

# Planning Services

# COMMITTEE REPORT

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## APPLICATION DETAILS

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**APPLICATION No:** DM/18/00115/OUT

**FULL APPLICATION DESCRIPTION:** Demolition of existing building and residential development (outline) 16 dwellings all matters reserved except access

**NAME OF APPLICANT:** Ms Julie Wallace And Mr Paul Ridley

**ADDRESS:** West Tees Ltd  
Gordon Lane  
Ramshaw  
Bishop Auckland  
DL14 0QB

**ELECTORAL DIVISION:** Evenwood

**CASE OFFICER:** Tim Burnham Senior Planning Officer 03000 263963  
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## DESCRIPTION OF THE SITE AND PROPOSALS

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1. The application site is a former colliery yard, now in use as a building and farm supplies depot. It lies immediately to the north of Ramshaw between Gordon Lane, which forms the eastern and northern site boundaries, and Gordon Beck, which forms to south western boundary. It is currently occupied by the depot building, surrounded by hardstanding and storage areas.
2. The application is in outline for residential development of 16no. dwellings with access being the only matter not reserved for future consideration. As such, apart from the access details, the proposed site layout plan is treated as indicative.
3. The application is reported to the Planning Committee as it constitutes a proposal for major development.

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## 4. PLANNING HISTORY

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5. There have been various planning approvals for commercial uses on the site, but nothing of direct relevance to the application proposal.

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## PLANNING POLICY

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### NATIONAL POLICY

6. The Government has consolidated all planning policy statements, guidance notes and many circulars into a single policy statement, the National Planning Policy Framework (NPPF). However, the NPPF does not change the statutory status of the

development plan as the starting point for decision making. Proposed development that accords with an up-to-date Local Plan should be approved and proposed development that conflicts should be refused, unless other material considerations indicate otherwise.

7. *NPPF Part 5 - Delivering a sufficient supply of homes.* To support the Government's objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed, that the needs of groups with specific housing requirements are addressed and that land with permission is developed without unnecessary delay.
8. *NPPF Part 8 - Promoting healthy and safe 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.
9. *NPPF Part 9 - Promoting sustainable transport.* Developments that generate significant movement should be located where the need to travel will be minimised and the use of sustainable transport modes maximised. In assessing applications for development it should be ensured that, among other things, safe and suitable access to the site can be achieved. Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety.
10. *NPPF Part 12 - Achieving well-designed places.* The creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.
11. *NPPF Part 14 - Meeting the challenge of climate change, flooding and coastal change.* The planning system should support the transition to a low carbon future in a changing climate, taking full account of flood risk and coastal change. It should help to: shape places in ways that contribute to radical reductions in greenhouse gas emissions, minimise vulnerability and improve resilience; encourage the reuse of existing resources, including the conversion of existing buildings; and support renewable and low carbon energy and associated infrastructure.
12. *NPPF Part 15 - Conserving and enhancing the natural environment.* The Planning System should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes, geological conservation interests, recognising the wider benefits of ecosystems, minimising the impacts on biodiversity, preventing both new and existing development from contributing to or being put at unacceptable risk from pollution and land stability and remediating contaminated or other degraded land where appropriate.

*The above represents a summary of those policies considered most relevant in the Development Plan*

#### **LOCAL PLAN POLICY:**

13. The following saved policies of the Teesdale Local Plan are relevant to the application:
14. *Policy GD1: General Development Criteria:* All new development and redevelopment within the district should contribute to the quality and built environment of the

surrounding area and includes a number of criteria in respect of impact on the character and appearance of the surrounding area; avoiding conflict with adjoining uses; and highways impacts.

15. *Policy ENV1: Protection of the Countryside.* This policy restricts the type of development that would be permitted in the Countryside. Tourism and recreation developments would be considered acceptable where compliant with other policy and where they do not unreasonably harm the landscape and wildlife resources of the area.
16. *Policy ENV8: Safeguarding plant and animal species protected by law:* Development should not significantly harm plants or species protected by law and where appropriate adequate mitigation measures should be provided.
17. *Policy ENV15 Development Affecting Flood Risk:* Development (including the intensification of existing development or land raising) which may be at an unacceptable risk of flooding or may increase the risk of flooding elsewhere will not be permitted. Where appropriate, new development should incorporate a sustainable drainage system in order to manage surface water run-off.
18. *Policy ENV16: Development Affecting Rivers Or Streams And Their Corridors* The district council will resist development, which would have a significant detrimental impact on natural features and wildlife habitats of rivers and streams or their corridors.
19. *Policy H1A: Open Space within Developments:* In new residential development of 10 or more dwellings, open space will be required to be provided within or adjacent to the development.
20. *Policy H14: Provision of Affordable Housing within Residential Developments* The local planning authority will, in appropriate circumstances as identified by a needs assessment of the district, seek to negotiate with developers for an element of affordable housing to be included housing developments.

*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/3271/Teesdale-Local-Plan>*

## **RELEVANT EMERGING POLICY:**

### **The County Durham Plan -**

21. 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. An 'Issues & Options' consultation was completed in 2016 on the emerging the County Durham Plan (CDP) and the 'Preferred Options' was approved for consultation at Cabinet in June 2018. However, the CDP is not sufficiently advanced to be afforded any weight in the decision-making process at the present time.

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## **CONSULTATION AND PUBLICITY RESPONSES**

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## STATUTORY RESPONSES:

22. *Highways Authority*: No objections. A number of detailed points have been raised, but are matters that can be addressed in any reserved matters application.
23. *Northumbrian Water*: No objections subject to drainage condition.
24. *Coal Authority*: No objection subject to further ground investigation.
25. *Environment Agency*: No objection, but the development will need to be carried out in line with the submitted flood risk assessment. This requires the houses to be positioned as shown on the indicative plan on the north eastern side of the site.

## INTERNAL CONSULTEE RESPONSES:

26. *Education*: No objection, there are sufficient primary and secondary school places available to accommodate pupils from this development.
27. *Housing*: The Strategic Housing Market Assessment (SHMA) sets out the affordable housing requirement across the County, the West delivery area has an affordable housing requirement of 15%, equating to 2 affordable units across this development.
28. *Drainage and Coastal Protection Team*: No objections, however we would expect appropriate limits on surface water discharge (to be restricted to Greenfield QBAR Rural Rate for all events and frequencies up to the 360 minute 1 in 100 year event) and the driveways should be constructed of permeable paving which will assist with water attenuation.
29. *Ecology*: No objection, but the mitigation detailed in the reports must be conditioned.
30. *Landscape*: No objection, residential development on this site is likely to improve the appearance of the area.
31. *Environmental Health (Noise)*: No objection.
32. *Environmental Health (Contaminated Land)*: No objection, but a contaminated land condition is required.

## PUBLIC RESPONSES:

33. The application has been publicised by way of press and site notice. No responses have been received.

*The above is not intended to repeat every point made and 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/>*

## APPLICANTS STATEMENT:

34. Our planning application was made following receipt of a positive response to our Pre-Application Enquiry submitted in June 2016. In the Enquiry, it was explained that this family run business has operated from what is historically known as the West Tees Works at Ramshaw since 2007. The business sells building materials and farm supplies as well as steel fabrication work. The welfare of the business was badly affected by the recession which started in 2008 and despite much hard work from family members and employees, the plans for investment and growth of the business

have not come to fruition. Competition from new retail premises associated with the Tindale retail development and others around Bishop Auckland has exacerbated the failing viability of our business.

35. These concerns were expressed in our Enquiry in June 2016, and nearly 2 ½ years further on, the issues of the health of the business have only worsened, and the site is no longer considered to be a viable proposition from which a commercial operation can successfully trade. Thus the application before you is one which seeks to achieve a beneficial and desirable alternative for the use of this brownfield site, and rather than the site continue to decline and become unsightly, it is felt to be much more appropriate to create what would be an attractive entrance into the village of Ramshaw, and to provide additional housing in the settlement to support local services and facilities. The proposal for new housing is considered to be in a sustainable location, and it is hoped that members of the Committee will feel able to give their support to this application.

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## **PLANNING CONSIDERATIONS AND ASSESSMENT**

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36. Having regard to the requirements of Section 38(6) of the Planning and Compulsory Purchase Act 2004, the relevant Development Plan policies, relevant guidance and all other material planning considerations, including representations received, it is considered that the main planning issues in this instance relate to the impact on the character and appearance of the area, highways and flooding.

### Policy Context

37. One of the key relevant policies in the determination of this application is Teesdale Local Plan Policy ENV1 insofar as it relates to the supply of housing. However, given the age of the local plan, this policy is not in full accordance with the NPPF and is considered to be out of date, and the emerging County Durham Plan is not sufficiently advanced to be afforded any weight in the decision-making process at the present time.
38. This engages Paragraph 11 of the NPPF, which requires that in relation to this application, where the policies which are most important for determining the application are out of date, permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF as a whole.

### Housing Land Supply

39. On the 13th June 2018, the 'Preferred Options' of the County Durham Plan (CDP) was presented to the Council's Cabinet and endorsed for consultation. The CDP is aligned with the Government's standardised methodology for calculating OAN, which is now reflected in paragraph 60 of the NPPF, and formally endorses the use of 1,368 dwellings per annum (dpa) as the OAN. The Council is now able to demonstrate in excess of 6 years supply of deliverable housing land against this figure.
40. Whilst this supply has not yet been established in a recently adopted plan, the weight to be afforded to the boost to housing supply as a benefit of the development is nevertheless clearly less than in instances where such a healthy land supply position could not be demonstrated.

## Location

41. Ramshaw is grouped together with Evenwood in the County Settlement Study and classed as a local service centre due to a reasonable range of services and facilities being available and accessible. The site is immediately adjacent to the village, connected by a footway with street lighting. On this basis there is no conflict with the housing location aims of the NPPF.

## Impact on the Character and Appearance of the Area

42. Although technically lying within the countryside, the site is not viewed as such. It lies immediately adjacent to the village and currently hosts industrial sheds and large areas of hardstanding, which are not entirely screened by the equally unattractive barb wire-topped boundary fencing. As a whole, the site does not make an attractive entry at the northern end of the village. The redevelopment of this brownfield site for housing therefore has potential to improve the appearance of the site and surrounding area.
43. As the application is in outline, the submitted layout plan is being treated as indicative, but it nevertheless demonstrates that the proposed development could be accommodated on the site, allowing for the required highways sight visibility splays adjacent to Gordon Lane and taking into account flood risk. The design of the dwellings will be important because of how they would closely address the road in a mostly terraced form, but that is the character of housing in Ramshaw so it should be possible to deliver an acceptably designed scheme. Accordingly, there is no conflict with Teesdale Local Plan Policy GD1 in this respect.

## Highways

44. The site has a long established commercial use and currently hosts a sizeable commercial operation with associated commercial, staff and customer vehicle movements.
45. The scheme has been amended to take into account flood risk issues and now proposes a new access at the northern end of the site. The Highway Authority is satisfied that the access would be suitable to serve the development and that the traffic generated by the development, particularly in light of the current use, would not exceed local capacity.
46. The curvature of Gordon Lane does mean that the required sight visibility chord would be relatively large and therefore it will be necessary for this to be taken in account when designing the detailed scheme. The Highway Authority require this area to be dedicated as public highway and it will be necessary to ensure the area remains free from any obstruction in perpetuity. This can be secured via the S106 agreement. Some alterations may be required to the footways and street lighting at the front of the site, but that can be required to be addressed at reserved matters stage. Accordingly, there is no conflict with Teesdale Local Plan Policy GD1 in this respect.

## Flooding and drainage

47. The application site sits partly within Environment Agency Flood Zones 1, 2 and 3 due to the close presence of the Gordon Beck, which flows north west to south east

along the south western boundary of the site. There is however an acknowledged misalignment of the mapped flood zones on site.

48. Ground level rises to the north and the south either side of Gordon Beck. The indicative details have been amended following initial objection from the Environment Agency and now aims to locate all dwellings at the north and eastern side of the site on the higher ground furthest from Gordon Beck. The Addendum to the Flood Risk Assessment suggests that when the flood maps are remodelled the dwellings will now be located in Flood Zone 1 and therefore the exceptions test does not have to be carried out. The Environment Agency has now withdrawn its objection on this basis, but notwithstanding the fact layout is a reserved matter, the area available for development is tightly limited and therefore a condition restricting the layout to that now shown is necessary to ensure the development is safe from flooding.
49. Furthermore, at present the site is entirely covered with impermeable surfaces and the development could lead to as much as a 50% reduction in impermeable area on the site. In combination with a new surface water drainage system to serve the development, open space along the beck and the use of permeable surfacing wherever possible, particularly, parking hard standing, there is likely to be no net increase in the peak rate or volume of surface water runoff. There are no objections from the Councils Drainage Section and Northumbrian Water, but the details of foul and surface water drainage will be required as part of the reserved matters.
50. There is no conflict with Teesdale Local Plan Policy ENV15 in respect of flood risk.

#### Ecology Impact

51. The site currently has very little ecological value, but it is located alongside a watercourse with an area of broadleaved woodland to the south west. As such, the site is close to an ecological corridor, which the development has potential to disturb.
52. However, as a result of the need to address flooding issues, the development would now take place further to the east of the site, which has in turn allowed for the creation of a soft woodland edge habitat and open space along the western site boundary adjacent to the watercourse. Not only would this help mitigate the impacts of the development on the wildlife corridor, but it would also deliver the ecological enhancements required by the NPPF at paragraph 170(d). This will however need to be secured by conditions. The Ecology Section has no objections.
53. Subject to securing the ecological enhancements, the development would accord with Policies ENV8 and ENV16 of the Teesdale Local Plan and aims of the NPPF.

#### Affordable Housing and Open Space

54. In line with saved Policy H14 of the Teesdale Local Plan there is a need for the provision of affordable housing in the area, equating in this case to the delivery of 2 affordable units on the development. This Policy is consistent with the NPPF in respect of delivering a wide choice of high quality homes and to create sustainable communities. With just 2 units, this could be Discount Market Sale secured in perpetuity by a S106 Agreement.
55. The applicant is willing to enter into a S106 agreement to secure the discount sale unit at the Council's affordable house price figure of approximately £100,000 and therefore, subject to the completion of the agreement, the proposal would make appropriate provision of affordable housing.

56. Policy H1A seeks the provision of open/play space within developments of 10 or more dwellings. This is in accordance with the aims of NPPF Part 8, which recognises the important role planning can play in facilitating social interaction and creating healthy communities through delivery of social and recreational facilities.
57. The development of 16 family homes would increase the need and use of open space and recreation facilities. An offsite contribution of £25,042 towards the maintenance or improvement of open/recreation space in the locality is proposed along with a small on-site provision of appx 500m<sup>2</sup> of informal play/amenity open space to satisfy OSNA requirements and Teesdale Local Plan Policy H1A. The open space will also assist with infiltration of runoff towards the beck. This can be secured through the S106 agreement and conditions.

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## **CONCLUSION**

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58. The NPPF states that to achieve sustainable development, economic, social and environmental gains should be sought jointly and simultaneously.
59. The proposal would provide social and economic benefits by adding 16 dwellings to the mix and supply of housing, but in light of the Council's healthy land supply, these factors are attributed less weight than they would if there had been a shortfall in housing land supply. The provision of affordable housing is however a benefit that carries substantial weight.
60. The redevelopment of a brownfield site and subsequent improvements to the visual amenity and character of the area is a significant environmental benefit which can be given substantial weight.
61. The ecological enhancements and open space provision/contributions are required to mitigate the impacts of the development and therefore these are neutral factors not benefits.
62. Having considered all matters, there are no adverse impacts that would significantly and demonstrably outweigh the benefits when assessed against the policies of the NPPF as a whole. In this instance para. 11 of the NPPF advises that permission should be granted and accordingly the application is recommended for approval.

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## **RECOMMENDATION**

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That the application be **APPROVED** subject to the completion of a S106 Agreement to secure the required highways visibility splay, 2 affordable housing units and £25,042 towards the maintenance or improvement of open/recreation space in the locality, and the following conditions:

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1. Approval of the details of appearance, landscaping, layout and scale (hereinafter called "the reserved matters") shall be obtained from the Local Planning Authority before the development is commenced.

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

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

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

3. The development hereby approved shall be carried out in strict accordance with the following approved plans in respect of those matters not reserved for later approval or otherwise required by any conditions:

Site Location Plan rec. 15<sup>th</sup> January 2018

Proposed Site Layout REV E (excluding detailed site layout) rec. 09<sup>th</sup> October 2018

Reason: To define the consent and ensure that a satisfactory form of development is obtained in accordance with Teesdale Local Plan Policies GD1, ENV1, ENV8, ENV15, ENV16, H1A, H14 and NPPF Parts 5, 8, 9, 12, 14 and 15.

4. The details to be submitted for reserved matters approval in accordance with condition 1 above shall include details of provision of footways and the street lighting arrangements along Gordon Lane. Thereafter, these works shall take place in accordance with the approved details prior to the occupation of any dwelling.

Reason: In the interests of Highway Safety and in accordance with Policy GD1 of the Teesdale Local Plan.

5. The details to be submitted for reserved matters approval in accordance with condition 1 above shall include provision for a minimum of 500m<sup>2</sup> of informal play/amenity open space and include details of the timing of provision and management arrangements. Thereafter the development shall take place in accordance with the approved details, timings and management arrangements.

Reason: To ensure the appropriate provision of open/play space to serve the development in accordance with Policy H1A of the Teesdale Local Plan and NPPF Part 8.

6. The details to be submitted for reserved matters approval in accordance with condition 1 above shall include a detailed scheme for the disposal of foul and surface water from the development. Thereafter the development shall take place in accordance with the approved drainage details.

Reason: To prevent the increased risk of flooding from any sources in accordance with the NPPF.

7. The details to be submitted for reserved matters approval in accordance with condition 1 above shall include details of the materials for all hard-surfacing areas, which shall only be constructed in an imporous material where it is not possible to provide a permeable

alternative. Thereafter the development shall take place in accordance with the approved details and shall be retained as such.

Reason: To prevent the increased risk of flooding from any sources in accordance with the NPPF.

8. The details to be submitted for reserved matters approval in accordance with condition 1 above shall be in accordance with the recommendations made within the flood risk assessment addendum SM FORSTER ASSOCIATES LTD August 2018, rec. 29th August 2018.

Reason: To prevent the increased risk of flooding from any sources in accordance with the NPPF.

9. No development shall commence until an assessment of ground conditions to determine the likelihood of any ground, groundwater or gas contamination of the site has been undertaken and the results of this survey together with a strategy for any remedial action deemed necessary to bring the site to a condition suitable for its intended use has been submitted to, and approved in writing by the local planning authority. Any remedial works shall be carried out in accordance with the approved strategy and validated by submission of an appropriate verification report to the local planning authority prior to first occupation of any part of the development. Should any unforeseen contamination be encountered in that phase or part of the development the local planning authority shall be informed immediately. Any additional site investigation and remedial work that is required as a result of unforeseen contamination shall be carried out to the written satisfaction of the local planning authority.

Reason: To ensure that risks from land contamination from past or current uses are minimised in accordance with policy GD1 of the Teesdale Local Plan and NPPF Part 11.

10. No development shall commence until the intrusive investigative works recommended within the mining report by SOLMEK dated July 2017 have been carried out and the results of said investigation together with a strategy for any remedial action deemed necessary to treat any areas of shallow mine workings and/or any other mitigation measures to ensure the safety and stability of the development, have been submitted to and approved in writing by the Local Planning Authority. Any remedial works shall be carried out in accordance with the approved strategy.

Reason: To ensure the safety and stability of the land sought for development having regards to Part 11 of the NPPF.

11. The development shall take place in accordance with tree protection measures, including protective fencing, within the Arboricultural Impact Assessment and tree protection plan By Dendra Ltd rec. 15<sup>th</sup> January 2018. The protective fencing shall be erected before commencement of development and retained throughout the construction period and no storage shall take place inside the protective fencing.

Reason: To minimise the impact of the development upon existing mature trees in accordance with Policies GD1 and ENV10 of the Teesdale Local Plan.

12. The hatched area indicating the visibility splay identified on Proposed Site Layout REV E rec. 09th October 2018 shall be dedicated as public highway before occupation of any dwelling and thereafter shall be kept clear of any obstruction in perpetuity.

Reason: To retain required visibility splays in the interests of Highway Safety and in accordance with Policy GD1 of the Teesdale Local Plan.

13. The details to be submitted for reserved matters approval in accordance with condition 1 above shall include the Ecology enhancement and mitigation measures detailed within Ecological Appraisal, Otter and Kingfisher survey (Rec. 15th Jan 2018) and ecological enhancement plan (Rec. 09th October 2018), West Tees Works by Dendra Ltd, including details of the timing of provision and management arrangements. Thereafter the development shall take place in accordance with the approved details and shall be retained for the lifetime of development.

Reason: To conserve protected species and provide ecological enhancement in accordance with policies ENV8 and ENV16 of the Teesdale Local Plan and Part 15 of the NPPF.

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## **STATEMENT OF PROACTIVE ENGAGEMENT**

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In arriving at the decision to recommend approval of the application the Local Planning Authority has assessed the proposal against the NPPF and the Development Plan in the most efficient way to ensure a positive outcome through appropriate and proportionate engagement with the applicant, and carefully weighing up the representations received to deliver an acceptable development.

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## **BACKGROUND PAPERS**

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Submitted application form, plans supporting documents;  
The National Planning Policy Framework (2012)  
National Planning Practice Guidance Notes  
Teesdale Local Plan  
The County Durham Plan (Submission Draft)  
County Durham Settlement Study 2012  
All consultation responses received

