frequency to be below minimum requirements – ‘the site is over 500m away from the town centre and main bus stop, and whilst the town centre provides a good range of local services, the town is still only a local service centre and bus services to other major centres, Consett, Stanley and Durham can be infrequent’. The site is remote from train stations and regional and national retail and employment opportunities.. For embedded sustainability a standard condition is proposed. Whilst the key issues impacting upon the presumption in favour of sustainable development include landscape impact and low accessibility score, especially for employment opportunities, it is concluded that if there are no issues from landscape, heritage or ecology colleagues, Sustainability Officers do not object to the application in principle.

51. *Archaeology Officers* – having reviewed the geophysics report, conclude it is apparent that the site does not appear likely to hold an archaeological resource extensive or significant enough as to affect the decision in principle of whether to grant planning permission. However, as the results of geophysics should be routinely tested through a programme of trenching especially where features that may have been missed, such as burials, might be encountered, it is recommend that conditions be applied to require this.
52. *Ecology* – were not satisfied with the ecology surveys and mitigation originally accompanying the application, but following direct liaison with the applicant’s ecologists during the application process, are satisfied that subject to a condition to ensure provision of agreed mitigation, ecology requirements have been appropriately met.

PUBLIC RESPONSES:

53. Neighbours have been consulted, a site notice was posted on Front Street, and a press notice was published in The Northern Echo. 18 Letters were sent out, with objections from 14 properties and Lanchester Parish Council received.
54. *Lanchester Parish Council* objects to the proposals. They note the site was considered unacceptable in the SHLAA exercise as having a negative landscape impact, was not within walking distance of some services, was visible from the countryside and had the potential to affect biodiversity and protected species. A list of 25 bullet pointed objections is also included, reflecting residents’ concerns, including; outside the settlement limit in open, designated, countryside, scale and density compared to existing dwellings, visible in long views, loss of existing dwelling, extending a cul-de-sac, volume of traffic, drainage issues, lack of services, proximity to the fort, loss and protection of trees, loss of views, and self-build development implications.
55. *Residents* contend the development of two storey dwellings is proposed outside the settlement boundary and out of character with the strong ‘traditional bungalow’ vernacular of The Paddock. Pre-submission discussions between residents and the applicants included issues of affordable housing. Residents provide calculations to show the value of land and property in Lanchester is such that the land and houses will not be affordable to most people.
56. The village of Lanchester is contended as ‘suffering from over-development in recent years’, with ‘several building projects being undertaken’ and a ‘significant amount of houses for sale’, with infrastructure and facilities struggling to cope. Existing businesses will suffer from additional development as new residents will shop elsewhere. The development will bring no social benefits to the village, either financial or through direct provision.

57. Neighbours state that the site was surveyed after a period of heavy rain, with the site providing natural soak-away as it should. This would be lost if the development goes ahead. The development of the site is stated to have drainage implications for the wider village.
58. Loss of light for a development sited to the south of dwellings in The Paddock is offered as an objection, in addition to loss of privacy from facing dwellings. The applicant's traffic projections are queried, with reference made to existing parking problems with existing residents and the potential for 'significant disturbance' from vehicles passing through what is currently a cul-de-sac. Winter traffic movements are contended especially difficult.
59. Concern for the effect of the new access on the root plates of the individual trees in the garden of the property proposed demolished is raised, as is objection to the protected trees proposed removed from the belt on the site boundary to allow the access into the site. The responsibility for landscaping at the entrance to the estate is undefined, and likely to deteriorate and become an attraction to youths and anti-social behaviour.
60. Disruption from the build process of a self-build development site is a significant concern for local residents, both in terms of noise and disturbance affecting existing residents, and the on-going nature of the build attracting the likelihood of criminality.
61. Pedestrian and cycle access to the village centre is considered highly unlikely from the scheme. It is contended the Council will make a financial return on the footpath needed built over to access the site.
62. The green-field site has an abundance of wildlife, including hedgehogs, bats and bird life – all of which would be detrimentally affected by the development.
63. There is a strong likelihood that archaeological remains will be lost if the development proceeds.

APPLICANTS STATEMENT:

64. 'Throughout the application process, the applicant has undertaken consultation with stakeholders and the local community whilst working closely with Officers to evolve the design response.
65. The development has been designed in such a way to respond and mitigate for any constraints such as views into the site, ecology and archaeology. The landscape mitigation has been designed in a similar vein to the existing "Paddock" and has been accepted as alleviating any landscape harm that may result. Equally impacts on ecology have been easily mitigated through designed in mitigation, whilst archaeology was not considered a significant constraint on the site. The site is also considered to be well integrated into the existing pattern of development, being bordered on two sides by existing residential dwellings and will read as a logical part of the wider village as a result.
66. It is therefore considered, that this relatively low density scheme represents an acceptable extension to the existing village. It will not result in any harmful impacts and has embedded mitigation into the design solution. In the context of Lanchester being considered a sustainable location and the presumption in favour of sustainable development applying in this case, development of the site is considered acceptable and in accordance with the development plan'.

PLANNING CONSIDERATIONS AND ASSESSMENT

67. 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 whether the site, on the edge of the settlement of Lanchester, constitutes a sustainable location for housing development and if it does whether the proposal accords with the three dimensions of sustainability, economic, social and environmental set out in the NPPF. Various issues are discussed within these topic headings, below, however it is noted that most issues overlap the three strands having multiple implications.

Strategic Locational Sustainability

68. Members will be aware of the phrase that 'each proposal is assessed on its own merits', and this is relevant here. Planning Inspectors' decisions make it clear that there are different expectations for access to facilities depending on the nature of the setting – urban areas will expect immediate and short distance access to goods and services, new developments in the countryside or in smaller settlements, where 'clusters' of small villages may be mutually supporting through shared facilities show that interpretation of reasonable access is required, rather than adherence to a strict set distance criteria. To this end the distance from the site to the village centre, and the wider facilities in the village are not considered an unreasonable distance for pedestrian travel to services a large rural village that is defined in the County Durham Settlement Study as a 'service centre' – the village centre being around a third of a mile distant. Neither the steepness of the topography nor the width of the pavements are unusual for the village or the surrounding district which appear a characteristic of the extensive modern estates on the west side of Lanchester, indeed large areas of the post-war residential developments of Lanchester are a comparable distance from the village centre.

69. The Village centre has a good range of social and commercial facilities, reflected in the 'service centre' designation, the village sitting within a sustainable hierarchy of settlements, serving as a focus for smaller settlements, and feeding different facilities in adjacent and larger settlements – the supermarket in Annfield Plain is 2.5 miles away, the edge of town retail park at the Arnison Centre in Durham is 6.75 miles away.

70. The village of Lanchester is considered a sustainable location for residential development and the site is well positioned to secure access to services by a range of modes therefore the proposal is considered appropriate/ acceptable from a locational perspective.

The Social strand of Sustainability

71. This element is defined in the Government document as 'supporting strong and vibrant communities, by providing the supply of housing required to meet the needs of present and future generations: and by creating a high quality built environment, with accessible local services that reflect the community's needs..'. Many of the concerns of local residents relate to the 'social' strand of sustainability.

72. To meet the 'decision taking' tests set out in paragraph 14 of NPPF the scheme must not be considered to have any adverse impacts which would significantly and

demonstrably outweigh the benefits, when assessed against the policies of the NPPF taken as a whole or conflict with specific policies in the NPPF that indicate that development should be restricted. A principal consideration therefore is the complex issue of Housing Land Supply in the effective policy vacuum caused by the absence of an up-to-date local plan following the withdrawal of the County Plan. The exercise to quantify the actual housing land supply that currently exists against a 'proxy' housing need position in the absence of an OAN at this point in time is set out in the Spatial Policy team's consultation response and seeks to quantify the level of weight that should be attributed to the schemes contribution to boosting the supply of housing as a benefit. The resulting proxy position suggests that whilst the contribution the site would have to boosting the future housing land supply is a benefit, significant weight should not necessarily be placed upon this when undertaking the planning balance assessment required of paragraph 14.

73. The negative assessment from the former SHLAA process is quantified in the Spatial Policy comments – it being pointed out that the main reason for the 'unsuitable' rating was based on technical constraints whereby a suitable access could not be achieved. 'This has been resolved by the revised access point in the planning application' Landscape mitigation was deemed achievable. The Spatial Policy comments clearly set out the reduced weighting for the remaining policy context, including the saved Countryside and Settlement Boundary DDLP policies, the Village Design Statement and the emerging Neighbourhood Plan. The Spatial Policy comments conclude with no objection to the proposals, with the presumption in favour of sustainable development, if the site is not found to have significant and demonstrable adverse impacts'. The SHLAA is a device to inform housing land supply, but in assessing the environmental attributes of the site also has equal relevance to the environmental strand of sustainability.

The Environmental strand of Sustainability

74. This requires consideration of archaeology and ecology. Whilst residents raise concerns on both of these issues, both of the relevant Council consultees have assessed the implications of the development and concluded effects can be appropriately mitigated through precautionary conditions. For archaeology this assessment included both the potential for actual below ground remains, as well as consideration of the effect of the development on the setting of the scheduled ancient monument of Longovicvm Roman Fort. The development site is 340m from the Roman Fort and 82m from the edge of the extent of the extended protected setting. Ecologists have required additional information during the course of the application and are now satisfied that potential effects of the development can be mitigated through additional managed planting secured by condition. Whilst Landscape officers have indicated a potential for harm to the setting of the Roman Fort, this was not reflected in the advice received from the Council's Archaeologists, and on this basis Officers consider there to be less than substantial harm to the heritage asset.
75. The development will require access through a belt of protected trees, in the same manner that The Paddock required the same when it was built. The remaining tree belt will ensure the character of The Paddock will be retained, forming a strong boundary to the bungalow development. The landscaped area and remaining trees at the new entrance to the development are proposed maintained by a management company, who will also maintain the new planting proposed on the boundaries of the new development.
76. The policies used to assess the housing issues also of course have a function in protecting the countryside. The site as outside the settlement boundary was included within the AHLV in the Derwentside District Local Plan. The NPPF gives little direction on countryside protection, the relevant section, 'Supporting a prosperous rural

economy', relating only to plan-making rather than decision taking. EN6, the AHLV policy, is considered 'partially consistent with the NPPF, requiring, development in AHLV only where it pays particular attention to the landscape qualities of the area in siting and design of buildings and landscaping. Taking this, and Landscape Officer's views into account, it is noted that the site extent reflects the traditional field pattern evident on maps back to 1860, in the same way that all the modern post-war extensions of the west side of the village have. Views of the site are possible long distance from the little used single track road serving Greenwell Farm 0.75 miles to the south on the far side of the River Browney Valley, and for a short stretch of Ford Road, the B6301, as it approaches the village from the south. The extended curtilage of a large detached dwelling at the entrance to the village, named West Park screens a large element of the site from this aspect, with further screening possible by landscaping condition on the remainder of the site's southern boundary. In addition to this boundary of the site half shared with existing residential curtilage, two of the site's boundaries are already shared with the existing settlement, at Ford Road and The Paddock. With the application submitted in 'outline' form, the scale, massing and appearance of the proposed development is for determination at the 'reserved matters' stage – the Council having full control over these issues, with formal consultation with the local community a mandatory requirement of this process. In using the landform, the historic field layout, existing landscape features, and proposing landscaping, the proposals are considered acceptable in terms of this element of the NPPF and the proportionate weight given to the remaining local policy context. The site reflects a further logical extension the post-war expansion of Lanchester, at an appropriate proposed density of development. There are no adverse impacts that cannot be mitigated therefore these matters do not weigh against the proposal.

The Economic Strand of Sustainability

77. In relation to the last of the three strands of sustainability outlined in the NPPF to 'contributing to a strong, responsive and competitive economy', in providing both new housing and employment and demand in the building supply chain, whilst the economic benefits of the scheme are not – and indeed cannot due to the nature of the proposals – be set out in detail, that they constitute a material consideration in support of the proposals. The development will also bring additional trade to the commercial elements of the village and the hierarchy of settlements surrounding as described above. Whilst these would be limited due to the small number of dwellings proposed, expenditure both in the shops and cafes in the village centre, and in retail outlets in surrounding settlements – whether the supermarket and the extended services in Annfield Plain, or the edge of settlement retail park to the North of Durham City would be of benefit. This benefit should be factored into the planning balance and weighs in favour of the proposal.

Impact upon the Surrounding Area

78. The application is presented in 'outline form, with the reserved matters application(s) that would follow an approval required to set out and justify the scale and character of the new dwellings, and their appropriateness to the local vernacular. Whilst The Paddock has a strong individual design character of 1960s/1970s bungalow development set in well-maintained, well established flora, significant elements of the western side of Lanchester are made up of modern housing estates, of modern construction, layout, materials and appearance. Whether new buildings follow the now slightly dated appearance of the existing estates, or give a modern interpretation of family dwellings, providing it is done in such a way that the design, massing and materials used are appropriate to the location, the character of the area should not be undermined. It is noted in this respect that part of the character of The Paddock is achieved by the surrounding tree belt – this will be maintained as a visual separation

from the site, and may allow the new site to achieve the same. In this respect the scheme does not present any adverse impacts that would weigh against the proposal.

Neighbouring Amenity

79. The residential amenity distances on the indicative layout far exceed standard guidelines which demonstrates that the site can be developed in a manner that will protect the privacy of existing residents – these guidelines seeking to protect privacy from facing windows, and amenity from the respective massings of built development. That the existing dwellings have enjoyed an uninterrupted view over the private field to date, does not give them any right to such. The planning system is arranged to assess reasonable expectations of residential privacy and amenity – there is no right to a view, and the requests to enforce residential ‘tranquillity’ go beyond reasonable expectations. Given the separation distances between existing development and that proposed, and loss of light to the dwellings in The Paddock – especially with the intervening tree belt – or to the adjacent properties in Ford Road, with their long rear gardens, and despite these properties being set at a lower level will not be to a degree that could be considered unreasonable. In these regards the proposals are therefore considered consistent with the requirements of Policy GDP1(h). To further ensure that the site levels will not result in this becoming an issue, a condition requiring a full existing and proposed levels survey for the whole site is suggested attached to any approval.
80. Likewise if Highways Engineers consider the proposed access arrangements capable of adoption, and the capacity of the roads and footpaths capable of accommodating the additional volume of traffic proposed, a refusal would be difficult to sustain either on the physical effect of the new traffic, or it’s effect on the character of the existing cul-de-sac in this respect. There will be an effect on residential amenity and the character of the existing development in highways terms – but not to a degree the planning system would consider unreasonable.
81. The application seeks outline permission presented as self-build housing, the applicant’s intention is to market the site so that rather than being carried out by one developer individuals would be able to purchase a plot of land and construct their own bespoke dwelling. Whether the development is carried out by one or a series of developers is not within the control of the Local planning authority. Informed by the applicant’s intent, existing residents complain of a potential for extended build periods and disruption extending over many years, as different developers work to different timescales, and use their own contractors. Whilst this is acknowledged as a valid concern and a potential issue, it is not one that can be given significant weight in the determination process other than attempting to mitigate it through a working hours condition. The Chancellor has set out a plan to double the number of self-build properties to help address the national housing shortage, with Councils required to keep a register of land available for such. There is a potential shortage of such in County Durham. The intended self-build nature of the proposals is therefore not one that would count against the scheme. In this respect the scheme does not present any adverse impacts that would weigh against the proposal.

Drainage

82. Neighbours are concerned that the site was surveyed after a period of heavy rain. The natural soak-away provided by the open agricultural land is contended lost if the development goes ahead. Council Drainage Engineers – the Council being the Strategic Flood Risk Authority have examined the drainage proposals submitted by the applicant concluding that the proposed post-development site run-off rates, as less than natural drainage, are acceptable, with this capable of being ensured by condition. This has obvious implications to wider concerns about drainage, in a village that has a

recent history of suffering badly from such. The details of the drainage scheme are under the control of the Council through conditions and Northumbrian Water through the agreements needed to connect to the sewage network, and if the development effectively reduces surface run-off rates, the proposals can be considered to meet the requirements of Policy GDP1(i) in this respect and the scheme does not present any adverse impacts that would weigh against the proposal.

Highway Safety

83. The specification of the roads leading to the site, the capacity of the roads within the estate and the entrance onto Ford Road are all considered acceptable to the Highway Engineers. The implications to the amenity of existing residents from through traffic on what up until now has been a cul-de-sac is a planning judgement as described above. There is nothing unusual in the topography of the site in terms of implications for winter driving conditions. The development is considered to meet the requirements of Policy TR2 of the Development Plan. In this respect the scheme does not present any adverse impacts that would weigh against the proposal.

Other considerations

84. The effect of development on the root systems of the trees affected by the access are raised as of concern by residents, with the County Tree Officer also raising this as an issue. It is noted that the trees have co-existed with the existing dwelling to date, and that the applicants have submitted a realigned access to mitigate the route of the access as far as possible. Conditions to protect the trees during construction works in line with the British Standards for such, and ensure their longevity are proposed.
85. The loss of a section of trees from the protected belt at the rear of the property to be demolished is an objection. This tree-belt first shows on the 1951-1959 historic maps, with the incursion proposed directly comparable to the effect on the trees when The Paddock development was built. Whilst the proposal will result in the loss of protected trees, the tree belt as a feature around The Paddock will still be clearly legible, and subject to a detailed scheme that shows both a minimum of removal and requires the erection of protective fencing to the current British Standard during the construction process to protect these off-site specimens, the proposals are considered acceptable in the wider planning 'balance' required by the NPPF, and in line with the requirements of Policy EN11. In this respect the scheme does not present any adverse impacts that would weigh against the proposal.
86. Communal landscaping areas at the entrance to the estate will be the responsibility of a management company. Whilst it is unlikely that such areas would be a specific attraction to anti-social behaviour, such actions would be capable of control by the Police.
87. As a development of more than 10 units provision must be made for open space and play provision either on or near to the site. If this is not proposed on-site, monies in lieu of such must be provided by the developer at a standard rate of £1000 per unit then ring-fenced by the Council for provision of such in the immediate Ward to the benefit of residents of the scheme and the surrounding area. This is proposed addressed through legal agreement tied to any approval. This requirement is considered to meet the tests required for such as set out in the Community Infrastructure Levy Regulations 2010 and described in the National Planning Practice Guidance notes, as being necessary to make the development acceptable in planning terms, directly related to the development, and fairly and reasonably related in scale and kind.

88. Objectors suggest that the Council will receive a financial 'return' from the sale of the footpath to make the new access Council as Local Highway Authority. This is not the case.
89. Residents have written with issues of 'affordable' housing following discussions over such with the developer's representatives pre-submission, however as a scheme of up to 14 units, no affordable provision is required or proposed in the scheme.

CONCLUSION

90. The DDLP remains the starting point for the consideration of this planning application and it should be determined in accordance with this unless material considerations suggest otherwise. NPPF is one such key material consideration. In the absence of relevant up-to-date development plan policies the NPPF directs the decision taker to consider the scheme against the requirements of paragraph 14 of NPPF, which includes a series of tests to apply the application. Furthermore, recent case law confirms that material considerations which include relevant saved DDLP policies should be factored into the resulting planning balance exercise albeit some of these policies are receding in weight.
91. A key consideration is that of the current housing land supply position as this impacts upon how the application should be considered, that is to say that the proposal should be granted permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies of the NPPF taken as a whole or specific policies in the NPPF indicate development should be restricted. The contribution which the site will have to boosting the supply of housing has been set out earlier in this report and it is considered that it is a benefit which must carry some weight in favour of the proposal. Considered against the three strands of sustainability set out in the NPPF, the site is considered to be in a sustainable location, and no adverse impacts have been identified that significantly and demonstrably outweigh the contribution to housing supply and other benefits that would accrue from the scheme. Furthermore, there are no specific policies in the NPPF that indicate that the proposal should be restricted.
92. Having assessed the scheme against the NPPF as a whole in the context of paragraph 14 and considered the weight that should now be attributed to the development plan's saved policies, the loss of protected trees is the only adverse impact that weighs against the proposal and this is not considered a determining factor. Implications to residential amenity, highway safety, ecology and archaeology are either acceptable and/or can be mitigated by condition and therefore cannot weigh against the proposal when undertaking the necessary planning balance. In terms of the physical extension of the village on the character of the existing settlement, and the intrusion into green-field countryside, the mitigated proposals are considered acceptable and therefore cannot weigh against the proposal when undertaking the necessary planning balance.
93. On this basis the planning application is recommended favourably.

RECOMMENDATION

94. That the application be **APPROVED** subject to s.106 agreement to secure provision for Public Open Space and the following conditions/reasons:

1. Application for approval of reserved matters of any plot shall be made to the Local planning authority before the expiration of three years beginning with the date of this permission and the development must be begun not later than the expiration of two years from the final approval of the reserved matters, or in the case of approval on different dates, the date of approval of the last of the reserved matters to be approved.

Reason: Required to be imposed pursuant to Section 92 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

2. Approval of the details of appearance, landscaping, layout and scale (hereinafter called "the reserved matters") shall be obtained from the local planning authority before the development is commenced.

Reason: Required to be imposed pursuant to Section 92 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

3. The development hereby approved shall be carried out in strict accordance with the following approved plans: Location Plan.

Reason: To define the consent and ensure that a satisfactory form of development is obtained in accordance with Policies GDP1, EN1, EN2, EN6, EN9, EN11 and TR2 of the Derwentside District Local Plan, 1997 (saved Policies 2009) and in line with the advice set out in the NPPF.

4. Before any part of the development hereby approved is commenced, an existing site levels survey for the whole site and a proposed highways levels plan for all communal vehicular and pedestrian highways, and shared drives must be submitted to and approved in writing by the Local planning authority. Before each individual plot commences development an existing levels plan, a proposed ground levels plan to cover the whole plot and show all formed slopes and retaining structures, existing and proposed boundary markers, and elevations showing finished floor, eaves and ridge levels must be submitted to and approved in writing by the Local planning authority, with the development carried out in full accordance with said approval.

Reason: Required to in the interests of scale and character, residential amenity, highway safety and tree protection in accordance with Policies GDP1, EN9, EN11 and TR2 of the Derwentside District Local Plan, 1997 (saved Policies 2009) and in line with the advice set out in the NPPF.

5. A detailed scheme for surface water drainage in line with that set out in the submitted FPA for the whole site must be submitted to, and be approved in writing by the Local planning authority before development commences, being thereafter adhered to and implemented in full by all individual developers. This must ensure the green-field run off rate is to be restricted to 3.5l/s/ha to reduce the risk of flooding downstream. Watercourse consent must also be obtained prior to any works on the proposed outfall into Alderdene Burn.

Reason: To prevent the increased risk of flooding from any sources in accordance with Policy GDP1 of the Derwentside District Local Plan, 1997 (saved Policies 2009) with the NPPF.

6. For foul drainage, the development hereby approved shall be implemented in line with the drainage scheme contained within the submitted document entitled

“Segment 002 of The Paddock Lanchester- FRA Drainage Strategy- Planning”. The drainage scheme shall ensure that foul flows discharge to the combined sewer at manhole 5901, and ensure that surface water discharges to the existing watercourse.

Reason: To prevent the increased risk of flooding from any sources in accordance with Policy GDP1 of the Derwentside District Local Plan, 1997 (saved Policies 2009) with the NPPF.

7. A Landscape and ecological management plan must be submitted and agreed in writing by the Local planning authority prior to the commencement of development to ensure the long-term maintenance of the South and West structure planting as well as the amenity land either side of the access road on the site of the former bungalow (no.7 The Paddock) and to meet the needs of protected species in the area. Communal landscaping must be maintained by a management company specified in that document. The agreed landscaping and communal ecological mitigation must be implemented prior to the commencement of development of any individual plot hereby approved, with mitigation proposed incorporated into the fabric of any individual building complete before that building is occupied as a dwelling. Protective fencing must be maintained to the specification set out in BS 5837:2012 in the position shown on submitted Plan TPP (All About Trees 11/03/2016) on each plot and the site entrance during the full term of its development.

Reason: In order to ensure a satisfactory form of development and protect the interests of species protected by law that may be affected by the development site as required by Policy GDP1 of the Derwentside District Local Plan, 1997 (saved Policies 2009), the advice in the NPPF and NPPG and the national and European protected species legislation.

8. In order to protect existing trees on and adjacent the site boundaries protective fencing must be maintained to the specification set out in BS 5837:2012 in the position shown on submitted Plan TPP (All About Trees 11/03/2016) on each plot during the full term of its development and at the site entrance during the full term of its development (excluding wearing course). There must be no works or storage of materials, plant or vehicles within the tree protection area during construction works.

Reason: To protect trees on and adjacent the site during the construction period in line with Policies EN9 and EN11 of the Derwentside District Local Plan, 1997 (saved Policies 2009).

9. Before development of any individual plot full constructional details of the proposed road, to be of a standard capable of adoption, including levels, kerbs, drainage, footways, footway crossings and shared drives shall be submitted to and approved in writing by the Local planning authority. A schedule for construction of the road and triggers for implementation must be included in said document. The works must be carried out in full accordance with the written agreement.

Reason: In order to protect the amenities of residents in and adjacent the development site and to ensure a safe and satisfactory highways layout in line with Policies GDP1 and TR2 of the Derwentside District Local Plan, 1997 (saved Policies 2009).

10. Before development is commenced a management scheme of road cleaning must be submitted to and approved in writing by the Local planning authority, being thereafter adhered to at all times.

Reason: In order to protect the amenities of residents in and adjacent the development site and to ensure a safe and satisfactory highways layout in line with Policies GDP1 and TR2 of the Derwentside District Local Plan, 1997 (saved Policies 2009).

11. To address requirements for embedded sustainability, prior to the commencement of the development a scheme to embed sustainability and minimise Carbon from construction and in-use emissions shall be submitted to and approved in writing by the Local Planning Authority before development of each individual plot. Thereafter the development shall be carried out in complete accordance with the approved scheme and retained while the building is in existence.

Reason: To sustainability is embedded within the built development in line with the requirements of the NPPF.

12. To address archaeological implications on the site, No development shall take place until the applicant has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation that has been approved in writing by the Local Planning Authority. The Scheme shall provide for:
 - i. Measures to ensure the preservation in situ, or the preservation by record, of archaeological features of identified importance.
 - ii. Methodologies for the recording and recovery of archaeological remains including artefacts and ecofacts.
 - iii. Post-fieldwork methodologies for assessment and analyses.
 - iv. Report content and arrangements for dissemination, and publication proposals.
 - v. Archive preparation and deposition with recognised repositories.
 - vi. A timetable of works in relation to the proposed development, including sufficient notification and allowance of time to ensure that the site work is undertaken and completed in accordance with the strategy.
 - vii. Monitoring arrangements, including the notification in writing to the Principal Archaeologist of the commencement of archaeological works and the opportunity to monitor such works.
 - viii. A list of all staff involved in the implementation of the strategy, including sub-contractors and specialists, their responsibilities and qualifications.The archaeological mitigation strategy shall be carried out in accordance with the approved details and timings.

Reason: To comply with Saved Policy EN19 of the former Derwentside District Local Plan and any archaeological interest that may exist on the site.

13. To ensure any identified archaeological interests identified are properly recorded, A copy of any analysis, reporting, publication or archiving required as part of the mitigation strategy shall be deposited at the County Durham Historic Environment Record within six months of the date of completion of the development hereby approved by this permission.

Reason: To comply with para. 141 of the NPPF, which requires the developer to record and advance understanding of the significance of a heritage asset to be lost, and to make this information as widely accessible to the public as possible.

14. No construction operations, including the use of plant, equipment and deliveries, which are likely to give disturbance to local residents should take place before 0800hrs and continue after 1800hrs Monday to Friday, or commence before 0800hrs and continue after 1300hrs on Saturday. No works should be carried out on a Sunday or a Bank Holiday.

Reason: In order to protect the amenities of residents in and adjacent the development site as a requirement of Policy GDP1 of the Derwentside District Local Plan, 1997 (saved Policies 2009).

STATEMENT OF PROACTIVE ENGAGEMENT

95. The Local Planning Authority in arriving at the decision to approve the application has actively engaged with the applicant to secure a positive outcome in accordance with the Local Plan and the NPPF. (Statement in accordance with Article 35(2) of the Town and Country Planning (Development Management Procedure) (England) Order 2015.)

BACKGROUND PAPERS

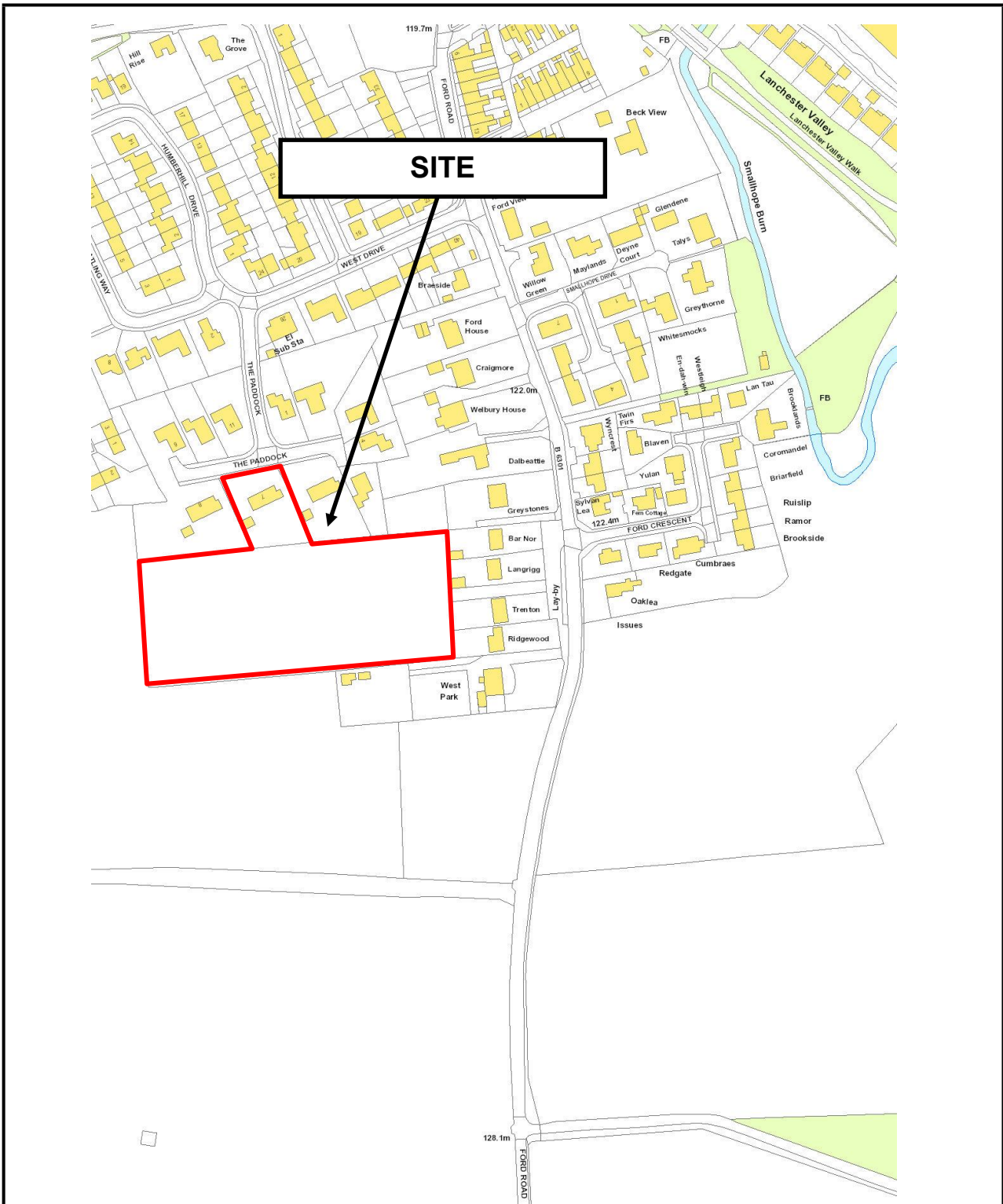
Submitted application form, plans supporting documents and subsequent information provided by the applicant.

The National Planning Policy Framework (2012)

National Planning Practice Guidance Notes

Derwentside District Local Plan (saved policies 2009)

Statutory, internal and public consultation responses



Planning Services

Land To The South Of And Including No. 7
The Paddock, Lanchester, Durham, DH7
0HW

Application Number DM/16/00871/OUT

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Comments

Date 30th June 2016

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