

COMMITTEE REPORT

APPLICATION DETAILS

APPLICATION NO:	DM/16/03318/FPA
FULL APPLICATION DESCRIPTION:	Construction of 10 holiday lodges, access, associated landscaping, roadways, lighting, drainage and other services
NAME OF APPLICANT:	Mr John Watson
ADDRESS:	Land West of Wingate and South of Junction of A181 And Durham Road, Wingate
ELECTORAL DIVISION:	Wingate
CASE OFFICER:	Colin Harding, Senior Planning Officer, 03000 263945 colin.harding@durham.gov.uk

DESCRIPTION OF THE SITE AND PROPOSALS

Site

1. The application site measures 30.2ha in area and is located to the west of Wingate. It forms a smaller part of a larger area of mixed woodland which is subject to a Tree Protection Order. The land has historically comprised woodland, appearing as such on OS maps dating back to 1860, however it is clear that the area has been worked extensively commercially over the years, with replanting in blocks in evidence. The application site itself mainly comprises relatively young coniferous species or limited individual value, although there is an area of higher quality, older deciduous woodland at the western extremity of the site.
2. The area of woodland is crossed by a number of forestry tracks and pathways of varying quality and width. Although the site contains no public rights of way, it is evident that the wood does have a local amenity function, with public access possible on an informal basis, albeit without the land owner's permission.
3. The site boundary to the north of the site is formed by the woodland edge, with the A181 beyond. The western and southern boundaries are also formed by the woodland edge, with the eastern boundary comprising the boundary within the woodland of the applicant's ownership, a distance of around 60m from the rear of properties on King's Road, which are the closest residential properties to the application site.
4. There are no heritage assets or ecological sites that would be affected by the proposals, the closest being over 1km away. No recorded public rights of way are contained within or adjacent to the application site, Footpath No. 17a (Wingate) being the closest, and located around 230m away to the south east, within Wingate itself. The site is however located within an Area of High Landscape Value.

Proposal

5. Planning permission is sought for the erection of 10 holiday lodges measuring 12.5m in length and 6.5m in depth and being single storey in height, along with a revised highway access from the A181, and associated landscaping and infrastructure. The lodges would each be set within their own cleared areas, within an individual plot, with the plots arranged across two clusters. 8 would be located within the eastern part of the woodland, and 2 located further to the west. The site would be accessed from an improved junction on to Durham Road, with an access track running southwards into the woodland, with access to the western and eastern clusters being taken from each.
6. Each plot would have a private bounded area of woodland of around 0.5ha, and each lodge would be situated within a clearing of around 400m², thinned of trees and with sufficient space for a lodge measuring 12.5m in length and 6.5m in width, and accessed off the main track by a private 4m track. The lodges would be of a single storey, chalet style, however, there would be scope for some customisation in each instance. All of the lodges would be offered as holiday accommodation only.
7. The proposed layout of the development has been amended during the application process in order to address concerns raised by consultees. The amendments involved the moving of lodge plots from the northern edge of the woodland, to a location further east, and south and deeper into the wood.
8. This application is being reported to the County Planning Committee as it is classed as a major development.

PLANNING HISTORY

9. An application for clay extraction for landfill engineering purposes with reclamation through landfill and landraise using waste materials and recovery, recycling and transfer of waste materials (Planning Application No. 8/CMA/5/11) was submitted in December 2004 and subsequently withdrawn in April 2005.
10. Planning permission was granted for tree felling (Planning Application No. 5/HIST/2003/0110) in June 2003.

PLANNING POLICY

NATIONAL POLICY

11. 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. 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’.
12. 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. The following elements of the NPPF are considered relevant to this proposal;

13. *Part 1 – Building a strong, competitive economy.* The Government is committed to securing economic growth in order to create jobs and prosperity, building on the country's inherent strengths, and to meeting the twin challenges of global competition and a low carbon future.
14. *Part 3 – Supporting a prosperous rural economy.* Planning policies should support economic growth in rural areas in order to create jobs and prosperity by taking a positive approach to sustainable new development.
15. *Part 4 – Promoting sustainable transport.* Transport policies have an important role to play in facilitating sustainable development but also in contributing to wider sustainability and health objectives. Smarter use of technologies can reduce the need to travel. The transport system needs to be balanced in favour of sustainable transport modes, giving people a real choice about how they travel. However, the Government recognises that different policies and measures will be required in different communities and opportunities to maximise sustainable transport solutions will vary from urban to rural areas.
16. *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.
17. *Part 8 – Promoting Healthy Communities.* The planning system can play an important role in facilitating social interaction and creating healthy, inclusive communities. Developments should be safe and accessible; Local Planning Authorities should plan positively for the provision and use of shared space and community facilities. An integrated approach to considering the location of housing, economic uses and services should be adopted.
18. *Part 10 – Climate Change.* Meeting the challenge of climate change, flooding and coastal change. Planning plays a key role in helping shape places to secure radical reductions in greenhouse gas emissions, minimising vulnerability and providing resilience to the impacts of climate change, and supporting the delivery of renewable and low carbon energy and associated infrastructure. This is central to the economic, social and environmental dimensions of sustainable development.
19. *Part 11 – Conserving and enhancing the natural environment.* The planning system should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes, geological conservation interests and soils; recognising the wider benefits of ecosystem services; minimising impacts on biodiversity and providing net gains in biodiversity where possible, contributing to the Government's commitment to halt the overall decline in biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures; preventing both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels of soil, air, water or noise pollution or land instability; and remediating and mitigating despoiled, degraded, derelict, contaminated and unstable land, where appropriate.
20. *Part 12 – Conserving and Enhancing the Historic Environment.* Local planning authorities should set out in their Local Plan a positive strategy for the conservation and enjoyment of the historic environment. In doing so, they should recognise that heritage assets are an irreplaceable resource and conserve them in a manner appropriate to their significance.

LOCAL PLAN POLICY:

Easington District Local Plan (2001) (EDLP)

21. *Policy 1 – General Principles of Development* – outlines the requirements that new development proposals should meet, including locational requirements, design, access, landscaping and environmental impact.
22. *Policy 3 – Protection of the Countryside* – states that development outside of settlement boundaries will only be approved where specifically allowed by other policies.
23. *Policy 7 – Protection of Areas of High Landscape Value (AHLV)* – states that any development likely to adversely affect the character, quality or appearance of AHLVs will only be permitted if it meets a need that outweighs the value of the landscape, and there is no alternative location within the county.
24. *Policy 18 – Species and Habitat Protection* – states that any development which would significantly adversely affect any protected species or its habitat will only be approved where the reasons for the development outweigh the value of the species or habitat.
25. *Policy 35 – Design and Layout of Development* – states that the design and layout of development will be required to take account of energy conservation, reflect the scale and character of the area, provide adequate open space and no serious impacts upon existing occupiers or uses.
26. *Policy 36 – Design and Access and Means of Travel* – requires development to encourage good access and encourage alternative means of travel by providing pedestrian, cycle links and public transport provision where appropriate, safe and adequate access, and to take account of the access needs of all.
27. *Policy 37 – Design for Parking* – states that the design and layout of new development should seek to minimise the level of parking provision
28. *Policy 38 – Designing out Crime* – states the design and layout of new development will be required to have due regard to the personal safety and the security of property.

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.durham.gov.uk/article/3266/Whats-in-place-to-support-planning-and-development-decision-making-at-the-moment> (Easington District Local Plan)

RELEVANT EMERGING POLICY:

29. 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 (CDP) was submitted for Examination in Public and a stage 1 Examination concluded. An Interim Report was issued by an Inspector dated 18 February 2015, however that Report was quashed by the High Court following a successful Judicial Review challenge by the Council. In accordance with the High Court Order, the Council has withdrawn the CDP and a new plan being prepared. In the light of this, policies of the CDP can no longer carry any weight. As the new plan progresses through the stages of preparation it will begin to accrue weight.

CONSULTATION AND PUBLICITY RESPONSES

STATUTORY RESPONSES:

30. *Highway Authority* – Raise no objection, following the receipt of a revised site access and visibility splay plan showing an appropriate splay.
31. *Drainage and Coastal Protection* – Raise no objection provided that outstanding design information is provided prior to development commencing.
32. *Northumbrian Water* – Raise no objection, although it is noted that the level of information provided is insufficient to allow the consideration of impacts on capacity, and a planning condition suggested in order to address this.

INTERNAL CONSULTEE RESPONSES:

33. *Spatial Policy* – Raise no objections, although it is advised that a view will have to be taken with regards to the compliance of the proposed developed EDLP Policy 7. Other advice is provided with regards to the weight to be afforded EDLP policies.
34. *Design and Conservation* – Raise no objection. The nearest designated heritage asset is a Grade II listed gravestone at Wheatley Hill, and would not be affected by the development.
35. *Archaeology* – Raise no objection. Officers advise that there are no significant sites in the area immediately adjacent to the proposed development and the fact that the land is wooded means that any below ground remains are likely to have been disturbed.
36. *Environment, Health & Consumer Protection (Land Contamination)* – No objections are raised subject to a condition addressing land contamination being attached to any permission.
37. *Environment, Health & Consumer Protection (Noise Action Team)* – Raise no objections. The lodges are considered unlikely to cause any noise nuisance issues. As they are for holiday accommodation, no noise mitigation for road noise from the A181 will be required.
38. *Landscape* – No objections are raised. The revised layout to establish distance between them and the northern woodland edge represents an improvement, however the revised plans does not alter some of the fundamental reservations that have been previously expressed, concerning, the long-term sustainability and life expectancy of trees surrounding the plots as screening.
39. *Landscape (Arboriculture)* – No objections are raised. Although the site has a positive influence, it is a monospecific stand planted for the purpose of crop production. Although protected by a Tree Protection Order (TPO), it is unlikely that objections would be raised were a felling licence applied for. Whilst there are some reservations regarding this scheme, and the future of retained trees, there is no arboricultural objection, subject to conditions.
40. *Ecology* – No objections are raised, although officers advise that any fencing must be designed to facilitate species movement at ground level.
41. *Visit County Durham* – No objections are raised, and information provided with regards to demand for holiday accommodation.

42. *Public Rights of Way* – No objections raised and officers advise that there are no recorded public rights of way within or adjoining the site

PUBLIC RESPONSES:

43. The application has been advertised by means of individual notification letters, site notice and press notice. No representations from local residents have been received.

APPLICANTS STATEMENT:

44. The woodland has been owned by the applicant for more than 30 years. As a former coal spoil heap the trees are becoming overcrowded and in need some selective thinning. This application will allow for some of this thinning to take place and in doing so will create both a better structure and provide some glades within which some holiday accommodation can be sited. The proposed development will conserve and enhance the natural environment through a careful design layout which will minimise impacts on biodiversity. The proposed woodland management strategy will allow the remaining woodland to flourish.
45. The glades which will be created will provide space for 10 timber holiday lodges. Market research has indicated that the North East is an attractive short break accommodation. Activity holidays in County Durham including mountain biking and hiking are also likely to be the pursuits of those seeking to rent the lodges.
46. The proposal is a substantial investment and will support tourism and the growth of County Durham's visitor economy. The Lodges are to be constructed solely for holiday use. The occupation will be limited to holiday use and will be bound by clear restrictions in terms of management and maintenance of the property.
47. The applicant has provided all information as requested by Durham County Council during the application process. A site visit with Durham County Council officers and the applicant's Woodland agent has informed the selection of the location of the lodges.
48. This statement, together with the supporting information submitted as part of the application, has demonstrated that the inward investment accords with the relevant national and local planning policies and will help bolster a growing sector of the County Durham economy, as well as supporting the county in achieving its vision: to become one of the North of England's lead tourist destinations.

The above represents a summary of the comments received on this application. The full written text is available for inspection on the application file which can be viewed at <https://publicaccess.durham.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=OF78I6GDJJK00>

PLANNING CONSIDERATIONS AND ASSESSMENT

49. Section 38(6) of the Planning and Compulsory Purchase Act 2004 sets out that if regard is to be had to the development plan, decisions should be made in accordance with the development plan unless material considerations indicate otherwise. In accordance with Paragraph 212 of the National Planning Policy Framework (NPPF), the policies contained therein are material considerations that should be taken into account in decision-making. Other material considerations include representations received. In this context, it is considered that the main planning issues in this instance relate to the principle of development, design and impact upon the surrounding area, access and

highway safety issues, residential amenity, flooding and drainage, ecology and other issues.

Principle of Development

50. Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The NPPF is a material planning consideration. The Easington District Local Plan (EDLP) remains a statutory component of the development plan and the starting point for determining applications as set out at Paragraph 12 of the NPPF. However, the NPPF advises at Paragraph 215 that local planning authorities (LPAs) are only to afford existing Local Plans material weight insofar as they accord with the NPPF.
51. With regards to this, EDLP policies relating to tourism development have now expired, and effectively the development plan is now silent in this respect, although EDLP Policies 1 and 3, insofar as they relate to the location of development and protection of the countryside, do remain relevant.
52. EDLP Policy 1 requires, amongst other matters, development to accord with the principles of sustainable development, which is consistent with advice contained within NPPF. The first principle of EDLP Policy 1 requires development to be located within defined settlement boundaries, except where development in the countryside would be allowed by other policies in the plan, with a reference made to EDLP Policy 3. Policy 3 explains that development limits are defined for the settlements of the district and are shown on the proposals map and the settlement inset maps. It states that development outside these “settlement limits” will be regarded as development within the countryside, and that other than specifically allowed for by other policies, development in the countryside will not be approved.
53. However, the presumption in favour of sustainable development set out in the NPPF makes it quite clear that the starting point for decision making should be an up-to-date Local Plan. Paragraph 12 of the NPPF states that it is highly desirable that local planning authorities should have an up-to-date plan in place, whilst Paragraph 157 makes it plain that, crucially, Local Plans should be drawn up over an appropriate timescale, preferably a 15-year time horizon, should take account of longer term requirements, and be kept up to date. In this context, the settlement boundaries in the EDLP cannot be considered to be up to date, particularly, as they are not based upon adequate, up to date and relevant evidence about the economic, social and environmental prospects of the area.
54. Furthermore, specific parts of EDLP Policy 1, including the blanket protection of landscape character, wildlife and natural habitats are considered to be inconsistent with NPPF, which advocates an approach of weighing any harm in the planning balance.
55. Consequently, it is considered that EDLP Policies 1 and 3 cannot be considered to be up to date in the context of Paragraph 215 of the NPPF; therefore, although the proposed development would be contrary to these policies, they can carry only limited weight.
56. With the EDLP effectively being either silent or out of date with respect to the proposed development, Paragraph 14 of the NPPF states that permission should be granted unless any adverse impacts of doings so would significantly and demonstrably outweigh the benefits of the development, or specific policies indicate that development should be restricted.

Design and Impact upon the Surrounding Area

57. EDLP Policy 7 relates to the protection of Areas of High Landscape Value (AHLV) and states that development likely to adversely affect character, quality or appearance of an AHLV will only be permitted if it meets a need that outweighs the value of the landscape, and where no alternative sites have been identified.
58. This Policy can be considered to be up to date, however it is not wholly consistent with NPPF which does not recommend local landscape designations, it does however, at Paragraph 109, advocate the protection of valued landscapes. However, it does not go so far as to advocate such a restrictive approach as EDLP Policy 7, which is exception based. Consequently, it is considered that this Policy cannot be afforded full weight.
59. In terms of impact upon the AHLV, it is noted that the proposed development would be located within a large area of existing woodland that is subject to a Tree Protection Order (TPO). It is considered that the woodland as a group landscape feature does positively contribute to the character of this western side of Wingate, particularly when read in the context of a similar area of woodland located to the north of the A181.
60. However, the woodland itself, despite the presence of the TPO, for the most part is considered to only be of limited quality, consisting largely of coniferous trees which have clearly been planted as a tree crop, where the intention would be to fell various areas in their entirety. Indeed, there is evidence that this has occurred previously. In this context and it is acknowledged by the Council's Arboriculturalist that if an application was made to the Forestry Commission for a licence to fell the woodland, or parts of it, that it is unlikely that an objection would be raised.
61. Notwithstanding this, regard should still be had to the wider landscape value of the woodland, and crucially ensuring that the development could be accommodated within it adequately so as to ensure that landscape value would not be eroded. In order to achieve this, the proposals have been subject to discussion and amendment throughout the application process. The layout as now proposed seeks to avoid development within the more valuable mixed woodland on the western edge of the wood, and locates the lodges deeper into the wood than originally proposed. The reasoning behind this is twofold, reducing potential visibility from the A181, and also reducing the possibility of windthrow, which is where the removal of trees from an area of woodland leaves other trees vulnerable to instability due to increased exposure to wind.
62. Landscape Officers have been closely engaged throughout the application process, and although continuing to harbour some concerns with regards to the proposal, no longer objects to it as a result of the amendments that have been made to the layout. Although it is considered that some windthrow may still result from the development, that the overall integrity of this area of woodland would not be comprised to such an extent that its overall landscape value would be adversely affected. In purely visual terms, it is considered that the majority, if not all of the proposed development would be located so deep into woodland that its external visibility would be filtered through trees and minimised, if not entirely eliminated altogether. Consequently, with regards to the requirement of EDLP Policy 7, it is considered that there would be no harm to the AHLV.
63. EDLP Policy 7 states that adverse effects upon the AHLV should be minimised, and this is the case here. Further it states that where development is likely to adversely affect the character of the AHLV, which it will only be permitted where there is an identified need, and no other alternative location is available in the County, however as

there is no identified harm to the AHLV, there is no requirement to demonstrate need or consideration of alternative locations in this instance. Overall therefore, the development can be considered to be in accordance with EDLP Policy 7 and Part 11 of the NPPF.

64. In terms of the scale and design of the proposed lodges, the application proposes that they will be relatively modest in scale, measuring approximately 6.5m x 12.5m, and being only single storey in height, and of lodge style construction. This scale and design is considered to be generally acceptable. At this stage the applicant has indicated that flexibility in the design of each lodge is available, and consequently a planning condition is proposed in order to secure final details of each lodge before development on that particular plot commences, in order to secure a quality of development that accords
65. EDLP Policy 38 states that the design and layout of development will be required to have due regard to personal safety and the security of property. This Policy is considered to be up-to-date and consistent with the NPPF and can therefore continue to be afforded full weight. With regards to this Policy, it is noted that the lodges would be located in a relatively remote location in terms of visibility and surveillance; however the lodges would be located within clusters. No details of site security have been submitted with the application; however it is considered that these could be secured by means of an appropriate planning condition. Subject to this, the proposed development would be considered to be in accordance with EDLP Policy 38 and Part 7 of the NPPF.

Impact upon tourism and the local economy

66. With regards to tourism development, the NPPF offers no specific guidance to the decision maker, however Part 3 does indicate that planning policies should support economic growth in rural areas, support the sustainable growth and expansion of all types of business and enterprise in rural areas, promote the diversification of land-based rural businesses, support rural tourism which respect the character of the countryside including the provision and expansion of tourist and visitor facilities in appropriate locations where identified needs are being met. Therefore, there can be considered to be a strong thrust of support for rural development such as that proposed, providing that it is sustainable, suitably located and meeting an identified need.
67. Although there is no policy requirement to demonstrate need in this instance, it is useful in the context of the planning balance exercise, to identify the impact that this development may have upon the tourism economy. Visit County Durham have advised that as of June 2017, 93% of visitors to County Durham were day visitors, spending around £20.18 per day, whereas overnight visitors spent on average around £169.14 per trip. In this way, around 40% of all tourism expenditure in the county can be attributed to only 7% of the total visitors. Consequently, encouraging overnight stays is a key issue for the tourism economy within County Durham. This is reflected in the County Durham Tourism Management Plan 2016-2020, which although not forming part of the Development Plan and thus can be afforded only limited weight, identifies a number of priorities for the tourism sector within the County.
68. Of the 8 priorities identified within the Plan, 3 are considered to be particularly relevant to this development proposal. These are;
 - Lengthen the amount of time that visitors spend in the county
 - Attract new staying visitors to the county
 - Develop new product and support existing product strengths.

69. It is considered that the proposed development would assist in addressing all of these key priorities. In 2012 the Council commissioned the County Durham Visitor Accommodation Futures Study (CDVAFS), which examined both existing offer, and market potential for various forms of visitor accommodation across the County. Although now itself 5 years old, this document remains the most up to date detailed study of visitor accommodation for the County. The CDVAFS identifies that there is not currently a particularly large supply of holiday lodge accommodation within the county, with only one site in operation in 2012. However, it does identify that this could be an expanding market in the longer term, and one that could be supported by the county, particularly where such developments are associated with, or in close proximity to specific outdoor activities or attractions.
70. The CDVAFS also identifies the Durham Heritage Coast as an area of tourism growth, and acknowledges that there is only a limited amount of visitor accommodation in this part of the county beyond the offer provided by Seaham Hall Hotel. Whilst not specifically referencing lodges, it does states that there could be demand for a caravan or holiday home park serving the Durham Heritage Coast.
71. This would suggest that there is a potential need for this development in terms of increasing the amount and type of accommodation offer within the area in and around the Durham Heritage Coast, and although economic benefits have not been quantified as part of the application, it would appear reasonable to conclude that this proposal would have a positive impact upon the tourism offer of this part of the County, as well as the wider local economy for associated visitor expenditure. This would be consistent with the NPPF's approach to supporting a prosperous rural economy.

Access and highway safety issues

72. EDLP Policy 1, although out of date for locational purposes, is considered to be consistent with advice contained within the NPPF insofar as it relates to issues of access, by requiring safe and satisfactory provision for users of the development. EDLP Policy 35 requires development to have serious adverse impacts in terms of traffic, whilst EDLP Policy 36 seeks to ensure that accesses of safe and adequate, whilst encouraging the use of modes of transport of than car. EDLP Policy 37 seeks to ensure that parking provision should be minimised where possible. EDLP Policies 35 and 37 are considered to be consistent with the NPPF and can continue to be afforded full weight. EDLP Policy 36 is considered to be out-of-date and can only be afforded limited weight as it is not fully consistent with the NPPF and is not in line with more recently adopted parking standards.
73. With regards to this it is noted that the nature of the development means that it will be most likely accessed by motor car, however there are bus stops within walking distance that could provide access to the development by public transport if required.
74. The site would be accessed via a new junction from Durham Road, which following amendments to proposed visibility splays, is now considered to be acceptable by the Highways Authority. This is considered to provide safe and adequate access to the site, in accordance with EDLP Policies 1 and 36.
75. Paragraph 32 of the NPPF states that development should only be refused on transport grounds where the residual cumulative impacts of development are severe.
76. As a development of only 10 lodges, it is considered unlikely that it would generate a substantial amount of traffic, and certainly not a level that would be likely to have a significant adverse impact upon operation of road network. As a result the proposed development is considered to be in accordance with EDLP Policy 35. In terms of

parking, there would be sufficient space within each individual plot to accommodate a vehicle associated with each lodge, and this is considered to be in accordance with EDLP Policy 37 and Part 4 of the NPPF.

77. Overall therefore, the development is considered to be acceptable in terms of highway safety and access.

Residential Amenity

78. EDLP Policy 1 seeks to ensure that new development does not have an adverse impact upon existing occupiers. In this context Policy 1 is considered to be consistent with a core planning principle at Paragraph 17 of the NPPF stating that planning should always seek to secure a good standard of amenity for existing and future occupants of land and buildings. Part 8 of the NPPF amongst other guidance advises on the need to create safe and accessible environments where crime and disorder and the fear of such are considered. Part 11 of the NPPF seeks to avoid noise from giving rise to significant new impacts. No objections have been raised by neighbouring properties to the proposed development with regard to the impact upon their amenity.
79. The proposed development, by being situated within existing woodland does not have a close relationship with existing residential properties within Wingate, these being located approximately 100m from the closest lodge.. The lodges are unlikely to be visible to existing properties located to the east, and the relatively low level scale of activity that is likely to be associated with holiday lodges is considered unlikely to result in significant generation of noise, or other pollution, and the development can be considered to be in accordance with EDLP Policy 1 in this respect.
80. The Council's Environmental Health and Consumer Protection officers have commented that they have no concerns with regards to potential impacts upon existing properties. They have however identified that the A181 may be a source of noise for occupiers of the holiday lodges, however based on the proposed holiday use, they do not consider that conditions would be unacceptable, given the relatively short tenures likely to be utilised.
81. Overall therefore, the application is considered to be acceptable with regards to residential amenity, and in accordance with EDLP Policy 1 and Parts 8 and 11 of the NPPF.

Flooding and Drainage

82. Part 10 of the NPPF directs Local Planning Authorities to guard against flooding and the damage it causes. Part 11 of the NPPF takes account of the impact of any development upon the natural environment. The EDLP is silent with regards to flood risk.
83. The application is accompanied by a flood risk assessment (FRA), which highlights that the application site is within flood zone 1 with a low flood risk probability. A mains sewer connection is proposed for both foul and surface water connections. In accordance with NPPF requirements, surface water runoff would be restricted to greenfield rates through the use of Sustainable Urban Drainage Systems (SuDS). This would involve source control, and the use of a soakaway systems. The Council's Drainage and Coastal Protection Team has considered the submitted details, and consider them to be acceptable, subject to fully detailed design being secured by means of planning condition.

84. With regards to foul drainage, it is proposed to connect to Northumbrian Water sewer located to the south of the site. Northumbrian Water have raised no objections to the proposed method of connection but have requested a planning condition be imposed in order to secure further details.
85. Overall, the proposed development is considered to be in accordance with Parts 10 and 11 of NPPF with regards to flood risk.

Ecology

86. Part 11 of the NPPF seeks to ensure that developments protect and mitigate harm to biodiversity interests, and where possible, improve them. Within 2km of the site boundary lie three designated ecology sites – Wingate Quarry SSSI and LNR 1.3km to the west, Castle Eden Dene SAC, NNR and SSSI 1.5km to the east, Gore Burn LNR 1.7km to the north west, and Bracken Hill Wood LNR 1.8km to the north east.
87. EDLP Policy 18 advises that any development which would significantly adversely affect any protected species or its habitat will only be approved where the reasons for the development outweigh the value of the species or habitat. Policy 18 is considered to be consistent with the NPPF and can continue to be afforded full weight. An ecology appraisal has been submitted with the application, highlighting that no species that are afforded special legal protection under the Conservation of Habitats and Species Regulations 2010 (as amended) and the Wildlife and Countryside Act 1981 (as amended) have been recorded as living within the site, although there is evidence of bat foraging activity.
88. The submitted bat survey identifies that some of the wider forest tracks are being utilised by foraging bats, however these are likely to be commuting to the site, from the south, the monoculture coniferous woodland that characterises most of the site being largely unsuitable habitat for bats. As the development will be largely located in these areas, the impact upon bats is considered to be minimal in this instance, although the report does suggest mitigation be provided in the form of bat boxes, and a low impact lighting scheme.
89. It is also identified that the development would have an impact upon nesting birds, and species rich grassland. In relation to nesting birds, proposed mitigation includes careful timing of tree removals, and the provision of bird boxes. With regards to species rich grassland, impacts can be mitigated by the careful location of access tracks, although it is likely that some residual impacts would occur.
90. There is no suggestion within the submitted information that the development would have any impacts upon any of the designated sites identified within 2km of the application site.
91. The County Ecologist has considered the submitted information, and has raised no objections to the proposed development, or mitigation measures, which it is proposed will be secured by means of a planning condition.
92. Subject to these mitigation measures being carried, the proposed development is considered to be acceptable and in accordance with Part 11 of the NPPF and would not be contrary to EDLP Policy 18.

Other Issues

93. In relation to land contamination the applicant has submitted a phase 1 desk study report which identifies that there is a low risk of contaminants being present on site, but

site investigation work is recommended. After reviewing the submitted report the Council's Environment, Health and Consumer Protection officers (Contaminated Land) advises that the submitted Phase 1 Assessment is acceptable and recommend a conditional approach to further land contamination investigations in line with Part 11 of the NPPF.

94. Planning plays a key role in helping to reduce greenhouse gas emissions, minimising vulnerability and providing resilience to the impacts of climate change, and supporting the delivery of renewable and low carbon energy and associated infrastructure. The development would be expected to achieve a proportion of its energy supply from renewable resources, or through an equivalent level through energy effect measures. Although the applicant has not submitted a sustainability statement setting out how this would be achieved, it is considered that an adequate strategy for energy reduction can be secured by means of an appropriate planning condition in order to ensure that the proposal complies with Part 10 of the NPPF.
95. In terms of potential impacts upon heritage assets, the nearest designated heritage asset is a Grade II listed gravestone at Wheatley Hill Cemetery, around 1.5km to the west of the application site. It is considered that the proposed development would not have an impact upon this, due to the nature of the proposed development, its location, and the distance between the site and the asset. This is a view shared by the Design and Conservation Officer. Additionally, the County Archaeologist has advised that the woodland nature of the site means that it is highly unlikely that any archaeological remains would exist on the site. Accordingly, the proposed development is considered to be in accordance with Part 12 of the NPPF.

Planning Balance

96. The starting point for the determination of this planning application remains the EDLP, and any decision should be made in accordance with the local plan, unless material considerations indicate otherwise. The NPPF is one such material consideration.
97. In terms of Local Plan policy, although the development would be contrary to EDLP Policies 1 and 3, which relate to the principle of development in this location, these Policies are considered to be both out of date, and not wholly consistent with the NPPF. Therefore, the weight to be afforded to them is limited.
98. Paragraph 14 of the NPPF advises that where local plans are absent, silent, or out-of-date, that planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, or specific policies in the NPPF indicate that development should be restricted.
99. As the EDLP is silent with regards to tourism development, as well as other matters and there are no policies which indicate that the development should be restricted, the planning balance exercise required by Paragraph 14 of the NPPF should be carried out in this instance.
100. In terms of benefits, it is noted that the development would contribute to improving and expanding the amount, and range of visitor accommodation within the County, and specifically within close proximity to the Durham Heritage Coast. In this area there is an acknowledged lack of range of products, as well as providing a general boost to the local economy in terms of spending. Additionally the proposal would support the diversification of a rural business.

101. With regards to harm, it is noted that there would be some potential harm to the integrity and value of the wider area of woodland, and the development would involve the loss of some trees from a Group TPO, albeit trees of no particular amenity value in themselves. There would also be potential minor ecological impacts upon species rich grassland within the woodland.

CONCLUSION

102. The proposed development is considered to be in accordance with EDLP Policy 7 which is up-to-date, but only partially consistent with the NPPF, so can only be afforded reduced weight.
103. Although the proposed development would be contrary to the locational elements of EDLP Policies 1 and 3, these policies are considered to be out-of-date, and only partially consistent with NPPF, so can only be afforded very limited weight.
104. Paragraph 14 of the NPPF advises that where local plans are absent, silent, or out-of-date, that planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, or specific policies in the NPPF indicate that development should be restricted. The EDLP is silent with regards to tourism development.
105. It therefore follows that the balancing exercise advocated by Paragraph 14 should be undertaken, taking account of the harm and benefits outlined above. Taking these in to consideration, it is considered that the minor harm to the woodland, and ecological interests, would not, in this instance, outweigh the benefits to the local and wider county economy and tourism sector. As a result, the proposed development is therefore recommended for approval.

RECOMMENDATION

That the application is **APPROVED** subject to the following conditions:

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: Required to be imposed pursuant to Section 91 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

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

- Site Plan A1-210 Rev 04
- Plot Layout and Details A1-220 Rev 02
- Site Access and Visibility Splay A1-310 Rev 02
- Arboricultural Management Strategy for trees at Woodlands, Wingate
- Arboricultural Impact Assessment for trees at Woodlands, Wingate
- Flood Risk Assessment and Foul and Surface Water Management Strategy
- Design Document – Woodlands at Wingate – retreat to nature
- Extended Phase 1 Habitat Survey – Wingate Holiday Lodges –Argus Ecology Version 2 16-026

Reason: To define the consent and ensure that a satisfactory form of development is obtained.

3. The development hereby permitted shall not commence until a pre-commencement scheme to deal with contamination has been submitted to and agreed in writing with the Local Planning Authority. The full scheme, both pre-commencement and completion shall include the following, unless the Local Planning Authority confirms in writing that any part of sub-sections a, b, c, d or e are not required.

Throughout both the pre-commencement and completion phases of the development all documents submitted relating to Phases 1 to 4 as detailed below shall be carried out by competent person(s) and shall be submitted to and agreed in writing with the Local Planning Authority.

Pre-Commencement

- (a) A Phase 1 Preliminary Risk Assessment (Desk Top Study) is required to identify and evaluate all potential sources and impacts on land and/or groundwater contamination relevant to the site.
- (b) If the Phase 1 identifies the potential for contamination, a Phase 2 Site Investigation and Risk Assessment is required to fully and effectively characterise the nature and extent of any land and/or groundwater contamination and its implications. Prior to the Phase 2 a Sampling and Analysis Plan is required.
- (c) If the Phase 2 identifies any unacceptable risks, a Phase 3 Remediation Strategy detailing the proposed remediation and verification works is required. If gas protection measures are required a verification plan is required detailing the gas protection measures to be installed, the inspection regime and where necessary integrity testing programme. The installation of the gas membrane should be carried out by an appropriately qualified workforce and the verification of the installation should be carried out by an appropriately competent, experience and suitably trained person(s) (preferably independent to the installer) to ensure mitigation of the risk to the buildings and the people who occupy them. No alterations to the remediation proposals shall be carried out without the prior written agreement of the Local Planning Authority.

Completion

- (d) During the implementation of the remedial works (if required) and/or development if any contamination is identified that has not been identified pre-commencement, it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment shall be carried out in accordance with part b of the condition and where necessary a Phase 3 Remediation Strategy shall be prepared in accordance with part c of the condition. The development shall be completed in accordance with any amended specification of works.
- (e) Upon completion of the remedial works (if required), a Phase 4 Verification Report (Validation Report) confirming the objectives, methods, results and effectiveness of all remediation works detailed in the Phase 3 Remediation Strategy shall be submitted to and agreed in writing with the Local Planning Authority within 2 months of completion of the development. If integrity testing of the membrane(s) was required a verification pro forma should be included.

Reason: The site may be contaminated as a result of past or current uses and/or is within 250m of a site which has been landfilled and the Local Planning Authority wishes to ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property

and ecological systems in accordance with NPPF Part 11. Required to be pre-commencement to ensure that contamination is addressed early in the development.

4. No development relating to each individual lodge shall be commenced until final details of its design and appearance, and specific siting have been submitted to and agreed in writing by the local planning authority. Thereafter each lodge shall only be constructed in accordance with the approved details.

Reason: In the interests of visual amenity having regards to Policies 1 and 7 of the Easington District Local Plan and Parts 7 and 11 of the National Planning Policy Framework.

5. The development hereby approved shall not be brought into use until the ecological mitigation measures contained with the Extend Phase 1 Habitat Survey by Argus Ecology Version 2 16-026, 11/10/16 have been implemented. Such measures will include a low level lighting scheme, and provision of bat boxes and bird boxes. Thereafter the mitigation measures shall be retained in accordance with the approved details in perpetuity.

Reason: To conserve protected species and their habitat and seek biodiversity enhancement in accordance with Policy 18 of the Easington District Local Plan and Part 11 of the National Planning Policy Framework.

6. The development hereby approved shall not be brought into use until a low level lighting scheme has been implemented in accordance with details to have previously been submitted to and approved in writing by the local planning authority. Thereafter the lighting scheme shall be retained in accordance with the approved details in perpetuity.

Reason: To conserve protected species and their habitat and seek biodiversity enhancement in accordance with Policy 18 of the Easington District Local Plan and Part 11 of the National Planning Policy Framework.

7. No tree felling, shrub removal or vegetation clearance shall take place between 1st March and 31st August inclusive.

Reason: To conserve protected species and their habitat and seek biodiversity enhancement in accordance with Policy 18 of the Easington District Local Plan and Part 11 of the National Planning Policy Framework.

8. Prior to the development commencing, all trees to be removed to allow the development to proceed shall be identified and marked in consultation with the local planning authority. Thereafter, only those trees identified and agreed for removal shall be removed.

Reason: In the interests of visual amenity and to ensure the longevity of the woodland in accordance with Policy 7 of the Easington District Local Plan and Part 11 of the National Planning Policy Framework. Required to be pre-commencement as it relates to the earliest stage of the development.

9. No development shall commence until details of the specification of all access road and other hardsurfacing materials have been submitted to and approved in writing by the local planning authority. Development shall thereafter only be carried out and retained in accordance with the approved details.

Reason: In the interests of the visual amenity of the area and to ensure a safe and appropriate access in accordance with Policies 1, 35 and 36 of the Easington District Local Plan and Parts 4 and 11 of the National Planning Policy Framework. Required to be pre-commencement to ensure the track is in place at an early stage of development.

10. Prior to the occupation of the development, the site access shall be implemented in accordance with drawing "Site Access and Visibility Splay" A1-310 - Rev 02.

Reason: In the interests of highway safety in accordance with Policies 1, 35 and 36 of the Easington District Local Plan and Part 4 of the National Planning Policy Framework.

11. The development shall not be occupied until the approved car parking and turning provision for vehicles in the site has been constructed, marked out and made available for use. Thereafter the parking and turning spaces shall be used and maintained in such a manner as to ensure their availability at all times for the parking and turning of vehicles in the site.

Reason: In the interests of highway safety in accordance with Policies 1, 35 and 36 of the Easington District Local Plan and Part 4 of the National Planning Policy Framework.

12. The development hereby approved shall not be occupied until a surface water drainage system has been installed in accordance with details to have been submitted to and approved in writing by the Local Planning Authority.

Reason: To prevent the increased risk of flooding from any sources in accordance with the Part 10 of the National Planning Policy Framework.

13. The development hereby approved shall not be occupied until a foul water drainage system has been installed in accordance with details to have been submitted to and approved in writing by the Local Planning Authority.

Reason: To prevent the increased risk of flooding from any sources in accordance with the Part 10 of the National Planning Policy Framework.

14. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or in any Statutory Instrument revoking or re-enacting that Order with or without modification) no fences, gates, walls or other means of enclosure, or any outbuildings or other permanent structures shall be erected without the written consent of the local planning authority.

Reason: In the interests of the visual amenity of the area and to comply with Policies 1 and 7 of the Easington District Local Plan.

15. The development hereby permitted shall be used for holiday purposes only and shall not be occupied as a person's sole or main place of residence. The owners/operators shall maintain an up-to-date register of the names of all owners-occupiers of individual lodges on the site and their main home addresses and shall make this information available to the local planning authority at all reasonable times.

Reason: To avoid creating isolated housing in the countryside in accordance with Policies 1 and 3 of the Easington District Local Plan and Part 11 of the National Planning Policy Framework.

16. The development hereby approved shall not be occupied until site security measures have been implemented in accordance with a scheme to have been submitted to and approved in writing by the local planning authority.

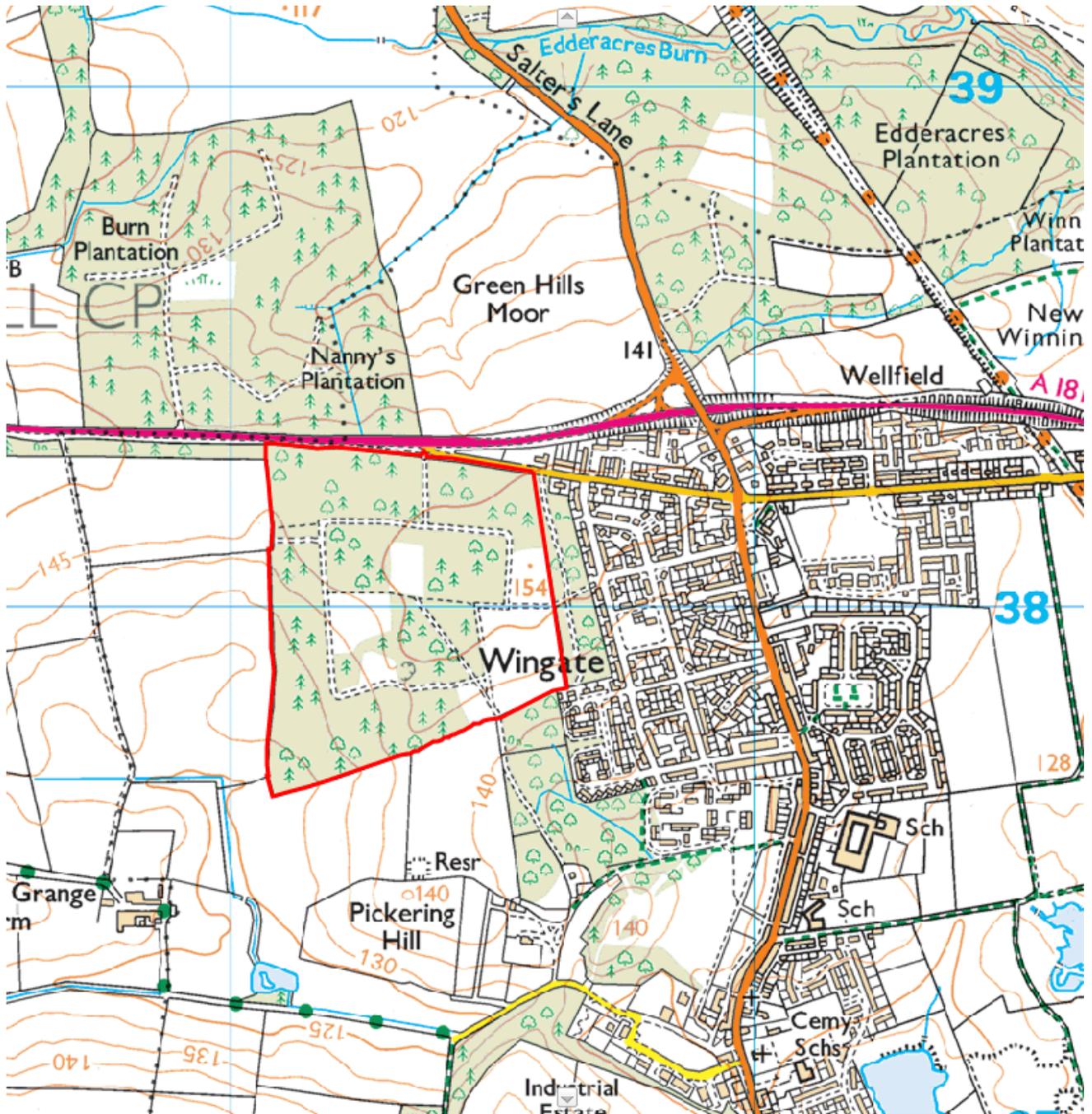
Reason: In the interests of preventing crime in accordance with Policy 38 of the Easington District Local Plan and Part 7 of the National Planning Policy Framework.

STATEMENT OF PROACTIVE ENGAGEMENT

The Local Planning Authority in arriving at its decision to support this application has, without prejudice to a fair and objective assessment of the proposals, issues raised, and representations received, sought to work with the applicant in a positive and proactive manner with the objective of delivering high quality sustainable development to improve the economic, social and environmental conditions of the area in accordance with the NPPF. *(Statement in accordance with Article 35(2) (CC) 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)
- County Durham Visitor Accommodation Futures Study 2012
- County Durham Tourism Management Plan 2016 - 2022
- National Planning Practice Guidance notes.
- Easington District Local Plan 2001.
- Statutory, internal and public consultation responses.



Planning Services

DM/16/03318/FPA

Construction of 10 holiday lodges, access, associated landscaping, roadways, lighting, drainage and other services, Land West of Wingate and South of Junction of A181 And Durham Road, Wingate

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Comments

Date October 2017

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