

COMMITTEE REPORT

APPLICATION DETAILS

APPLICATION NO:	DM/17/03694/FPA
FULL APPLICATION DESCRIPTION:	Installation of Underground Sewerage Storm Tank and Associated Works
NAME OF APPLICANT:	Northumbrian Water Limited
ADDRESS:	Field Belonging To Primrose Side Farm And Directly West Of Bleach Green Farm, Alum Waters, New Brancepeth
ELECTORAL DIVISION:	Deerness
CASE OFFICER:	Chris Shields, Senior Planning Officer 03000 261 394 chris.shields@durham.gov.uk

DESCRIPTION OF THE SITE AND PROPOSALS

The Site

1. The application site (6Hectares (Ha)) is an agricultural field on the southern side of Deerness Valley located 560m to the east of New Brancepeth and 500m to the west of Broompark. The field has a relatively steep slope, dropping from south to north and the levelling out approximately 70m from the River Deerness. The field is used for livestock grazing and is bounded by a post and wire fence with sporadic hedgerow on the northern and western boundaries and slightly denser planting to the south and east. The site is currently accessed via a shared track from Sleetburn Lane (C18 Road), which follows a field boundary for approximately 150m before taking a right angle turn to the south east and curving back to the west in order to reduce the slope gradient.
2. The site is located within the Durham Green Belt and is also designated as an Area of High Landscape Value (AHLV). The Deerness Valley Local Wildlife Site (LWS) is located immediately adjacent to the north and east of the site. Ancient woodland is located approximately 250m to the north west and 260m to the south east of the site. The site is located in Flood Zone 1, although Flood Zones 2 and 3 of the River Deerness are located immediately to the north of the site.
3. The nearest residential properties to the site are Bleach Green Farm approximately 125m to the east, Primrose Side Farm approximately 330m to the south east and the 24 properties (in two groups) at Alum Waters, the nearest of which is approximately 200m to the south west. There are areas of Ancient Woodland located approximately 250m to the north west and 260m to the south east of the site. Footpath No. 79 (Brandon and Byshottles) is located approximately 150m to the east of the access

track and 275m to the east of the site. Footpath No. 66 (Brandon and Byshottles) is located approximately 245m to the west of the site. The nearest listed buildings to the site are the Grade II West Broom House 600m to the north east, Grade II Broom Farmhouse and Outbuildings 750m to the north east and Grade II New Brancepeth War Memorial 1km to the west.

The Proposal

4. This application has submitted in response to repeat flooding reports from combined sewer manholes, resulting in three pollution incidents to the River Deerness since 2013 and a connection with the death of cattle from Blacks Disease, caused by the ingestion of an organism commonly found in sewage.
5. The proposed solution to the flooding incidents is to store storm flows in an online underground storage tank that would operate automatically under gravity, as and when required during rainfall events. The proposed tank would be a rectangular construction measuring 66m by 30m with a height of 2.1m. The tank would have 2 compartments so that most of the time only a relatively small portion of it would be in use. The compartments would be divided by an internal wall that allow overspill when the larger capacity is required and this would drain out through a valve when the storm waters secede. The tank would be constructed largely below the existing ground level at the appropriate depth to be in line with the existing combined sewerage pipe. Once constructed the tank would be covered over with soils to a depth of between 1m to 5m. The finished landform would 1m to 2m higher than it is at present but would maintain a slope from south to north and could be put back into use for grazing.
6. Access to the site for construction and maintenance would be via the first 150m of the existing shared track from Sleetburn Lane, at which point a new track would be created that would head north and then follow a switchback to negotiate the slope down to the site. The junction with Sleetburn Lane would be widened to improve visibility and the section that continue to provide shared access would be strengthened, widened and regraded to accommodate the construction traffic. Two passing places would also be provided.
7. The routine fill and empty of storm flows and presence of a non-mechanical flow control device at the outlet of the storage tank, means that there will be requirement for maintenance. Routine visits would be conducted by Northumbrian Water operatives and also in the event of failure such as a blockage of the outlet. Blockages would be remotely monitored with the use of depth monitoring equipment, and reactive maintenance teams deployed to unblock the system as and when required.
8. The development would also require the replacement of approximately 300m of concrete sewer pipe with larger capacity pipe. This would be installed through open cuts and follow the line up the existing pipe.
9. It is estimated that construction would take approximately 9 months.
10. This planning application is being reported to the Strategic Planning Committee because it is a major development with a site area of more than 2ha.

PLANNING HISTORY

11. No relevant planning history

PLANNING POLICY

NATIONAL POLICY

12. The Government has consolidated all planning policy statements, guidance notes and many circulars into a single policy statement, the National Planning Policy Framework (NPPF). 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’.
13. 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. The following elements of the NPPF are considered relevant to this proposal.
14. *NPPF Part 1 – Building a Strong, Competitive Economy.* The Government is committed to securing economic growth in order to create jobs and prosperity, building on the country’s inherent strengths, and to meeting the twin challenges of global competition and of a low carbon future.
15. *NPPF Part 4 – Promoting Sustainable Transport.* The transport system needs to be balanced in favour of sustainable transport modes, giving people a real choice about how they travel. It is recognised that different policies and measures will be required in different communities and opportunities to maximize sustainable transport solutions which will vary from urban to rural areas. Encouragement should be given to solutions which support reductions in greenhouse gas emissions and reduce congestion.
16. *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. Planning decisions must aim to ensure developments; function well and add to the overall quality of an area over the lifetime of the development, establish a strong sense of place, create and sustain an appropriate mix of uses, respond to local character and history, create safe and accessible environments and be visually attractive.
17. *NPPF Part 9 – Protecting Green Belt Land.* The Government attaches great importance to Green Belts. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and permanence. Green Belt land serves 5 purposes; to check the unrestricted sprawl of large built-up areas; to prevent neighbouring towns merging into one another; to assist in safeguarding the countryside from encroachment; to preserve the setting of historic towns; and to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.
18. *NPPF Part 10 – Meeting the Challenge of Climate Change, Flooding and Coastal Change.* Planning plays a key role in helping shape places to secure radical reductions in greenhouse gas emissions, minimising vulnerability and providing resilience to the impacts of climate change, and supporting the delivery of renewable and low carbon energy.

19. *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, minimizing 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.
20. *NPPF 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, including heritage assets most at risk through neglect, decay or other threats. In doing so, they should recognise that heritage assets are an irreplaceable resource and conserve them in a manner appropriate to their significance.

<https://www.gov.uk/guidance/national-planning-policy-framework>

21. The Government has consolidated a number of planning practice guidance notes, circulars and other guidance documents into a single Planning Practice Guidance Suite. This document provides planning guidance on a wide range of matters. Of particular relevance to this application is the practice guidance with regards to; air quality; conserving and enhancing the historic environment; design; flood risk; land stability; light pollution; natural environment; noise; open space, sports and recreation facilities and public rights of way; planning obligations; travel plans, transport assessments and statements; use of planning conditions and; water supply, wastewater and water quality.

<https://www.gov.uk/government/collections/planning-practice-guidance>

LOCAL PLAN POLICY:

The City of Durham Local Plan 2004 (CDLP)

22. *Policy E1 – Durham City Green Belt.* Outlines the presumption against inappropriate development in the Green Belt in order to preserve its intrinsic openness.
23. *Policy E7 – Development Outside Settlement Boundaries.* Seeks to protect the countryside by signposting to a number of other protective policies within the plan. It advises that planning permission for development outside the settlement boundaries identified on the Proposals Map will only be permitted where it accords with certain policies including Policy U8 which relates to sewage treatment works and sewerage systems. This policy is considered to be consistent with the NPPF, it is not time limited and is up to date and can therefore be given full weight in decision making.
24. *Policy E10 – Areas of Landscape Value.* Is aimed at protecting the landscape value of the district's designated Areas of Landscape Value.
25. *Policy E15 – New Trees and Hedgerows.* Tree and hedgerow planting is encouraged.
26. *Policy E16 – Nature Conservation – the Natural Environment.* Is aimed at protecting and enhancing the nature conservation assets of the district. Development proposals outside specifically protected sites will be required to identify any significant nature conservation interests that may exist on or adjacent to the site by submitting surveys of wildlife habitats, protected species and features of ecological, geological and geomorphological interest. Unacceptable harm to nature conservation interests will be

avoided, and mitigation measures to minimise adverse impacts upon nature conservation interests should be identified.

27. *Policy E18 – Site of Nature Conservation Importance.* The Council will seek to safeguard sites of nature conservation importance unless the benefits from the development outweigh the nature conservation interests of the site, there are no alternative sites and measures are undertaken to minimise adverse effect associated with the scheme and reasonable effort is made by appropriate habitat creation or enhancement to compensate for damage.
28. *Policy E19 – Wildlife Corridors.* Seeks to protect the value and integrity of landscape features which contribute to existing wildlife corridors and create new wildlife corridors as opportunities arise.
29. *Policy E23 – Listed Buildings.* The Council will seek to safeguard listed buildings by not permitting development which detracts from its setting.
30. *Policy E24 – Ancient Monuments and Archaeological Remains.* Ancient monuments and other nationally significant archaeological remains and their settings will be preserved in situ and damage would not be permitted. Archaeological remains of regional and local importance will be protected in situ and where preservation in situ is not justified by, ensuring that in areas where there is evidence that significant archaeological remains exist, or reasons to pre-suppose they exist, pre-application evaluation or archaeological assessment will be required and requiring as a condition of planning permission, that a programme of archaeological investigation, recording and publication has been made.
31. *Policy Q5 – Landscaping General Provision.* Sets out that any development which has an impact on the visual amenity of an area will be required to incorporate a high standard of landscaping.
32. *Policy T1 – General.* Seeks to restrict development that would generate traffic which would be detrimental to highway safety and/or have a significant affect on the amenity of occupiers of neighbouring property.
33. *Policy U5 – Pollution Prevention – General.* Planning permission for development that may generate pollution will not be granted if it results in; an unacceptable adverse impact upon the quality of the local environment; the amenity of nearby and adjoining land and property or; will unnecessarily constrain the development of neighbouring land.
34. *Policy U6 – Pollution Prevention – Anti-Pollution Development.* Planning permission for development aimed at preventing pollution will be permitted where the proposal will not have an unacceptable adverse impact upon the quality of the local environment or upon the amenity of nearby and adjoining land and property.
35. *Policy U8 – Sewage Treatment Works.* States that planning permission will be granted for sewage and water development to allow undertakers to meet statutory obligations provided it is located in relation to drainage system, does not have unacceptable adverse impact on amenity or landscape quality.
36. *Policy U10 – Natural Flood Plains.* Proposals shall not be permitted in flood risk areas or where development may increase the risk of flooding elsewhere unless it can be demonstrated by way of sequential test that there is no alternative option available at lower risk, there will be no unacceptable risk of flooding, there will be no unacceptable

increase in risk of flooding elsewhere and appropriate mitigation measures can be put in place to minimise the risk of flooding which can be controlled by planning condition.

RELEVANT EMERGING POLICY:

The County Durham Plan

37. 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.

The above represents a summary of those policies considered relevant. The full text, criteria, and justifications can be accessed at: <http://www.durham.gov.uk/article/3266/Whats-in-place-to-support-planning-and-development-decision-making-at-the-moment> (City of Durham Local Plan)

CONSULTATION AND PUBLICITY RESPONSES

STATUTORY RESPONSES:

38. *Highway Authority* – Has raised no objections to the proposal noting that the entry off Sleetburn Lane would be widened to improve lines of sight, and two passing points installed to maintain vehicular movements from the farms.
39. *Drainage and Coastal Protection* – Has raised no objections to the proposal subject to conditions requiring precise details of surface water management measures.
40. *Environment Agency* – Has raised no objections to the proposal and has provided advice to the applicant in relation to the invasive weed, Indian Balsam, and also the possible requirement for an environmental permit due to the proximity of the site to a main river.

INTERNAL CONSULTEE RESPONSES:

41. *Spatial Policy* – Has stated that the proposal should be considered against saved policies E7, E10, E16, E18, E19, U6 and U8 of the CDLP. Provisions of the NPPF should be considered as relevant material considerations. While the application site lies within the Green Belt and green belt policy being identified as a restrictive policy in footnote 9 of the NPPF, it is not considered that the two limbed test set out in paragraph 14 of the NPPF is triggered. This is because paragraph 90 of the NPPF outlines certain other types of development or operations which are not considered as inappropriate development and this list includes engineering operations provided they preserve the openness of the Green Belt and do not conflict with the purposes of including land in Green Belt.
42. *Archaeology* – Has raised no objections to the proposals.

43. *Landscape* – Has raised no objections to the proposals. Officers commented on the initial scheme that mitigation planting would be required with consideration given to gapping up hedgerows and on site tree planting. In order to maintain the rural appearance it was requested that the access track is, or becomes, a twin track with central grass strip. These details have been subsequently provided and accepted by the Landscape Officer.
44. *Arboriculture* – Has raised no objections to the proposals.
45. *Ecology* – Has raised no objections to the proposal subject to a condition requiring the submitted reinstatement plan to be delivered in full.

PUBLIC RESPONSES:

46. The application has been publicised by way of press notice, site notice, and individual notification letters. 32 letters of objection have been received. The matters raised are summarised below.
 - Increased flood risk to property.
 - Loss of privacy and amenity (noise, odours, security) during the 42 week construction phase and future maintenance of the proposed facility.
 - Damage to the priority habitat on which the proposed works will take place.
 - Unproven viability of the proposed solution.
 - Lack of consideration of alternative solutions to the perceived problem.
 - The proposed solution is not commensurate with the perceived problem.
 - Impact on local traffic flows and congestion, and safety concerns regarding access to properties.
 - Potential impact on personal health arising from the proposed works.
 - Damage to properties from the proposed works.
 - Loss of property value.
 - Increased security risk to residents and property.
 - Documents submitted by Northumbrian Water ("NWL") in support of the application contain inaccuracies, are incomplete in various respects, and have been made obsolete by later amendments to their plans.
 - Belief that the size of the project justifies full planning committee consideration rather than delegated powers.

APPLICANTS STATEMENT:

47. The scheme at Primrose Side Farm which includes a storage tank, flow control structure and upsizing of pipe work in the sewer network has been developed to address repeat flooding incidents from two manholes NZ23419501 and NZ23413701; These manholes are located upstream and downstream of Bleach Green Farm.
48. The Environment Agency are closely monitoring this issue as sewage from the network is leeching into the river Deerness resulting in Category 3 pollution incidents and in addition this pollution incident has been linked to the death of cattle from Blacks Disease.
49. The location and design of the storage tank has been carefully considered and must be located between MH 501 and 701 to protect against incapacity in this section of the sewer network.

50. This scheme will protect the environment from flooding for storm events classified up to 1 in 40 and for 1 in 100 year events only a small amount of sewer flooding will occur at the same manhole locations as currently noted.
51. All works will be below ground with the exception of the extension of an existing access track required for maintenance and a minor re-profiling of the ground over the tank and to create a bund to deflect any changes to surface water flow paths.
52. As part of the consultation process Northumbrian Water have addressed concerns raised by the council officers. These can be summarised as follows:
- **Landscape** - accepting that the extended access track should be a farm track with central grass strip and permeable surface;
 - **Highways** - taking on board comments from officers as to the design of the upgraded entrance;
 - **Ecology** - providing a mitigation plan introducing a wider range of species in hedgerow and meadow reinstatement; and
 - **Surface Water** - producing a detailed Flood Risk Assessment and providing appropriate mitigation for changes to surface water flow paths.
53. All council officers consulted as part of this application are now supportive of the proposal.
54. In addition, appropriate measures will be taken during the construction phase of work to protect landowners and near neighbours of the site. These measures will include appropriate screening on the site boundary, a banks man to manage site and local traffic and noise and dust suppression measures as required. A Construction Management Plan has been prepared for consideration by officers. Details of Northumbrian Water Groups (NWG) Operational and Maintenance arrangements will also be provided.
55. Northumbrian Water has noted the concerns of local residents and customers and has sought to address these concerns prior to and during the planning process. We have met with Mr and Mrs Charlton and their representatives on a number of occasions and will continue to liaise closely with all stakeholders and near neighbours of the site to minimise disruption.
56. NWG has a statutory obligation to address the existing sewer flooding in this area, has engaged pro-actively with the council, the Environment Agency, the land owner and other near neighbours of the site and stakeholders to develop this robust solution and has demonstrated that this scheme meets all planning requirements.

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=OZ5PZHGD0A000>

PLANNING CONSIDERATIONS AND ASSESSMENT

57. 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 the development, landscape and visual impact, layout and design, highway

safety and access, ecology, residential amenity, flood risk and drainage, and other matters.

The Principle of Development

58. The key issues to consider in relation to the principle of this development are the suitability of the proposal, development in the open countryside and development in the Green Belt.
59. The proposed storm tank would provide a flood relief mechanism for the existing combined sewer system in the Deerness Valley. The existing system does not have sufficient capacity to cope with storm events and pollution incidents have occurred. The tangible result of this is that livestock grazing the land around the sewer have been poisoned.
60. CDLP Policy E7 advises that planning permission for development outside the settlement boundaries identified on the Proposals Map will only be permitted where it accords with certain policies including Policy U8, which relates to sewage treatment works and sewerage systems. Policy U8 supports development that would allow sewerage undertakers to meet their statutory obligations provided that it is suitable located in relation to the drainage system, would not have an adverse impact upon neighbouring occupiers, the landscape or areas of nature conservation importance. CDLP Policy U6 is supportive of development aimed at preventing pollution where the proposal would not have an unacceptable adverse impact upon the quality of the local environment or upon the amenity of nearby and adjoining land and property. Policies E7 and U8 are considered to be consistent with the NPPF and can therefore be given full weight in decision making. Policy U6 is considered to be partially consistent with the NPPF as the principle are consistent but more detailed guidance is provided in the NPPF and PPG.
61. The application site was identified as being the most suitable location due to the topography of the land, the point at which peak flows are experienced and proximity to residential properties. The existing combined sewer pipe follows a west to east path across the site with a gravity fed flow in that direction. The pipe is below ground through the application site and emerges above ground to the south of Bleach Green Farm. The proposed tank would be located between two manholes in the sewer pipe where flooding has occurred. The proposed tank has been designed with a capacity to cope with 1 in 20 year storm water flows for up to 100 years. Modelling has demonstrated that the tank would meet this criteria and would also afford protection for the upstream manhole in the event of 1 in 100 year storm with only a minor overflow of the downstream manhole.
62. The proposed development would significantly reduce the risk of sewerage flooding from the existing sewer system. The proposed location of the development is dictated by the site topography and the point at which flooding issues have occurred. The development, once completed, would operate passively and, being below ground, would have negligible impact on the surrounding environment. Detailed consideration of the impacts of the proposal on adjoining land and property are set out later in this report, however, the development is considered to accord with Policies E7, U8 and U6.
63. The application site is located within the Green Belt. The NPPF attaches great importance to Green Belts, and identifies, at Paragraph 80 that the Green Belt serves five purposes; these being to check the unrestricted sprawl of large built up areas, prevents neighbouring towns merging, assist in safeguarding the countryside from encroachment, preserve the setting and special character of historic towns and to assist in urban regeneration. At Paragraphs 89 and 90 it states that the construction of new

buildings within the Green Belt should be considered as being inappropriate development, except in specific, identified instances, and at Paragraph 87 it states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved, except in “very special circumstances”.

64. CDLP Policy E1 relates to the Green Belt in general and, in similarity to NPPF Paragraphs 89 and 90, establishes the forms of development that are considered appropriate. However, Policy E1 is considered only partially consistent with the NPPF as it is more restrictive than the guidance within the NPPF which introduces a wider scope of development that can be considered appropriate in the Green Belt. As the Policy is partially consistent with the NPPF it can be attributed some weight in the decision making process.
65. The NPPF establishes that one of the exceptional circumstances when development in the Green Belt is not inappropriate (and thereby acceptable in principle in the Green Belt) are engineering operations, provided they preserve the openness of the Green Belt. A number of other factors are capable of being relevant, in a specific case, when considering whether a development impacts upon the openness of the Green Belt. The openness of the Green Belt has a visual dimension to it but a development can cause no visual intrusion and still impact upon openness if that land is no longer free of built development. A prominent consideration can also be how built up the Green Belt is now and how built up it would be if development occurs.
66. The proposed storm tank would be a large concrete structure on the path of an existing sewerage pipe that is below ground at the proposed site (it emerges above ground further to the east). The proposed tank would be dug into the hillside in order to achieve the necessary gravity flow within the existing sewerage infrastructure and once completed it would overlain with soils and reseeded to grass. The completed development would modify the landscape but the visual appearance would not be significantly different from the current situation and the openness of the Green Belt not impacted.
67. It is therefore concluded that the proposal would not impact upon the openness of the Green Belt would therefore not constitute inappropriate development in the Green Belt. In addition the underground storm tank would effectively sterilise the land above it and immediately surrounding from development, thereby assisting in preserving the openness of this part of the Green Belt. The proposal would therefore not conflict with CDLP Policy E1 and Part 9 of the NPPF.

Landscape and Visual Impacts

68. Though the above discussion considers the impact of the development in the context of the Green Belt, consideration must also be had to the acceptability of the development in more general landscape and visual impact terms. In addition to being within the Green Belt the site is also within an Area of High Landscape Value (AHLV).
69. The proposed development would involve the construction of a large (66m by 30m by 2.1m) concrete tank with an associated access track. The proposed tank would, once completed, be entirely below ground with the field reseeded to grass. The evidence of the tank being there would be a change to the ground profile, the retained access track and manhole access points. The development site would be noticeable during the construction period as there would be a substantial excavation. Construction would last for an estimated 9 months.
70. CDLP Policy E10 seeks to resist development that would have an adverse impact on the quality or appearance of the AHLV and requires that development respects the

character of its setting in terms of its siting, design, scale, materials, landscaping, protection of existing landscape features and relationship with nearby buildings. Policy E10 is considered to be partially consistent with the NPPF as it does not recommend creating local landscape designations but does acknowledge the need to protect valued landscapes and can be attributed some weight in the decision making process

71. CDLP Policy E15 seeks to encourage tree and hedgerow planting, particularly in urban fringe areas (amongst others). This is supported by CDLP Policy Q5 that requires all new development which has an effect on visual amenity to incorporate a high standard of landscaping. Policies E15 and Q5 are considered to be consistent with the NPPF and can be afforded full weight in the decision making process.
72. Landscape officers have assessed the proposal and consider that the principle of constructing the underground tank at the proposed site would be acceptable. Officers note that some hedgerows would need to be removed to allow for the construction of the new, and upgrade of the existing access track. To mitigate for the loss of trees and hedgerows during construction it was requested that a planting specification be submitted for replacement trees and 'gapping up' existing retained hedgerow in the vicinity of the development. In addition, it was requested that the new section of access track be constructed as a double track with a central grass strip so that it would be more in keeping with the agricultural landscape.
73. The applicant has submitted a reinstatement plan for the site setting out details of hedgerow removal and replanting / gapping up. Details have also been received of the new access track showing that it would have the requested double track design with central grass strip. Landscape officers have confirmed that the submitted details are acceptable. The compensatory hedgerow planting would mitigate and improve the appearance of the site in accordance with Policies E15 and Q5 and Part 11 of the NPPF. The storm tank and access track would integrate into the landscape without significant detrimental impact to the AHLV in accordance with CDLP Policy E10.

Highway Safety and Access

74. The site would be accessed via a shared track from Sleetburn Lane (C18 Road), which follows a field boundary for approximately 150m. At this point a new access track would be created to serve construction and maintenance traffic for the proposed storm tank and this would. The proposed new track would head north west past the site and then loop back to reduce the slope gradient before terminating at the location of the proposed storm tank. The site entrance would be upgraded by significantly widening the junction with the C18 with greater visibility to the east. The track would be widened to allow vehicles to pass; resurfaced and strengthened to support the weight of construction traffic. The existing livestock gate would be replaced with 2 sets of double gates to create a corral arrangement to ensure livestock would not be at risk of escape during arrival and exit of site traffic. The section of new access track would be created as a 'double track' at the request of the Councils Landscape officer in order to maintain the agricultural appearance of the landscape to views from the north.
75. CDLP Policy T1 seeks to restrict development that would generate traffic which would be detrimental to highway safety and/or have a significant effect on the amenity of occupiers of neighbouring property. Part 4 of the NPPF supports the safe operation of the highway network but states that development should only be prevented or refused where the residual cumulative impacts of development are severe.
76. The proposal would result in increase in vehicle movements on the C18 road and using the site access during the estimated 9 month construction period. However, the improvements to the junction with the C18 and the access track would be permanent,

providing a long term benefit for farm access and for the residents of Bleach Green Farm. Highways officers have raised no objections to the proposals and it is considered that the concerns raised through the public consultation in relation to traffic flows and safe access have been adequately addressed. It is therefore considered that the proposal would accord with CDLP Policy T1 and Part 4 of the NPPF.

Ecology

77. The application site is an agricultural field that is currently in use for cattle grazing. The Deerness Valley Local Wildlife Site (LWS) is located immediately adjacent to the north and east of the site and there are areas of Ancient Woodland located approximately 250m to the north west (not named) and 260m to the south east of the site (Primrose Site). There are no ecological designations within the site itself.
78. CDLP Policies E16, E18 and E19 seek to protect sites of nature conservation importance, and protected species and their habitats whilst seeking to promote the creation of habitats within developments. Policies E16 and E19 are considered consistent with the NPPF while Policy E18 is considered to be partially consistent as the exception test for permissible development set out in the policy differs from that set out in the NPPF and so can be afforded full and limited weight in the decision making process.
79. The direct impact of the proposed development would be the permanent loss of agricultural land for the access track and temporary loss of agricultural land for the storm tank, which would be reinstated following the completion of construction. The wider impacts of the proposal would be the potential for impact upon priority habitats bordering the site within, and in close proximity to the LWS. The submitted Botanical Survey Report stated that priority habitats would be likely to be affected by the proposal. Ecology officers initially objected to the proposal as it was not clear what mitigation or compensation would be in place to offset the potential harm to biodiversity. Members of the public have also objected on the basis of impact to wildlife and priority habitat.
80. However, the applicant produced and submitted a reinstatement plan that details where hedgerow and trees would be lost and where planting would occur to 'gap up' the remaining hedgerow and also details areas to be sown with wildflower seed mix. The areas of Ancient Woodland in the vicinity of the site are sufficient distance to not be impacted by development. The Council's Ecology officer has assessed the mitigation proposals and considers that the submitted reinstatement plan is sufficient to compensate for the impact to the LWS and raises no objections subject to the proposed planting works being required by condition. It is considered that proposed planting works would address the concerns of the public and accord with CDLP Policies E16, E18 and E19 and Part 11 of the NPPF.

Residential Amenity

81. The nearest residential properties to the site are Bleach Green Farm approximately 125m to the east, Primrose Side Farm approximately 330m to the south east and the two groups of 24 properties at Alum Waters, the nearest of which is approximately 200m to the south west. Of these, Bleach Green Farm is most likely to be impacted by the development due to the proximity to the development and intervisibility. Objections to the scheme have raised issues of noise, odour and security.
82. CDLP Policy U5 seeks to restrict development that may generate pollution if it would result in an unacceptable adverse impact upon the quality of the local environment, the amenity of nearby and adjoining land and property or would unnecessarily constrain the development of neighbouring land. Policy U5 is considered to be partially consistent

with the NPPF as the principle are consistent but more detailed guidance is provided in the NPPF and PPG. In addition, Policy U8 reflects the requirements of U5 specifically in relation sewage treatment works.

83. In respect of noise, the proposed underground storage tank has no mechanical or electrical equipment, and would fill and empty under gravity. There would be no change to existing flow rates and it is therefore considered that noise levels from the operation of the new storage tank and pipeline would not exceed existing background noise levels, matching the existing system which is inaudible.
84. During construction, temporary noise effects on local receptors are possible, through the use of plant and machinery, and from construction vehicles as such excavators and cranes. These would be controlled and managed through the implementation of a construction management plan (CMP) and be secured through condition.
85. In respect of odour the replacement pipeline and new storage tank have been proposed with the aim of relieving the pressure on the existing sewer and preventing the flooding of sewage from combined sewer manholes. The proposed works should therefore, also provide relief from any odours arising from flooded sewage. The new storage tank will be sealed and buried underground. The storage tank would incorporate lockable and sealed access covers which would prevent any potential odour emissions during operation. The access covers would only be opened for short periods of time, during routine inspections and maintenance. During the construction, flow rates within the sewer network would be maintained via overpumping and temporary by-pass diversion to mitigate standing sewerage and avoid septicity and odour issues.
86. It is considered that the proposal would not result in an increase in noise emissions due to the passive nature of its operation and, by reducing the flooding events, it would provide a positive impact in terms of odour reduction. The proposal is therefore considered to accord with Policies U5 and U8 and Part 11 of the NPPF.

Flooding Risk and Drainage

87. National advice within the NPPF and PPG with regard to flood risk advises that a sequential approach to the location of development should be taken with the objective of steering new development to flood zone 1 (areas with the lowest probability of river or sea flooding). When determining planning applications, local planning authorities should ensure flood risk is not increased elsewhere and only consider development appropriate in areas at risk of flooding where, informed by a site-specific flood risk assessment.
88. CDLP Policy U10 seeks to restrict development in flood risk areas or where development may increase the risk of flooding elsewhere unless it can be demonstrated by way of sequential test that there is no alternative option available at lower risk, there will be no unacceptable risk of flooding, there will be no unacceptable increase in risk of flooding elsewhere and appropriate mitigation measures can be put in place to minimise the risk of flooding which can be controlled by planning condition. Policy U10 is considered to be partially consistent with the NPPF as the principle are consistent but more detailed guidance is provided in the NPPF and PPG.
89. 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. The proposed working area is shown to be within an area subject the surface water flooding, associated with the River Deerness, and confirmed during the Botanical Survey (August 2017) with the identification of wet and marshy grassland areas. However, the FRA identifies that proposed development is 'water compatible' meaning that it would be

appropriate for location in principle within all flood zones. The FRA goes on set out the scope of the development and potential sources of flooding including fluvial flood risk from the River Deerness, surface water, groundwater and sewage.

90. Objectors to the proposal have raised concerns in relation to flooding of the site being exacerbated by the storm tank and the access track, particularly in relation to surface water flooding of the neighbouring property, Bleach Green Farm.
91. In relation to fluvial flood risk the FRA sets out that the site is within Flood Zone 1 and is at a low probability of flooding and also notes that as the storm tank would be more than 8 metres from the main river an environmental permit would not be required for the works. In relation to surface water flood risk the applicant has modelled surface water flows and, to divert flow away from Bleach Green Farm, a bund is proposed on the eastern edge of the site. This would direct surface water runoff from the development site toward the River Deerness. Groundwater levels around the site have been monitored as part of the hydrogeological assessment. This assessment has considered the displacement and diversion of groundwater in respect of the proposed storm tank and the potential impact to land, property and the River Deerness. Groundwater volumes for the site have been found to sufficiently low to not impact on surface water or river flows. In respect of sewage, the proposed storm tank has been designed to manage water flows for 1 in 20 year events but has also been modelled for 1 in 100 year events where there would only be a small overflow from a downstream manhole, in accordance with its design and not sufficient to cause flooding.
92. The Environment Agency and the Council's Drainage and Coastal Protection officers offer no objections to the development or the overall drainage strategy. The concerns raised by the neighbouring residents have been fully examined and it is considered that the proposed development would not result in an increased flood risk to Bleach Green Farm. The proposal is therefore considered to accord with CDLP Policy U10 and Part 10 of the NPPF

Other Matters

93. The site is located within a Coal Mining Development Low Risk area and as such an informative would be provided as part of any planning permission to advise the applicant of this designation.
94. CDLP Policies E23 and E24 seek to protect listed buildings, ancient monuments and archaeological remains. The nearest heritage assets to the application site are the Grade II West Broom House 600m to the north east, Grade II Broom Farmhouse and Outbuildings 750m to the north east and Grade II New Brancepeth War Memorial 1km to the west. Archaeology officers have raised no objections to the proposed development. It is considered that there would be no harm to designated heritage assets given the proposed development is not within the setting of a designated heritage asset and it does not affect the significance of any heritage assets given the distance from the application site and intervening topography, planting and built development. It is therefore considered the proposals would not conflict with CDLP Policies E23 and E24 and would not conflict with Part 12 of the NPPF. Policies E23 and E24 are considered to be consistent with the NPPF and can be afforded full weight in the decision making process.
95. The residents of Bleach Green Farm have raised concern that their property value would be diminished by the proposed development. Impact on property values cannot be taken into account when determining planning applications, although amenity can be assessed and has been considered earlier in this report. Notwithstanding this, the improvements to the site access and control of pollution incidents in the vicinity of the

site should improve the accessibility and amenity value of the impacted property. Concerns have also been raised in relation to inaccuracies in documents submitted as part of the planning application. The latest plans and documents have been published to the Council's website and it is considered that they are an accurate representation of the scheme.

CONCLUSION

96. Section 38(6) of the Planning and Compulsory Purchase Act 2004 sets out that if regard is to be had to the Development Plan (CDLP), decisions should be made in accordance with the Development Plan unless material considerations indicate otherwise. The NPPF does not change the statutory status of the Development Plan as the starting point for decision making but is a material planning consideration and weight to policies within the CDLP should be applied dependent upon the degree of consistency with the NPPF.
97. Paragraph 14 of the NPPF establishes a presumption in favour of sustainable development. In this instance it is considered that the CDLP is not absent, silent or out of date having regards to the nature of the development and the relevant policies against which it should be assessed. In such instances Paragraph 14 of the NPPF advises that the presumption in favour of sustainable development means that development proposals which accord with the development plan should be approved without delay (unless material planning considerations indicate otherwise). Likewise, and in accordance with Paragraph 12 of the NPPF, development which conflicts with a development plan should be refused unless, again material planning considerations indicate otherwise.
98. The proposed development would provide a much needed solution to resolve flooding and pollution incidents from the existing sewer system. The development would be passively operated and in line with the existing system with access points sealed except for maintenance. The proposal would accord with development plan policies in terms of principle, pollution control and Green Belt.
99. The proposal has generated some public interest, with letters of objection having been received. Concerns expressed regarding the proposal have been taken into account, and carefully balanced against the scheme's wider social, economic and community benefits.

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 and documents and any recommendations and mitigation measures contained therein:

Plans:

Drawing No. 41523603/01/C4003 rev.C 'New Site Layout and Pipeline Profile Sheet 3 of 3'

Drawing No. 41523603/01/G0006 rev.C 'New Site Entrance'

Drawing No. 41523603/01/G0001 rev.C 'Overall Site Layout and Access route'

Drawing No. 41523603/01/C4004 rev. C 'New Site Layout and New Storage Tank Plan and Sections'

Reinstatement Plan Mark Up 25-01-2018

Documents:

Planning Design and Access Statement – Alum Waters – SN016/0251

Flood Risk Assessment – Alum Waters – SN016/0251

Botanical Survey Report Version 1.0

Reason: To define the consent and ensure that a satisfactory form of development is obtained having regards to City of Durham Local Plan Policies E1, E7, E15, E16, E18, Q5, U6 and U8 and Parts 4, 7, 9, 10 and 11 of the National Planning Policy Framework.

3. No development shall take place until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. The Construction Management Plan shall include as a minimum but not necessarily be restricted to the following:

- A Dust Action Plan including measures to control the emission of dust and dirt during construction taking into account relevant guidance such as the Institute of Air Quality Management "Guidance on the assessment of dust from demolition and construction" February 2014;
- Details of methods and means of noise reduction;
- Where construction involves penetrative piling, details of methods for piling of foundations including measures to suppress any associated noise and vibration;
- Details of whether there will be any crushing/screening of materials on site using a mobile crusher/screen and the measures that will be taken to minimise any environmental impact.
- Details of measures to prevent mud and other such material migrating onto the highway from construction vehicles;
- Designation, layout and design of construction access and egress points;
- Details for the provision of directional signage (on and off site);
- Details of contractors' compounds, materials storage and other storage arrangements, including cranes and plant, equipment and related temporary infrastructure;
- Details of provision for all site operations for the loading and unloading of plant, machinery and materials;
- Details of provision for all site operations, including visitors and construction vehicles for parking and turning within the site during the construction period;
- Routing agreements for construction traffic;
- Details of the erection and maintenance of security hoarding;
- Waste audit and scheme for waste minimisation and recycling/disposing of waste resulting from demolition and construction works; and
- Detail of measures for liaison with the local community and procedures to deal with any complaints received.

The Construction Management Plan shall have regard to BS 5228 "Noise and Vibration Control on Construction and Open Sites" during the planning and implementation of site activities and operations.

The approved Construction Management Plan shall also be adhered to throughout the construction period and the approved measures shall be retained for the duration of the construction works.

Reason: In the interests of protecting the amenity of neighbouring site occupiers and users from the impacts of the construction phases of the development having regards to City of Durham Local Plan Policy U8 and Part 11 of the NPPF. Required to be a pre-commencement condition and the details of the construction management statement must be agreed before works on site commence.

4. The proposed development shall be carried out in full accordance with the biodiversity mitigation and enhancement measures set out on the Reinstatement Plan Mark Up 25-01-2018. For the locations where we will be gapping up existing hedgerows use 'Easywrap (Tubex) hedging guards' 0.6m height x 50mm diameter secured with a bamboo cane 90cm height. Where the cattle are present and for the longer length of hedgerow we will need to install stockproof fencing – post and wire C8/80/15 fencing.

Reason: To mitigate the impact of the proposal on biodiversity in accordance with City of Durham Local Plan Policies E16, E18 and E19 and Part 11 of the National Planning Policy Framework.

5. Prior to the commencement of development precise details of surface water control measures shall be submitted to the Local Planning Authority for approval in writing. The design of the control measures shall be supported by details of flood flow analysis during 1 in 100 year storm frequencies. The approved design shall be implemented and completed as part of the construction works prior to the development being brought into use. The surface water control measures shall be maintained in perpetuity.

Reason: To ensure that neighbouring land and property is not adversely impacted by surface water flooding in accordance with City of Durham Local Plan Policy U8 and Part 10 of the National Planning Policy Framework. Required to be a pre-commencement condition as these details are required to inform development works.

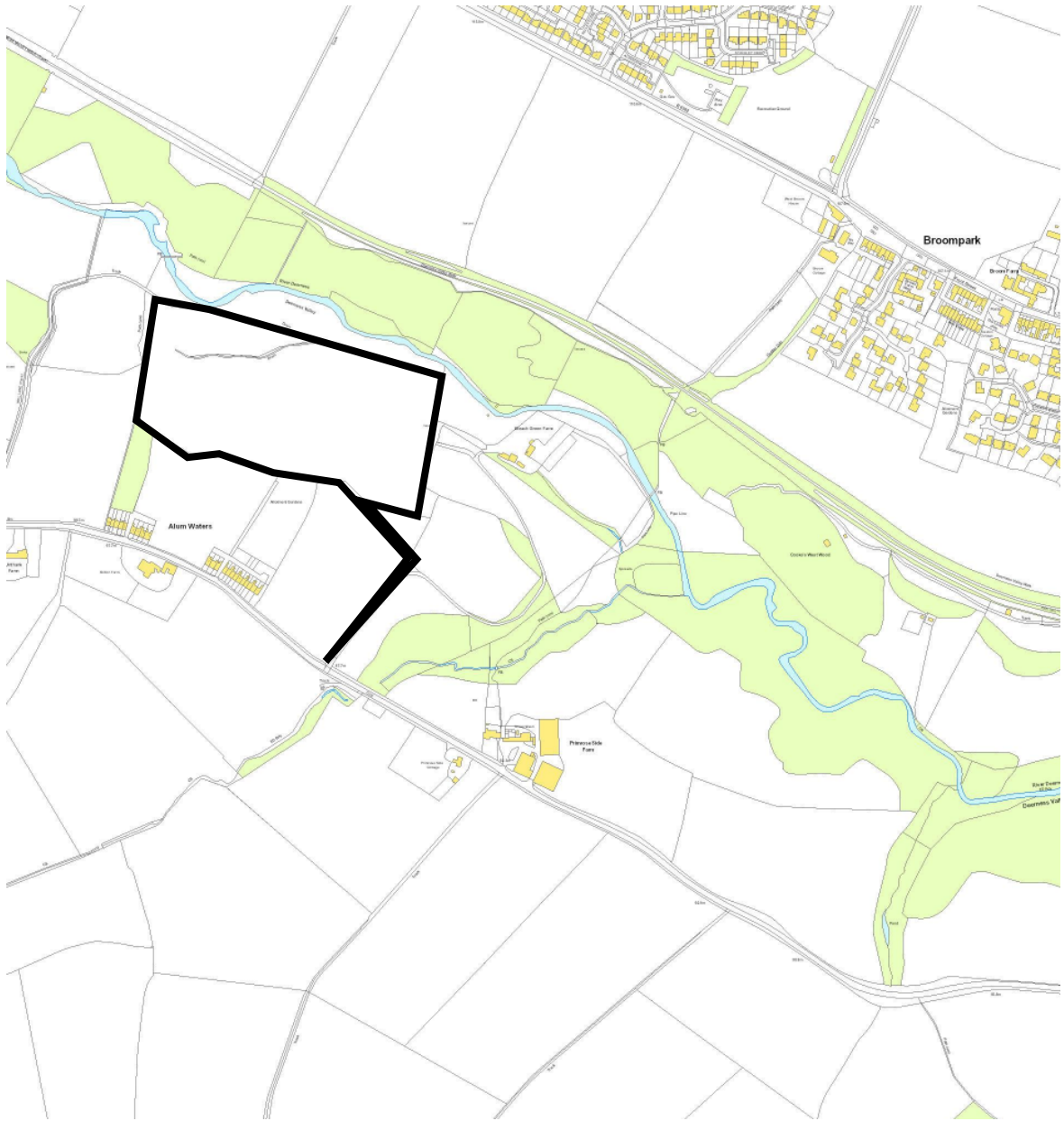
STATEMENT OF PROACTIVE ENGAGEMENT


The Local Planning Authority in arriving at its recommendation to approve 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)
- National Planning Practice Guidance notes.
- City of Durham Local Plan 2004

- Statutory, internal and public consultation responses.



 <p>Durham County Council</p> <p>Planning Services</p>	<p>DM/17/03694/FPA</p> <p>Installation of Underground Sewerage Storm Tank and Associated Works at Field Belonging To Primrose Side Farm and Directly West Of Bleach Green Farm, Alum Waters, New Brancepeth</p>	
<p>This map is based upon Ordnance Survey material with the permission of Ordnance Survey on behalf of Her Majesty's Stationary Office © Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceeding. Durham County Council Licence No. 100022202 2005</p>	<p>Comments</p>	
	<p>Date April 2018</p>	<p>Scale Not to scale</p>