



## **Area Planning Committee (Central and East)**

**Date** Tuesday 13 April 2021  
**Time** 9.30 am  
**Venue** Remote Meeting - held via Microsoft Teams

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### **Business**

#### **Part A**

#### **Items which are open to the Public and Press**

1. Apologies for Absence
2. Substitute Members
3. Minutes of the meeting held on 9 March 2021 (Pages 3 - 26)
4. Declarations of Interest, if any
5. Applications to be determined by the Area Planning Committee (Central and East)
  - a) DM/20/03213/FPA - 15 The Avenue, Coxhoe, Durham, DH6 4AD (Pages 27 - 42)  
Proposed new residential property.
6. Such other business as, in the opinion of the Chair of the meeting, is of sufficient urgency to warrant consideration

**Helen Lynch**

Head of Legal and Democratic Services

County Hall  
Durham  
1 April 2021

To: **The Members of the Area Planning Committee (Central and East)**

Councillor J Clark (Chair)  
Councillor A Laing (Vice-Chair)

Councillors D Brown, I Cochrane, K Corrigan, B Coult,  
M Davinson, D Freeman, A Gardner, K Hawley, S Iveson,  
R Manchester, J Robinson, J Shuttleworth and P Taylor

**DURHAM COUNTY COUNCIL**

**AREA PLANNING COMMITTEE (CENTRAL AND EAST)**

At a Meeting of **Area Planning Committee (Central and East)** held remotely via **Microsoft Teams** on **Tuesday 9 March 2021** at **9.30 am**

**Present:**

**Councillor J Clark (Chair)**

**Members of the Committee:**

Councillors D Brown, K Corrigan, K Hawley, S Iveson, A Laing (Vice-Chair), R Manchester and A Simpson (substitute for B Coult)

**Also Present:**

Councillors L Hovvels and M McKeon

**1 Apologies for Absence**

Apologies for absence were received from Councillors I Cochrane, B Coult, M Davinson, D Freeman, J Robinson, J Shuttleworth and P Taylor.

**2 Substitute Members**

Councillor A Simpson substituted for Councillor B Coult.

**3 Minutes**

The minutes of the meeting held on 12 January 2021 were confirmed as a correct record by the Committee and would be signed by the Chair.

**4 Declarations of Interest**

Councillor K Hawley declared a personal and prejudicial interest in Item 5a - DM/20/0346/FPA - Hillrise House, 13 Durham Road West, Bowburn and withdrew from the meeting during the consideration thereon.

*Councillor K Hawley left the meeting at 9.33am*

**5 Applications to be determined by the Area Planning Committee (Central and East)**

**a DM/20/03406/FPA - Hillrise House, 13 Durham Road West, Bowburn, Durham, DH6 5AU**

The Principal Planning Officer, Alan Dobie, gave a detailed presentation on the report relating to the abovementioned planning application, a copy of which had been circulated (for copy see file of minutes). Members noted that the written report was supplemented by a visual presentation which included photographs of the site. The application was to replace conservatory with single storey extension, replace pitched roofs of rear extensions with flat roof, replace windows, apply render to ground floor front elevation, install electric gate to side, increase height of side boundary wall, replace felt hanging tiles with cladding between windows to front elevation and install security shutter (Part Retrospective) (amended description) and was recommended for approval subject to conditions.

The Principal Planning Officer referred Members to slides relating to the application site location and photographs of various views of the site. He explained that some works were retrospective, and some works were yet to be completed. He asked Members to note photographs showing the front elevation of the property prior to works and after, highlighting differing brick types used during previous alterations and tiled cladding above and below the bay windows. It was added the current position included cleaned up brickwork at the first floor level, with grey render applied at the ground floor. He noted the windows had new grey frames and the cladding between the windows had been renewed.

In respect of the side elevation, the Principal Planning Officer noted before and after photographs, noting signage from the previous use as a guest house having been replaced with new signage for the funeral business, which had been subject to a separate planning permission.

The Committee were asked to note photographs showing the current rear and rear and side elevations of the property, with the conservatory visible at the rear and the electric gate to the side. The Principal Planning Officer noted the disjointed appearance, as a result of the extensions and alterations that had taken place over time, adding the application sought to rationalise the position.

Members were referred to slides showing the frontage of several nearby properties which had a render finish, as concerns had been raised as to whether render was a suitable finish for the front of the application property.

The Principal Planning Officer noted the slides demonstrated that a render finish was not uncommon in the area, with two properties on the opposite side of the main road, one on the corner across the side lane, and with three further along the main road. He explained as regards variation in material, with some having pebbledash, some plain render, with a majority being red brick. He added this showed there was not consistency in terms of the type of finish used in the area.

The Committee were shown current and proposed elevations, showing the variations in roof line and the extensions that had been added over time. The Principal Planning Officer noted that the proposed elevations highlighted the retrospective elements and the proposed works, primarily within the rear yard area and demonstrated the rationalisation and tidying of the roof lines.

In respect of consultation responses, it was noted that the Highways Section had offered no objections to the proposals. The Principal Planning Officer noted the comments received from Cassop-cum-Quarrington Parish Council, with points raised including the works not being treated as retrospective, and that while the works had been carried out to a high standard, the Parish Council did not consider that they were in keeping with the nearby Conservation Area. He added that the Design and Conservation Officer had offered no objections to the application.

The Committee noted there had been one letter of representation received and four letters of objection to the application, with a more detailed summary of the comments set out within the report. It was noted that concerns and objections included: objectors not being notified of the change of use application resulting in a lack of confidence in the planning process; that previous concerns had not been addressed – highway congestion in the side lane; use of the building as function rooms for up to 35 people; operation of a mortuary and preparation room; how odours and waste would be handled, were the chapels to be used as chapels of function rooms with catering; applicants intending no trade waste, were there to be no preparation of the deceased on site or no food waste created; the proposed roof plan showed access to the yard, it was not clear if that was for access or congregation which could result in noise; and that insufficient information had been submitted with the application.

The Principal Planning Officer noted the issues were fully addressed within the report. He explained that established planning procedure was that any residents commenting on an application were not notified of an outcome, it was the responsibility of an individual to check on the outcome, with the correspondence sent to those commenting on planning applications advising individuals of that. He noted the other points raised referred to the previous change of use planning application and could not be taken into account when considering the current application.

The Committee noted representations had noted that: the neighbour notification letter had not stated the application was part retrospective and the website had; it was unclear as to which parts of the application were retrospective and two separate applications would have indicated that; there had been objections to the previous application in respect of parking, with parking being poor since that approval; there were concerns in changing the pitched roof to a flat roof; and the development should not overhang the highway, with one of the roofs appearing to fall to the highway.

The Principal Planning Officer noted the first point was rectified as a further consultation process had taken place, and that it was felt it was reasonable to deal with the matter as a joint application, with all aspects given due consideration. He explained that parking was not relevant to the application being considered as it only referred to external works, however, Planning Officers had not received any complaints as regards the use since it had commenced in terms of parking or other issues. He noted the issues in terms of roof type, to be discussed later within the presentation, and roof overhang, with the latter having been addressed, all drainage now being into the yard.

The Principal Planning Officer noted that further objections had been received following the publication of the Committee report, and the objector asked that the concerns be put to Members. He noted concerns included: receipt of four notifications altogether, two of which mentioned part-retrospective, two did not, leading to some confusion; how the Committee would know which elements were retrospective and which were not as queries relating to this had no response and there had been no changes; and how the Committee could make a decision without the correct facts.

The Principal Planning Officer noted that he was not aware of the Case Officer having any direct contact from the objector in order to be able to advise on the queries. He added it was felt it was reasonable to assume that anyone living locally would have been aware of the works that had taken place and would have seen them in progress, though the Case Officer would always be available to answer queries as required. He noted that paragraph five of the report set out a list of the retrospective works and reiterated that the application itself was for the whole development, whether or not already completed, and would need to be assessed upon that basis. He added it made no difference to Officers' consideration of a proposal whether part of the scheme had already been completed. The Principal Planning Officer noted that while that was the case, retrospective applications were disappointing for Officers to receive and for Committee Members to have to determine where works had been undertaken within the relevant planning permission. He added that planning legislation did make provision for such applications and for works to be regularised if they were acceptable or be open to refusal if they were not acceptable.

In reference to the principle of development, the Principal Planning Officer noted the change of use from guest house to funeral directors was granted in June 2020. He noted the works proposed under the current application related to external alterations connected with the change of use. He added that these included: replacement of the conservatory with an extension; replacement of the various pitched roofs with one overall flat roof; replacement of windows; an increase to the boundary wall height; and render to the lower part of the front elevation. He explained the works that had taken place and were retrospective included the replacement windows, the render to the front elevation, and replacement of felt tiles with cladding.

The Committee were asked to note Officers felt that the alterations to the property, within a built up area, were acceptable in principle subject to consideration of detailed issues. The Principal Planning Officer noted the site was not within the Bowburn Conservation Area, rather was situated on the edge of it, across the road. Accordingly, the considerations were the character and appearance of the property itself and the potential impact upon the setting of the conservation area. He explained the Council's Design Officer had assessed those elements and provided comments to assist the Case Officer in consideration of the application. It had been noted that the front render, while not usually appropriate on a traditional red brick property, was considered acceptable by reason of covering up the mismatched brickwork on a prominent front elevation. The Principal Planning Officer added that the other examples of render within the vicinity, as demonstrated by the photographs within the presentation, meant that a render finish could not be described as out of keeping with the surroundings. He noted that for similar reasons it was not considered to adversely impact upon the setting of the Conservation Area.

The Principal Planning Officer noted that flat roofs would normally be discouraged as pointed out by objectors, however, given the variation of roof lines at the rear a flat roof was considered acceptable in this case, the proposals would rationalise and tidy the current arrangement resulting in a simplified and improved appearance to the rear and side elevations. He added the other works were to repair and upgrade the property and were considered acceptable.

Members were reminded that while the issue of highways safety had been raised by objectors, the current application was for external works only and had no direct implications for traffic movement other than vehicles associated with works being carried out. The Principal Planning Officer noted the issue of traffic relating to the use of the property was considered in association with the previous application and could not be reconsidered as part of the current scheme. He noted that Highways Officers offered no objections.

In relation to residential amenity, the Principal Planning Officer noted that in terms of neighbours' amenity the reduction in roof height to the extensions by the removal of pitched roofs and replacement with a flat roof would lessen the visual impact and also allow more light into the yard of the adjacent property. He added that other issues that had been raised had been fully addressed within the report and presentation.

The Principal Planning Officer reiterated that objectors were no longer notified of the outcome of a planning application, although it had formed part of the process some years ago, adding that the responsibility was with objectors to keep a check on an application. He explained that matters relating to the operational side of the funeral business were not relevant to the consideration of the application before Members which was for external changes only. He noted an objector had made reference to the original roof layout draining towards the external walls, possibly requiring guttering overhanging the highway. The Principal Planning Officer reiterated that the issue had been raised with the applicant and addressed through a revised design and submission of an amended plan, resolving the issue with all parts of the building draining into the site.

The Principal Planning Officer noted the principle of development was considered to be acceptable, with the external changes proposed not being considered to have adverse impact upon the setting of the Conservation Area or current levels of residential and visual amenity around the site itself. He explained that there were no highways objections and the proposal was considered to not detrimentally impact the character or appearance of the area. He added it was felt that the application met the requirements of the National Planning Policy Framework (NPPF) and relevant local plan policies. He noted that the objections and concerns raised had been taken into account and addressed within the report and that, on balance, the concerns raised were not felt to be of sufficient weight to justify refusal of the application. He concluded that as some of the works were retrospective, it was standard practice to add an informative to any decision made, if approval was granted, to warn the applicant of the risks of applying retrospectively as that could lead to work having to be rectified and reinstated, in the hope that would avoid the situation happening again with the same applicant in the future.

The Chair thanked the Principal Planning Officer and asked Councillor M McKeon, Local Member, to speak in relation to the application.

Councillor M McKeon thanked the Chair and noted she had been contacted by Residents from the Durham Road West area, the area just behind the property subject to the application, as regards some concerns they had about the planning application.

She noted the concern shared was in respect of the electric gate and the arrangements for hearses and other vehicles to enter the yard, where it stated the cargo would be unloaded into the funeral directors. She explained she had concerns as regards there not being enough room for a hearse to manoeuvre, or indeed fit within the yard, and that there would not be sufficient space for the vehicles that were needed.

Councillor M McKeon explained that would mean vehicles, large hearses, parking regularly on the path which was a footpath which would become increasingly busy as the area behind Durham Road West was developed and more people used the footways to get into and out of the village. She added that part of the reason for concern was that Planning Officers had stated there had been no complaints in respect of parking since the permission had been granted for the change of use. She explained that was as a consequence of the nearby club not operating at its usual capacity, if operating at all, and similarly for the nearby the hairdressers as a result of current lockdown restrictions. She noted the hairdressers had needed to cordon off half of the seats within the salon and was operating at half capacity. Councillor M McKeon explained that meant if there was a parking issue, it would have not been detected so far and she added from personal experience of using the hairdressers that she was aware of congestion issues in that area. She added that while Officers noted those issues were issues for the previous application and not the current one, she had looked at the previous application and had not been able to find a detailed highways report that confirmed the data or argument from the Highways Section in respect of the impact of the previous application, or current application. She noted that the previous application had been granted during a time where it would not have been possible to undertake an effective parking survey due to lockdown, with a lot of traders that would normally have customers parking were not being able to trade. She added that while she saw some of the argument for not including the issue within the current and future applications relating to the property, she noted she must disagree as the difficult situation that everyone had been living with for a year had meant that a proper conversation around the issue had not taken place. She added she did not want the Committee to shut down that conversation as it could become pertinent to the village in the future.

Councillor M McKeon noted that the application was retrospective, adding that while that was not a reason to refuse an application, a number of retrospective applications were being received across her Electoral Division. She added that she, along with residents, Parish Councils, and community groups, were becoming more and more frustrated that work was taking place without residents being able to have a proper say through the planning process.

She understood that it was not a matter a Committee could act on as such, however, she noted that wherever possible Local Members should take a stand against retrospective applications particularly when in such a sensitive area, such as the key commercial area of a growing village such as Bowburn. She thanked the Committee for their time.

The Chair thanked Councillor M McKeon and asked Mr D Morgan to speak in objection to the application.

Mr D Morgan thanked the Chair and Councillor M McKeon, as she had noted many of the points he would wish to make. He reiterated that it was the case that the process in respect of the development had been impacted by COVID-19, adding he felt the constraints on businesses and communication had not been fully appreciated, and certainly not appreciated in the decision making in respect of the initial consent for a funeral home in June 2020, as the country emerged from lockdown.

He explained that residents, including himself, had made representations to the Planning Authority in respect of the application noting issues of: highway impact; amenity impact; noises and odours; and, at that time to a lesser extent, the impact on the Conservation Area. Mr D Morgan recognised that those concerns appeared to have been considered and had been dealt with in June 2020. He noted, concentrating on the application before Committee, that he, along with one other resident, had objected to the application. He added that such a facility for a funeral home was welcomed in the area, and any impacts alleged or otherwise that would be referred to were community impacts, not personal impacts on issues such as house prices. He noted Members would have seen from the maps displayed that there was a Working Men's Club in the area and that would not normally be conducive of increasing house values. He added that the funeral home per se was not an issue and never had been.

Mr D Morgan noted that paragraph six of the report made reference to the application being considered by Committee as the applicant was related to a Councillor. He added that, as far as he had been able to trace, such declaration had not been made in relation to the earlier decision process and therefore he felt there was a lack of consistency in terms of the process.

Mr D Morgan noted the highway issue that he wished to concentrate on was that of the installation of the electric gate, echoing the concerns of Councillor M McKeon in that long wheelbase vehicles would not be able to deliver the deceased to the establishment without obstructing the footway. He added that was clearly prejudicial to highway safety and also to wheelchair users and parents with children in pushchairs, they having to deviate onto the carriageway.

Mr D Morgan explained, in terms of the conservation impact, the Conservation Officer had noted no objections to the use of render on the property. He added that would give licence to other persons seeking to render properties within the Conservation Area and clearly devalue the protections to the wider community and impact the Committee in the future decision making relating to render within the Conservation Area. He noted that at paragraph 29 of the report, the applicant's statement noted there was no current parking problem. Mr D Morgan added that there would not be, for the reasons Councillor M McKeon had described, the trading situation being at least only 50 percent. He concluded by noting the pressure from a number of businesses in the area, competing for public parking space, with the funeral director business having no exclusive parking provision.

The Chair thanked Mr D Morgan and asked the Principal Planning Officer to respond to the issues raised.

The Principal Planning Officer noted that in respect of the electric gate and whether there was sufficient room to allow for a hearse to enter and manoeuvre, he noted the previous report referred to the issue and the Highways Officer had considered it was acceptable, acknowledging it was a tight space, with an electric gate perhaps helping to facilitate vehicles entering the yard. He reiterated that the issue had been considered during the change of use application and could not be revisited at this stage. He noted the concerns raised by the Local Member as regards not simply dismissing highways concerns, however, the change of use application had been determined and granted by the Council.

The Principal Planning Officer noted that retrospective applications were always of concern to Members and Officers, with people perhaps feeling matters were a foregone conclusion, however, he noted that was absolutely not the case. He added that while legislation allowed for the submission of retrospective applications, it required the Local Planning Authority to take into account all the relevant planning issues and if it was concluded that permission would not have been granted had the application been made prior to works, then permission ought to be refused. He explained there could be a compromise position, where some elements are deemed acceptable and some are not, and conditions could be applied to rectify certain issues. He reiterated that it was by no means the case that because works had been undertaken that Planners were fettered by that. The Principal Planning Officer noted that there was no punishment the Local Planning Authority could invoke in respect of a retrospective application, the process of retrospective application being to provide the opportunity to have works regularised, with Officers looking objectively at the appropriate planning considerations when considering such applications.

The Principal Planning Officer referred to the issues raised in respect of the render finish, he reiterated the issue had been fully addressed within the report and presentation. He noted the render was felt to be appropriate as there was a difference in the brickwork, as shown on the photograph within the presentation. He noted that there were also other examples of render used in the area and added that each application would be dealt with on a case-by-case basis. The Principal Planning Officer reiterated that the property was outside of the Conservation Area and therefore the considerations of the impacts were slightly less than if in the area. He noted as it was on the edge of the area, legislation required that consideration was given to the setting of the Conservation Area and whether it was significantly adversely affected. He noted that the Design Officer had concluded that was not the case and therefore it was not felt a refusal could be supported based upon the render finish.

The Principal Highways Development Management (DM) Engineer, David Battensby reiterated the comments of the Principal Planning Officer in respect of the previous change of use application having been dealt with and highways issues having been considered at that time. He added that it had been noted that the previous application had been for change of use from a guest house and that use would have had parking generated from use of that business. It had been noted that the amount of parking generated by a funeral business would likely be less than that generated by a guest house. He noted there had been discussions at that time with the applicant as regards visitors to the premises and it had been noted they would be by application and only be one visit allowed to each unit within the property.

In reference to the rear access for a hearse, the Principal DM Engineer explained it had been noted that the rear courtyard space available was approximately eight metres, with enquiries noting that the length of a hearse was six metres, therefore whilst tight, there was sufficient space to accommodate those vehicles. He added that the use of a roller shutter was more beneficial than gates that would require opening into the yard as they would have further reduced space. He reiterated the current application was for external works and that highways issues had been considered within the previous application.

The Chair thanked the Officers and asked if highways had felt that the measurements and turning angles for a hearse had been considered sufficient to be able to turn into the rear of the property. The Principal DM Engineer noted that was correct.

The Chair thanked the Principal DM Engineer and asked the Committee for their comments and questions.

Councillor A Laing asked if the size of the largest model hearse had been considered, noting such vehicles appeared to be very large nowadays. The Principal DM Engineer explained that the size was based upon the model use by the applicant for their business. Councillor A Laing noted vehicles would be replaced and therefore for future reference asked if it was known whether such vehicles could be larger than the six metres stated and whether a restriction could be placed in terms of vehicle size. The Principal DM Engineer reiterated that issue had been dealt with through the previous application and it would not be possible to place a restriction via the current application, however, six metres was the average size of such vehicles.

Councillor A Laing moved that the application be approved, she was seconded by Councillor S Iveson.

Upon a vote being taken it was:

### **RESOLVED**

That the application be **APPROVED** subject to the conditions as set out within the report.

*Councillor K Hawley entered the meeting at 10.20am*

#### **b DM/20/03621/FPA - Former Community Health Clinic, School House, Front Street, Wheatley Hill**

The Planning Officer, Jennifer Jennings, gave a detailed presentation on the report relating to the abovementioned planning application, a copy of which had been circulated (for copy see file of minutes). Members noted that the written report was supplemented by a visual presentation which included photographs of the site. The application was for refurbishment into 5 individual self-contained flats and was recommended for approval subject to conditions.

The Planning Officer noted that since the publication of the Committee report, comments from Durham Constabulary had been received and she would update Members within her presentation.

The Planning Officer noted that the application was put forward by the County Durham Lettings Agency, which formed part of the Housing Solutions Team, and they were seeking permission for conversion of the existing health clinic into five flats. She referred Members to slides relating to the application site location and photographs of various views of the site.

She noted the site was within the defined commercial centre of Wheatley Hill, with several workshop units, located to the north-east. She added residential terraced properties were located to the west along Dennis Street. Members were asked to note the aerial photograph showed the large wooded area to the rear, with built development on the remaining three sides.

The Planning Officer referred to a photograph of the front elevation and noted the proposals would include the removal of the front curtain walling and two front doors and two windows would be inserted. She explained that the rear elevation photographs highlighted the vehicular access from Dennis Street and also razor wire and window security measures that would be removed under the proposals. Members were referred to a rear view from the property, showing the remainder of the site and the woodland beyond. The Planning Officer noted the gable elevation, facing Dennis Street, would be altered to include two new windows at the ground floor level. She referred to photographs that showed nearby empty properties, with two of four properties in the nearby terraced block being boarded up at the time of the photograph being taken. A final photograph showed the adjacent workshop as discussed.

The Planning Officer explained the site plan showed that the footprint of the building would remain unchanged, with resurfacing works proposed to the car park to the rear. She explained the main changes would include the addition of two doors and two windows to the front elevation and replacement of the curtain walling with matching render. She noted the proposed side elevation showed two new windows at ground floor level and doorway. She added there were no changes intended for the rear elevation or other side elevation.

The Committee were referred to proposed floorplans and the Planning Officer explained the ground floor showed the layout of three of the five flats, each having a separate bedroom from the main kitchen/living area. She noted the first floor plan showed the remaining two flats, with a separate kitchen/living area from the bedroom in each.

The Planning Officer noted statutory consultation responses included objections from Wheatley Hill Parish Council, their concerns including: the inappropriateness of the location to house homeless; already existing problems of anti-social behaviour in the area; future occupiers at risk of being vulnerable to problems in the area; future occupiers have complex needs and the area has no proper services to provide support; safeguarding of children and nearby schools; and the extent of the public consultation, the Parish Council noting a number of the nearest neighbours notified were empty properties. She noted the Highways Authority raised no objections to the application.

In reference to internal consultees, the Planning Officer explained there had been no objections from the Ecology Section and the Nuisance Action Team had raised no objections subject to noise mitigation measures to protect future occupiers from daytime business noise from the workshops.

The Planning Officer explained that late comments received from Durham Constabulary stated: *“Having full strategic oversight of the project and its purpose, Durham Constabulary support the development. It is noted there are pockets of Anti-Social Behaviour in and around the locality, but it is deemed that Durham Constabulary and partners will manage this as we do in many different locations. That fact does not deter from the probative value of having this building brought back into service to act as accommodation for those deemed appropriate by Durham County Council”*.

The Committee were asked to note two letters of objection had been received, the Planning Officer explaining the concerns raised included: the extent of the consultation; the impact on the nearby community centre and service users, new occupants of the flats may bring additional pressure and footfall of existing users to the site; assurances were sought that proper safeguarding policies and procedures would be in place for effective day-to-day management; and the ongoing anti-social behaviour in the area.

The Planning Officer noted the in terms of the principle of development, the proposals were felt to be in line with Policy 6 of the County Durham Plan (CDP) relating to undeveloped sites and the site was in a central sustainable location, with access to services and transport links. She noted there would be no loss of service as a replacement health centre had already been built and the derelict building, which was prone to vandalism, would be brought back in use. While there had been concerns raised by objectors in terms of the proposed use and its location, it was highlighted that there were limits to the extent of control that could be afforded through the planning system in respect of future occupiers. It was added that the applicant was notified of the issues raised and had provided clarity in terms of likely tenancy at the flats, confirming that the accommodation was to meet the needs of people at risk or homelessness as defined under the Housing Act 1985 which had a broader definition than just “rough sleepers”. The Planning Officer noted the applicant had confirmed that there was no greater likelihood that clients would have complex needs or a criminal record than any other tenant. She added it had been further clarified that the properties would be managed by the County Durham Lettings Agency, a department within Housing Solutions at the Council, and they would vet and manage all future tenants and provide a range of support services.

The Planning Officer noted the five flats proposed met the criteria of Policy 6 and the proposed C3 use was deemed acceptable.

The Committee were asked to note that the scheme was considered to have a positive impact upon the character and appearance of the area as it would bring a derelict building back into use. It was explained Officers felt that there would be no negative impact upon existing surrounding occupiers based upon residential occupancy of the building and that the noise mitigation measures required due to the neighbouring workshop units could be secured via condition. The Planning Officer added that all the flats met the national criteria in respect of space standards and two of the flats would be Disability Discrimination Act compliant. It was reiterated that there had been no objections raised by Officers in terms of highway safety or parking.

Members were asked to note in respect of the extent of the consultation, it had exceeded the requirements as set out within the development management procedure order and the other points highlighted as part of the consultation process had formed part of the consideration, however, had not been deemed sufficient grounds for refusal of the application as they would be limits to planning control that could be applied to future occupancy of the flats.

The Planning Officer concluded by reiterating the proposals were compliant with Policy 6 of the CDP, noting Paragraph 11 of the NPPF required that proposals in accord with an up-to-date development plan were approved without delay and therefore the application was recommended for approval subject to the conditions as set out within the report.

The Chair thanked the Planning Officer and asked Parish Councillor Jake Miller, Chair of Wheatley Hill Parish Council, to speak in objection to the application.

Parish Councillor J Miller thanked the Chair and Committee and noted he would be presenting a statement that had been unanimously agreed by all Members of the Parish Council and he would be speaking on behalf of both the Parish Council and residents that had raised concerns. He noted that he wished to make it known that the comments from the Police referred to today at Committee were amended comments and that on Wednesday, 3 March the Crime Prevention Unit had published a comment on the Planning Portal stating that they had serious concerns with the proposed development. He noted, however, the statement was only available for a short period of time before it was taken down and replaced by a statement of support from DCI Blakelock. He added that the Parish Council was surprised that a DCI had commented upon such an application. He noted the Parish Council had conversations with Police Officers who had stressed their concerns about the development and the Parish Council found it odd that such a U-turn had occurred within a short period of time.

Parish Councillor J Miller noted the objections of Wheatley Hill Parish Council were two-fold. He explained that the objections were not to a homelessness provision within the village, adding he had himself worked within the homelessness sector for some time and therefore understood how high the need was for more homelessness services. He added that to provide such services should be a top priority for all Local Authorities every year, not just during a pandemic.

Parish Councillor J Miller explained the first objection was to the proposed location, the Front Street in Wheatley Hill rife with anti-social behaviour. He added that the Parish Council was constantly receiving complaints as regards the level anti-social behaviour in that area and the damage being caused to surrounding homes and properties. He added that there were also complaints as regards the length of time it took Police to respond to such incidents. He noted the Parish Council regularly received complaints as regards youths causing damage in the area, with Arriva making contact with the Parish Council to explain they would no longer be operating in the area in the evenings as a result of anti-social behaviour. He added that it had included stones being thrown at passing vehicles including busses, with one incident where a driver was hit and required medical attention. Parish Councillor J Miller noted the local MP had become involved with the issue last year, after receiving a number of complaints from residents about such behaviour. He added that since then two site visits had taken place with himself, County Councillor L Hovvells, the Police, Street Wardens, the Fire Service and Durham County Council representatives. He explained this had been to discuss the problems that had occurred at the street behind the Front Street, Black Lane, and to discuss how action could be taken to tackle the issues. Other examples of issues in the area included vandalism to the community centre vehicle, the vehicle being used to deliver meals on wheels to elderly residents in the area. He added that without the quick reactions of volunteers on that day, meals would have not been delivered for some time, adding the community centre was located around the corner from the proposed development.

Parish Councillor J Miller explained the village Co-op store was located just along from the proposed development and recently the store had been trashed, and thefts had occurred on a number of occasions, with a theft also occurring at the funeral home next door in addition. As a result of the anti-social behaviour and crime in the area, it was noted the Parish Council had recently asked Durham Constabulary to look into issuing dispersal orders to those involved in order to tackle the level of anti-social behaviour. He explained that it was for those reasons that the Parish Council felt that placing the proposed provision within the centre of such issues would not only place tenants at risk of becoming victims of such anti-social behaviour, but would also put them at risk of becoming involved in addition.

He noted that it was important to protect everyone involved, not just those living there or committing crime.

Parish Councillor J Miller noted he had witnesses first-hand how easy it was for vulnerable people to become involved with things they may not have become involved with, had they not been vulnerable. He added he appreciated the comments from the Council's Housing Manager, Marion Rucker as regards clients not having complex needs, however, he noted that an individual did not have to have complex needs to be enticed into behaviour by a group of people, they just needed to be in the wrong place at the wrong time, adding the Front Street at Wheatley Hill was completely the wrong place. He explained that during community meetings, Durham County Council's Housing Team had reported, month after month, high levels of empty properties that they owned, struggling to be occupied. He added the Parish Council asked therefore whether it would not be better to invest the Government grant in those properties instead of renovating and converting an entire building.

Parish Councillor J Miller noted the Parish Council's second objection was as regards the consultation and planning process undertaken, adding the Parish felt the transparency of the process had been clouded and that the Parish had not been involved in the original conversations. He noted the Housing Manager had mentioned, within her supporting document, that Local Councillors were involved however Parish Councillors had not been involved, so it was assumed that had meant County Councillors. He reiterated that the Parish had not been notified and had not been included in those conversations. Parish Councillor J Miller noted that the application form did not mention the provision was for former rough sleepers or those at risk of homelessness, instead it was written in tiny font at the right-hand side of a document entitled "Proposed first floor plan". He added the Parish accepted that it was contained within the proposal section of a document entitled "Design and access statement", however, they questioned why it had not been set out within the proposals section of the application form itself. He noted that most people would check the application form and the Parish submitted that would have been more transparent to have included on the application and not on a plan of how the development would look.

Parish Councillor J Miller noted the Planning Portal stated that neighbouring properties were consulted on the proposals, however, he explained the Parish felt that consultation could not have been effective as, of the 21 residential properties included, only eight were occupied. He added that this meant 13 properties stood empty though were still involved in the consultation process.

He added that Councillors had been informed that those properties were now occupied, however, the consultation had commenced on 5 January 2021 and the Electoral Register from 3 December 2020 showed 13 empty properties. He noted this would indicate that the empty properties had been filled in just under one month, and over the festive period when many services would have been closed. He noted that after months of attending steering group meetings listening to report after report as regards the County Council struggling to fill such empty properties, it was now being stated that 13 properties had been filled in less than one month. He explained that of the 21 properties consulted one of them was School House, Front Street, Wheatley Hill, the property being considered for the proposed development, which meant that the County Council had consulted with a derelict building, which it owned, as regards a planning application they had made. He noted this had not made sense to the Parish Council and had made it question the transparency of such an application. Parish Councillor J Miller added that the Housing Manager had noted that the appropriate consultation had taken place as the flats proposed were not a specialist provision, however, within the third paragraph of the document it states "tenants will be offered housing management support in terms of paying bills, maintaining property standards and linking clients into employability opportunities". He asked whether that was not specialist provision.

Parish Councillor J Miller reiterated that the Parish Council was by no means in objection to homelessness provision within Wheatley Hill, adding there were a number of areas and streets where such provision would be better suited, somewhere quiet, somewhere with less anti-social behaviour problems and somewhere where former rough sleepers or those at risk of becoming homeless would be able to enjoy living. He added that listening to youths throwing stones through windows or at buses, vandalising shop fronts and houses, and verbally abusing residents as they walked past was not an environment that he would consider enjoyable. He noted it was not somewhere where a former rough sleeper should be housed. Parish Councillor J Miller concluded by noting it was upon the objections he had set out that Wheatley Hill Parish Council objected, and continued to object, to the planning application and asked the Committee to refuse the application.

The Chair thanked Parish Councillor J Miller and asked Local Member, Councillor L Hovvels to speak in relation to the application.

Councillor L Hovvels thanked the Chair, Committee and Officers and noted it was only the second time she had felt the need to attend Committee to speak on a planning matter relating to her Electoral Division in the 10 years she had been a County Councillor.

Councillor L Hovvels noted she was representing the people of Wheatley Hill, providing a voice for the residents who felt they had not been consulted and felt that their opinions had not been taken into account. She reiterated the points made as regards the empty properties in the area, the bulk of which she noted had been empty for a very long time. She recalled the visit by the MP John Healy, around two years ago when looking at selective licensing and explained locally such visits had continued with multi-agency walkabouts, bring organisations together to try to address the issues in the area. She noted the photographs of Dennis Street had shown two of the four properties in the street as being boarded up and added she would be very pleased if those issues were addressed and the empty properties were brought back into use, especially as those properties backed on to aged miners bungalows that were being developed.

Councillor L Hovvels echoed the comments of Parish Councillor J Miller in agreeing there was a need for provision for vulnerable and homeless people to live, however, she explained that they needed to be safe and there was a duty of care to those individuals. She added that she felt that not all of those factors were being taken into account when looking at the application.

Councillor L Hovvels noted that she felt the application was rushed and linked to the funding attracted to the scheme and reiterated that a conversation with the local residents of Wheatley Hill had not taken place. She noted that NPPF Part 8, as referred to at paragraph 11 of the Committee report, referred to "*Promoting healthy and safe communities*" adding that was an area Members should look at, in terms of "*Local Planning Authorities should plan positively for the provision and use of shared space and community facilities*". She noted she believed such provision required wider consultation with the community, adding notices in the street would not be effective, as a consequence of the COVID-19 pandemic people were not outside looking for notices. She continued by noting that NPPF Part 8 stated "*Developments should be safe and accessible*" adding it was not felt the area was a safe place to accommodate vulnerable people. Councillor L Hovvels noted the high levels of crime and anti-social behaviour in the area, with the Police and other agencies and Council staff openly admitting the issues. She noted that all were familiar with the area and had a duty of care to vulnerable people. She noted NPPF Part 8 also stated "*An integrated approach to considering the location of housing, economic uses and services should be adopted*". Councillor L Hovvels noted that the Crime Prevention Unit had made representations and they had been taken off from the Planning Portal quite quickly, on one day and off the next. She noted they had expressed concerns and emphasised that they provided advice to those seeking such advice on crime prevention.

Councillor L Hovvells explained she had a copy of the representation that had been made and correspondence in relation to the application and the timescales in respect of funding and works required to commence on or before 31 March. She added she was interested in Wheatley Hill becoming a better place, a safer place, and she did not believe that the proposal would enable that to happen. She explained she felt it would add to problems that were being dealt with and she hoped that the Committee, having heard the concerns of the residents, would reject the application on the grounds it was not in accord with NPPF Paragraph 8 - promoting healthy and safe communities.

The Chair thanked Councillor L Hovvells and asked the Planning Officer to respond to the points raised.

In respect of the Police statement, the Planning Officer noted that the original statement was received on 3 March and it had remained public throughout the process, it had not been removed, and the subsequent response received on 5 March was also made public. She noted Officers understood the situation in respect of anti-social behaviour, however, she reiterated that the application was for the conversion of the building to five flats, and therefore did not fall within any other policy other than Policy 6, reiterating Officers felt that it was in accord with policy. The Planning Officer noted that the application was presented as the refurbishment of a building into five flats and the specifics in relation to occupiers of the flats was not an issue that could be controlled in planning terms and therefore would be difficult to put forward as a refusal reason. She noted the applicant had clarified the management process and therefore the issue would be for Committee to consider. In terms of the consultation process, the Planning Officer noted that Planning had gone over and above what was normally required, with a wider than usual consultation with residents surrounding the site. She acknowledged the point raised as regards site notice, however, she explained that weekly planning lists were circulated, and this would likely have been where the Parish Council would have noted the application.

The Chair thanked the Planning Officer and asked the Housing Manager, M Rucker, representing the Council as applicant, to speak in support of the application.

The Housing Manager thanked the Chair and noted for clarification that the scheme was the development of five flats within the building for those as defined under the Housing Act 1985, adding the Act had a very broad remit. She noted representations had referred to vulnerable people, complex people, and rough sleepers, however the Housing Act covered any person that becomes homeless. She explained that could be a person leaving home needing their first own home or a person going through a relationship breakdown and requiring a place to live.

The Housing Manager noted occupiers would not be vulnerable and complex, adding the Council had other housing schemes that it had developed across the county for such individuals and it would be inappropriate to house those individuals in a development such as that proposed for Wheatley Hill. She explained that was a benefit of Housing Solutions managing the scheme, the team being able to know at all times who would be occupying the flats. She added that the team would gather a lot of background information as regards an individual when they contacted the Housing solution service and therefore, they would be able to allocate the flats appropriately.

In reference to consultations, the Housing Manager noted discussions in relation to notices going to empty properties. She explained that the owners of those empty properties had the right to be consulted and comment on the proposals. She noted in respect of scheme, that it was to help with housing across the county, adding that currently there were no available properties in the east of the county and there was a shortage in terms of the provision of both flats and accessible flats for those with disabilities. The Housing Manager noted the building had been identified a few years ago as being suitable and the Council had been working to secure funding to develop a scheme. She noted there were associated time constraints linked to the funding, as there would be with any such funding schemes, and she reiterated that the proposals were to bring the building back into use for five flats, and to manage those flats effectively. The Housing Manager explained the flats would be for use by general people who had been through the homelessness service, not for people with complex needs or vulnerabilities, the Council having other suitable accommodation such as the complex needs facility opened on 1 February elsewhere in the county.

The Housing Manager explained that tenancy support services were offered to anyone that came through the Housing Solutions service, and she noted this was what was referred to within her response. She explained that the service saw many users come back as a consequence of being unable to manage bills, set up direct debits, or claim benefits which they were entitled to and therefore the support was offered via Officers within her team to any user that needed such help to maintain their tenancy. She added the support and management offered was in the best interests of all and would help prevent users with a tenancy crisis representing to the service in the future, the long-term goal in respect of tackling homelessness within the county.

In reference to remarks as regards potential criminal backgrounds of individuals to be housed at the property, the Housing Manager explained that they would be subject to Police checks and the service worked very closely with the Police and would continue to do so.

She reiterated that the flats would be effectively managed and that the service already managed a number of properties across the county effectively, with a 100 percent success rate in managing tenancies, with tenants being settled within communities with no issues. She added the proposals were an opportunity to provide regeneration as part of the first works within the area, alongside other work in respect of selective licensing and empty homes in Wheatley Hill and the east coast area of the county.

The Chair thanked the Housing Manager and asked the Committee for their comments and questions.

Councillor A Laing noted reference to “regular visits” and asked how regular those visits were and whether there would be any age limit, or starting age, that would be required for tenants of the flats. She noted that the owners of the empty properties would have likely not seen the letter that had been delivered as part of the consultation. She asked if the Police checks referred to would highlight issues such as drug misuse.

The Housing Manager noted the age for a tenancy was 18 years old or over, though there would be consideration in terms of who else was living within the area and within the flats and there would be a balance. She added that the process was part of the overall management policies as the Lettings Agency. She noted that levels of contact would depend upon the needs of the individual, however, at least 3-4 visits per week, with routine during the pandemic having been to telephone tenants daily. In respect of Police checks, the Housing Manager noted it would depend upon the response from the Police, however, if the Council was aware of certain issues then the Council would look to avoid putting individuals with certain issues in areas with those issues.

Councillor D Brown noted the apparent overlap between planning regulations and social issues, or issues with anti-social behaviour, and asked for some advice from the Solicitor – Planning and Development, Neil Carter on what weight could be afforded to the issues raised in terms of possible refusal of the application.

The Solicitor – Planning and Development noted that the application was for C3 residential use and, as stated by the Planning Officer, Policy 6 was the relevant policy, containing a number of criteria. He added that generally the planning system would look as regards uses of land or buildings rather than the particular individuals that may occupy a property. However, he noted that issues of anti-social behaviour and the fear of anti-social behaviour and crime were potentially material planning considerations.

He noted the difficulty in respect of the application, in terms of the query from Councillor D Brown regards refusal, was that the Police did not support a refusal reason based upon exacerbation of an existing anti-social behaviour or crime and disorder issue. He noted the most recent consultation response from the Police, their amended response, made it clear that there were existing pockets of anti-social behaviour, however, they made it clear they did not see bringing the property back into use as exacerbating that issue. He added that it could be suggested that it could be of benefit in respect of that issue as, once a property is brought back into use, there would be less chance that property would generate the sort of anti-social behaviour that was associated with empty properties.

The Solicitor – Planning and Development concluded by noting that, in terms of framing a refusal reason around the reason of anti-social behaviour and crime and disorder, it would be very difficult for Members to come up with reason around those issues that would be sustainable upon appeal, predominately as there was not the support from the Police for such a reason.

The Chair thanked the Solicitor – Planning and Development and asked whether the flats would be used a short-term measure for those tenants in order to develop their confidence prior to moving on to other providers. She also asked whether potential tenants could come from anywhere within the county, and therefore be unaware of the area or situation. The Chair asked if the building was currently on the Council's asset register and listed for sale and whether, if the property were to be sold and a similar scheme came forward from a private developer, would there be potentially be less safeguards than the currently proposed Council scheme.

The Housing Manager noted that occupants would be allowed to remain at the property for up to three years, the Council having to protect itself against right-to-buy through non-secure tenancies agreements, managed through the Lettings Agency. She noted the support work that took place with Social Providers to help those people find longer-term accommodation. She explained that it would be hoped to take individuals from the east of the county to the proposed scheme, it was not intended to move people from other parts of the county. The Housing Manager added she believed that people needed to be their local area and in many cases the homeless offer from the Council had to be within a certain area that the individual had chosen, generally close to where they live and where possible properties were reserved for those local to the area. In respect of the property, the Housing Manager noted it was on the Council's asset register and therefore there was a possibility of it being sold, adding it one of a number of properties Housing Solutions were working through across the county.

Councillor A Laing noted she was disappointed, in terms of the response the question raised by Councillor D Brown relating to potential refusal reasons. She noted Councillor L Hovvels had mentioned NPPF Part 8, however, on consideration of the advice given by the Solicitor – Planning and Development, she would move that the application be approved. Councillor D Brown seconded the motion for approval.

Upon a vote being taken it was:

**RESOLVED**

That the application be **APPROVED** subject to the conditions as set out within the report.

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# COMMITTEE REPORT

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## APPLICATION DETAILS

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<b>APPLICATION NO:</b>	DM/20/03213/FPA
<b>FULL APPLICATION DESCRIPTION:</b>	Proposed new residential property
<b>NAME OF APPLICANT:</b>	Mr Clyde Ryder
<b>ADDRESS:</b>	15 The Avenue Coxhoe Durham DH6 4AD
<b>ELECTORAL DIVISION:</b>	Coxhoe
<b>CASE OFFICER:</b>	Jennifer Jennings Planning Officer Telephone: 03000 261057 <a href="mailto:jennifer.jennings@durham.gov.uk">jennifer.jennings@durham.gov.uk</a>

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## DESCRIPTION OF THE SITE AND PROPOSALS

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### The Site

1. The application site is a garden space located off the back lane to the rear of terraced properties along The Avenue within the settlement of Coxhoe. The lane separates the rear yards of the terraced properties from their garden plots. The site serves property no. 15 The Avenue and consists of a small wooden shed and hardstanding parking area abutting the back lane. A 1 metre high timber fence boundary separates this parking area from the lawned garden beyond. The garden is surrounded by 2 metres high evergreen hedgerow.
2. Neighbouring garden plots along this back lane largely consist of hardstanding and single storey timber sheds abutting the lane, with grassed garden areas beyond. The application site is surrounded on its west, north and east sides by rear gardens associated with 5 separate properties, two of which relate to The Avenue, and the remaining three relating to property nos. 69, 76 and 78 Petterson Dale. The rear gardens and properties associated with Petterson Dale are noted as being on a lower ground level from the application site by some 2 metres.
3. Access to the site is taken from a side lane between properties 15 The Avenue and 1 Leslie Villas that leads to the back lane, all of which is adopted highway.

### The Proposal

4. The application seeks planning permission to erect a 3-bed residential property within the garden area. Originally submitted as a dormer bungalow with three dormer windows on the rear roof, the current amended scheme has removed all dormer windows, but replaced these with roof lights to serve the accommodation in the roof

space. The dwelling would be set back from the back lane and would have an L-shaped formation with a large double garage attached and forward of the front elevation. A large block paved courtyard measuring 10.5 metres by 6.2 metres would be located to the front of the property bounded by the garage and its access door on the west side, the front elevation of the proposed dwelling to its north and the shed associated with the neighbouring property on the east. The courtyard would provide car parking as well as access to the garage. Adjacent to the gable end of the garage, it is proposed to include two additional parking spaces for use by no. 15 The Avenue. A 100 square metres garden would exist to the rear of the property.

5. This application is being considered by Committee at the request of a Local County Councillor who raised concerns that the development would set a precedent for development along this back lane, impact on parking and congestion on The Avenue and impact on residential amenity.

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## **PLANNING HISTORY**

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6. Outline permission refused in 2005 for the erection of a single dwelling on the same site. The application included details of siting and access, but no details were provided in terms of scale or design.

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## **PLANNING POLICY**

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### **NATIONAL POLICY**

7. The following elements of the National Planning Policy Framework (NPPF) are considered relevant to this proposal:
8. *NPPF Part 2 - Achieving sustainable development.* The purpose of the planning system is to contribute to the achievement of sustainable development and therefore at the heart of the NPPF is a presumption in favour of sustainable development. It defines the role of planning in achieving sustainable development under three overarching objectives – economic, social and environmental, which are interdependent and need to be pursued in mutually supportive ways. The application of the presumption in favour of sustainable development for plan-making and decision-taking is outlined.
9. *NPPF Part 4 - Decision-making.* Local planning authorities should approach decisions on proposed development in a positive and creative way. They should use the full range of planning tools available, including brownfield registers and permission in principle, and work proactively with applicants to secure developments that will improve the economic, social and environmental conditions of the area. Decision-makers at every level should seek to approve applications for sustainable development where possible.
10. *NPPF Part 5 – Delivering a wide choice of high quality homes.* The Government advises Local Planning Authority's to deliver a wide choice of high quality homes, widen opportunities for home ownership and create sustainable, inclusive and mixed communities.
11. *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.

12. *NPPF Part 9 – Promoting sustainable transport.* Encouragement should be given to solutions which support reductions in greenhouse gas emissions and reduce congestion. Developments that generate significant movement should be located where the need to travel will be minimised and the use of sustainable transport modes maximised.
13. *NPPF Part 11 Making Effective Use of Land.* Planning policies and decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions. Strategic policies should set out a clear strategy for accommodating objectively assessed needs, in a way that makes as much use as possible of previously-developed or 'brownfield' land.
14. *NPPF Part 12 Achieving Well-Designed Places.* 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.
15. *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.
16. *NPPF Part 15 - Conserving and enhancing the natural environment.* Planning policies and decisions should contribute to and enhance the natural and local environment.

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

#### **NATIONAL PLANNING PRACTICE GUIDANCE:**

17. 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; historic environment; design process and tools; determining a planning application; flood risk; healthy and safe communities; land affected by contamination; housing and economic development needs assessments; housing and economic land availability assessment; light pollution; natural environment; neighbourhood planning; noise; open space, sports and recreation facilities, public rights of way and local green space; 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 County Durham Plan

18. *Policy 6 Development on Unallocated Sites* states that the development of sites within the built up area that are not allocated in the plan or in a neighbourhood plan will be permitted provided they accord with all relevant development plan policies and meet specific criteria in relation to existing permitted uses, coalescence of settlements, loss of land with identified value such as in relation to ecology or recreation, is appropriate, is not prejudicial to highway safety, has good access to sustainable modes of transport to relevant services and facilities, does not result in the loss of the settlements last community building, minimises vulnerability and provides resilience to impacts resulting from climate change, maximises the effective of previously developed land and where appropriate reflects priorities for urban regeneration.
19. *Policy 19 Type and Mix of Housing*. Advises that on new housing developments the council will seek to secure an appropriate mix of dwelling types and sizes, taking account of existing imbalances in the housing stock, site characteristics, viability, economic and market considerations and the opportunity to facilitate self build or custom build schemes.
20. *Policy 21 Delivering Sustainable Transport* states that all development shall deliver sustainable transport by (in part) ensuring that any vehicular traffic generated by new development, following the implementation of sustainable transport measures, can be safely accommodated on the local and strategic highway network and does not cause an unacceptable increase in congestions or air pollution and that severe congestion can be overcome by appropriate transport improvements.
21. *Policy 29 Sustainable Design* details general design principles for all development stating that new development should contribute positively to an areas' character, identity, heritage significance, townscape and landscape features, helping to create and reinforce locally distinctive and sustainable communities.
22. *Policy 31 Amenity and Pollution* states that new development will be permitted where it can be demonstrated that there will be no unacceptable impact, either individually or cumulatively, on health, living or working conditions or the natural environment and should be integrated effectively with any existing business and community facilities.
23. *Policy 32 Despoiled, Degraded, Derelict, Contaminated and Unstable Land* states [in part] that development will not be permitted unless the developer can demonstrate that the site is suitable for the proposed use, and does not result in unacceptable risks which would adversely impact on the environment, human health and the amenity of local communities.
24. *Policy 36 Water Infrastructure*. Advocates a hierarchy of drainage options for the disposal of foul water. Applications involving the use of non-mains methods of drainage will not be permitted in areas where public sewerage exists. New sewage and waste water infrastructure will be approved unless the adverse impacts outweigh the benefits of the infrastructure. Proposals seeking to mitigate flooding in appropriate locations will be permitted though flood defence infrastructure will only be permitted where it is demonstrated as being the most sustainable response to the flood threat.

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## **CONSULTATION AND PUBLICITY RESPONSES**

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### **STATUTORY RESPONSES:**

25. *Coxhoe Parish Council* objects to the application. They raise concerns over traffic and highway safety. They also comment that they would not want to see development of land at the back of houses in the area and that it would be overdevelopment.

26. The original comments received from the Parish Council raised concerns that the original proposed dormer bungalow would lead to overlooking, but this ground for objection was not re-stated in their latest response in respect of the amendments.

27. *The Highway Authority* raise no objections to the proposals.

#### **INTERNAL CONSULTEE RESPONSES:**

28. *Environment, Health and Consumer Protection (Contaminated Land)* considered the Phase 1 report submitted with the application and consider it satisfactory. However because the development constitutes a change of use to a sensitive receptor a pre commencement condition is required for Phase 2 and 3 reports and a Phase 4 verification report prior to occupation of the development.

#### **PUBLIC RESPONSES:**

29. One letter of objection was received from the local ward member raising concerns over precedence of developing land to rear of the properties, parking and highway safety and overlooking to neighbouring residents.

30. Two further letters of objection were received from neighbouring properties. One letter was received relating to the original proposals stating the dormers would impact on privacy. Further concern is raised over increase in traffic along this road and impact on highway safety due to the dangerous junction leading out onto The Avenue. Concern is also raised regarding setting a precedent for building on the gardens, with reference made to numerous other residential developments in the village and whether there is really a need to 'squeeze' another house on a long established garden plot.

31. The other letter of objection, relating to both the original and amended scheme, raises significant concerns over impact on privacy and overlooking into their home and garden, which is considered to be made all the more problematic given the level differences. Concern is raised that the proposed dwelling would be one metre from the boundary of their rear garden and would tower over them by some 9 metres. Objection is raised that use of the upstairs would also allow direct overlooking into the ground floor of the home and garden.

32. Further concern raised that the proposal will impact on light into their property. Issues raised over the dwelling being totally out of character with the area which is mostly garden land and green space. Approval would set a precedent. Garden areas noted as being a wildlife haven with bats noted as flying in the vicinity. Query raised over lack of survey provided.

33. Objector further agrees with other comments put forward by neighbour and the Parish Council, that sufficient housing already available, highway safety would be impacted.

#### **APPLICANT'S STATEMENT:**

34. *The proposal is for a modest dormer style bungalow which is intended for the applicant to live in. The applicant is a local resident of Coxhoe and is looking to downsize so the intention is not to have this as a money making scheme.*

*The proposed property has been specifically designed to have the least amount of impact on the surrounding area but most importantly the neighbouring properties.*

*Following objections from some of the nearby neighbours, the applicant was keen to amend the plans to try and ensure that the neighbours amenity would not be adversely compromised. Amended plans have been submitted which shows a property reduced in size with windows repositioned. The proposed property would not overlook any of the neighbouring gardens and would not be overly large that would create any overshadowing. The proposal would not have an adverse impact on neighbouring occupiers.*

*The applicant is also keen to stress that they are planning on making the bungalow a sustainable development with low carbon solutions to help reduce the impact on the environment. The property would be constructed from sustainable materials being NUDURA ICF insulated concrete formwork which is made from 75% recycled materials. The use of solar panels or solar roof tiles will likely be installed as well as under floor heating running off air source heat pumping systems. Energy saving glass will also be installed in the windows.*

*Overall, the proposed development is in accordance with both local and national planning policies. The proposal is supported by the Council Planning Officers and is recommended for approval.*

*The applicant respectfully requests that the Planning Committee accepts the Officers recommendation and approves planning permission.*

*The above is not intended to list 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/applicationDetails.do?activeTab=documents&keyVal=P8X9C0GDL8J00>*

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## **PLANNING CONSIDERATIONS AND ASSESSMENT**

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35. As identified in Section 38(6) of the Planning and Compulsory Purchase Act 2004 the key consideration in the determination of a planning application is the development plan. Applications should be determined in accordance with the development plan unless material considerations indicate otherwise. In assessing the proposals against the requirements of the relevant planning guidance and development plan policies and having regard to all material planning considerations it is considered that the main planning issues in this instance relate to the principle of development, impact on the appearance and character of the area, impact on amenity of neighbouring residents and highway safety.

### Principle of the Development

36. The County Durham Plan (CDP) was adopted in October 2020 and as such represents the up to date local plan for the area and the starting point for the determination of this planning application. Consequently, the application is to be determined in accordance with relevant policies set out within the CDP.

37. The NPPF is a material planning consideration. Paragraph 11 of the NPPF establishes a presumption in favour of sustainable development. For decision taking this means approving development proposals that accord with an up to date development plan without delay.

38. The application site is located within the settlement of Coxhoe. It is not allocated for housing within Policy 4 of the County Durham Plan (CDP). Development of housing on unallocated sites within the built-up area should be assessed and determined against Policy 6. This policy sets out the following criteria:

The development of sites which are not allocated in the Plan or in a Neighbourhood Plan which are either (i) within the built-up area; or (ii) outside the built-up area (except where a settlement boundary has been defined in a neighbourhood plan) but well-related to a settlement, will be permitted provided the proposal accords with all relevant development plan policies and:

- a. is compatible with, and is not prejudicial to, any existing, allocated or permitted use of adjacent land;
- b. does not contribute to coalescence with neighbouring settlements, would not result in ribbon development, or inappropriate backland development;
- c. does not result in the loss of open land that has recreational, ecological or heritage value, or contributes to the character of the locality which cannot be adequately mitigated or compensated for;
- d. is appropriate in terms of scale, design, layout, and location to the character, function, form and setting of, the settlement;
- e. will not be prejudicial to highway safety or have a severe residual cumulative impact on network capacity;
- f. has good access by sustainable modes of transport to relevant services and facilities and reflects the size of the settlement and the level of service provision within that settlement;
- g. does not result in the loss of a settlement's or neighbourhood's valued facilities or services unless it has been demonstrated that they are no longer viable;
- h. minimises vulnerability and provides resilience to impacts arising from climate change, including but not limited to, flooding;
- i. where relevant, makes as much use as possible of previously developed (brownfield) land; and
- j. where appropriate, it reflects priorities for urban regeneration.

39. The proposal is within the built up area and therefore is acceptable in principle, subject to assessment against the various criteria in a) – j) above, which will be detailed in the following relevant sections.

40. In relation to criteria a) and b), a proposed residential dwelling in this location is considered compatible with adjoining residential uses. There is no concern that it would result in inappropriate ribbon development, nor that it would be considered inappropriate backland development, as the site has ready independent highway access and can meet distance standards, which will be discussed further in the section below. In line with criteria f), the site is noted as being highly sustainable, being located within walking distance to a range of facilities and with ready access to sustainable modes of transport.

41. However, the objections raised consider the development of this land would create a precedence for further development along the back lane. It is acknowledged that once a development has occurred then that development must be taken into consideration as being part of the character of an area when other proposals are put forward. However, each individual planning application is assessed on its own merits and one development gaining planning permission does not necessitate that other sites will

gain planning permission for similar developments if there are valid objections applicable to those developments on material planning grounds.

42. A further objection received commented that sufficient house building is already taking place in Coxhoe and there is no requirement to further develop small garden sites. It is acknowledged that the Council meets its requirements for sufficient housing land supply, having in excess of five years land supply in this regard, as required by NPPF, however, this does not preclude the LPA from considering windfall sites as submitted as part of the planning process. Indeed paragraph 68d) of the NPPF states that LPAs should support the development of windfall sites through their decisions giving great weight to the benefits of using suitable sites within existing settlements for homes.
43. The previous refusal for a similar scheme on this site is noted, but dating from 2005 and assessed against a different planning policy framework and local plan, the refusal reasons of sixteen years past cannot be presumed still relevant. The current policy approach with NPPF presumption in favour of sustainable development along with the newly adopted County Durham Plan requires a fresh assessment of the proposals. In this context, the development of this land to erect a single residential dwelling in a highly sustainable location would be deemed acceptable in principle, subject to other considerations below.

#### Impact on the character and appearance of the area

44. Policy 6c) of the CDP states that development should not be approved where it would result in the loss of open land that has recreational, ecological or heritage value or contributes to the character of the locality which cannot be adequately mitigated or compensated for. It also states under criteria d) that development should be appropriate in terms of scale, design, layout and location to the character, function, form and setting of, the settlement.
45. Policy 29 relating to sustainable design states that all proposals will be required to achieve well designed buildings and places having regard to supplementary planning documents and contribute positively to an area's character, identity, heritage significance, townscape and landscape features, helping to create and reinforce locally distinctive and sustainable communities; and create buildings and spaces that are adaptable to changing social, technological, economic and environmental conditions and include appropriate and proportionate measures to reduce vulnerability, increase resilience and ensure public safety and security.
46. The back lane reads as a relatively haphazard array of buildings, with rear extensions on the back of the terrace of various heights, lengths and finishes, coupled with a broad mix of timber sheds and garages on the opposite side of the lane. The area appears heavily built up, with limited views of the garden spaces beyond the sheds. There is very limited cohesiveness in the built form, however, the character is predominantly domestic in design and scale and functional in appearance.
47. Beyond the built up frontage of each of the garden plots, the character clearly reads as domestic garden space, with each of the gardens mostly laid to grass with hedgerow boundaries. As a private garden space the proposed development of the site for a single dwelling would not be considered to result in the loss of open land that has recreational, ecological or heritage value. Although reference has been made within objection letters to the wildlife value of the wider connected green garden spaces, whilst the construction works may interrupt this to a degree, the resultant residential use with garden space would allow wildlife to re-establish. In any case, private garden land is not considered to have high ecological value, due to being regularly disturbed through use and maintenance and the requirement for a bat survey

would not be applicable to this undeveloped site. The development of the land would therefore not conflict with policy 6c).

48. The application site currently measures 386 square metres. The development would see the introduction of a 54 square metres double garage, set back from the back lane, by 5.5 metres to make room for two parking spaces. A single storey blank gable end of the garage building would face the back lane, measuring a maximum of 4.8 metres high to the ridge. The proposed dwelling would adjoin the garage, set back some 12 metres from the lane and create a further 90 square metres footprint of built development. The dwelling would be set down in level from the garage measuring 5.3 metres to ridge height when viewed from the lane, 6 metres when viewed from the rear garden space. The plot width measures 13.7 metres and the dwelling would occupy 11.2 metres of this width, positioned centrally within it. The remaining 100 square metres of land to the rear of the plot would be retained as garden amenity space.
49. The footprint and height of the development on the plot are acknowledged as being significantly larger than any other development on this side of the back lane, with surrounding structures no higher than approximately 3.5 metres. The extent to which the development would be deemed to be visually intrusive and at odds with the wider area is somewhat diminished however, given that the proposed dwelling would be set within an area with a large mix and variation in the built form and against the backdrop of two storey terraced properties of The Avenue when looking south, and detached properties of Petterson Dale when looking north. The proposed design of the dwelling is not particularly remarkable and clearly designed to suit its function, but with the garage dominating the front of the site, the proposal would have similarities with neighbouring sites, albeit at a larger scale. It is further noted that the footprint of the proposed dwelling would intrude into the grassed garden area, pushing the building line of development further north into the site than exists at any other garden plot, however beyond this, a garden area would be retained and continue to connect with the wider garden belt area.
50. The site and use of the back lane would continue to function primarily for domestic purposes and would not change the level or extent of activity on site to the point where the character of the area would be detrimentally harmed.
51. In consideration of these various points, there is some identified conflict with policy 6d) and 29, as there would be localised impact resulting from the development in terms of its scale and layout on site relative to garages/sheds and the surrounding garden plots, but that said, within the context of the wider vicinity including the two storey houses north and south of the site, the design, scale and use of the site would not be wholly inappropriate to the character and function of the area in this regard, providing some adherence to policy 6d).
52. In terms of the wider form and function of the settlement, The Avenue is noted as consisting exclusively of properties fronting the main road, with large gardens to the rear, with the terraced properties at the western end of The Avenue, having a rear laneway separating the garden area from the dwelling. Other terraced properties along Cooperative Terrace located further west, Front Street to the north west and Blackgate West to the southwest of the application site also have a similar formation of a rear laneway separating the dwelling from the garden area.
53. The vast majority of these properties have retained the rear garden plots as such, but it is noted that these plots are generally very narrow and accommodating residential development would likely prove problematic as a result. The application site, on the other hand, is noted as being wider than most of these plots, and therefore in a better

position to meet with policy requirements. Nonetheless, it is clear, development of this plot would interrupt the established pattern of development in the immediate area.

54. Notwithstanding this, Hallside, Front Street, 130 metres north west of the application site, was approved on appeal in 2005 for the erection of a single dwelling within the rear garden plot. Having assessed the details of this case, and the building now in situ, it is not considered that the character, form and function of the settlement has been harmed as a result of the development and the dwelling helps to reinforce and be a part of a sustainable community. In the case of the current application site, it would be difficult to argue that the proposed dwelling could not result in the same outcomes, which in the context of the present policy framework would be seen as acceptable and broadly in line with policy 29.
55. In summary there are clear and noted points of conflict with policy in terms of the impacts of the proposals on the character of the immediate area, but it would be difficult to conclude in the context of the wider area that the proposals are not appropriate to the character, function and form of the settlement. Any approval, however, would need to apply conditions for details of proposed materials of the wall and roof of the dwelling and garage, as well as hardstanding areas and boundary treatments.

#### Impact on amenities of neighbouring residents

56. Policy 29 requires that all development achieves well designed buildings and places having regard to supplementary planning documents and: e) provide high standards of amenity and privacy and minimises the impact of development upon the occupants or existing adjacent and nearby properties.
57. Policy 30 states that development will be permitted where it can be demonstrated that there will be no unacceptable impact, either individually or cumulatively, on health, living or working conditions or the natural environment and that can be integrated effectively with any existing business and community facilities. The proposal will also need to demonstrate that future occupiers of the proposed development will have acceptable living or working conditions. Proposals which will have an unacceptable impact such as through overlooking, visual intrusion, visual dominance, or loss of light, noise or privacy will not be permitted unless satisfactory mitigation measures can be demonstrated whilst ensuring that any existing business and / or community facilities do not have any unreasonable restrictions placed upon them as a result.
58. Properties no. 14 and 15 The Avenue are located southeast of the application site. Both properties have windows on the rear original elevation of the dwellings, but these are located over 14 metres from the blank gable end of the proposed garage building and over 21 metres from nearest habitable window in the proposed dwelling in line with SPD guidance. Both properties have two storey rear extensions with most of the windows located on the side of the extension overlooking their rear yards. A single first floor level window exists on the rear elevation of the extension at no. 15 and overlooks the application site. This is at a distance of 15.9 metres from the nearest habitable window of the proposed dwelling, which would be at ground floor level, under the low roof canopy. Based on the height difference in the windows, it is not considered that there would be issues with mutual loss of privacy between both properties. Amenity standards are considered met in relation to nearest properties to the southeast.
59. Property nos. 76 and 78 Petterson Dale to the north west would be located directly opposite the rear elevation of the proposed dwelling at a distance of 21 and 23.5 metres respectively. Due to the level differences, when viewed from the application site, the upper floor windows of these properties are approximately level with the

ground floor of the proposed dwelling. However existing hedgerow largely screens views of these properties from the application site with limited views of the upper windows and roof line.

60. Property no. 69 Petterson Dale is located to the north east, diagonally across from the proposed dwelling, at a distance of 13.4 metres measured from nearest habitable window of each property. However, because these properties are off set from each other there would be no direct overlooking. Although there is some level difference between this property and the application site, it is not as pronounced as exists with nos. 76 and 78. In this regard there is view of the upper floor windows of property no. 69, but given the location of the proposed dwelling within the site, overlooking is expected to be limited given the oblique angle of view and the fact that ground floor windows of both properties would be largely shielded by existing thick hedgerow.
61. In terms of upper floor rooflight windows on the proposed dwelling that would serve two bedrooms and a study room, the rooflights are set high in the roof with the section drawing depicting the bottom level of the windows at 1.8 metres from the floor level, meaning that they would not provide opportunity for outlook as could be attained from normal windows or dormers. As such they would mostly serve to provide natural light into these rooms as opposed to provide any outlook or view. In this way, any concerns regarding excessive overlooking emanating from the upper floor rooms from the roof lights is not considered to be warranted in this case.
62. Other issues raised have commented on the impact of the height of the proposed dwelling, particularly given the level differences with dwellings on Petterson Dale. The proposed dwelling at its nearest point to these dwellings would have an eaves height of 3 metres. Given the distance from property nos. 76 and 78 at over 21 metres, it is not considered this height would appear as overbearing to these residents, even with level differences. The distance between these properties would increase to over 25 metres at the highest point of the proposed dwelling. In this regard it is not considered that the proposed dwelling would cause visual intrusion or dominance that would detrimentally impact on amenities of these residents.
63. Similarly no. 69 located at an offset position from the proposed dwelling would, at the nearest point of 13.4 metres, have view of the dwelling at 3 metres in height. The maximum 6 metres roof height of the proposed dwelling would be 17 metres from this property. Again whilst there is a level difference between the two properties, this is not so significant that the proposed dwelling would appear visually dominant or intrusive. In particular it is noted that no. 69 is located northeast on its own plot, with direct views out of the property in a south east direction as opposed to the oblique southwest views towards the proposed development site. It is further noted that a similar relationship exists between no. 69 and 78 Petterson Dale, where both two-storey properties have oblique views towards each other at a noted lesser distance in this case.
64. In terms of concerns over loss of light, given the proposed height of the building and the distance from nearest properties, it is not considered that significant overshadowing would be experienced by these nearest properties to any degree that would warrant a refusal. The proposed dwelling would be south/ south west of no. 69, the nearest property likely to experience any overshadowing, but this would be limited to a small section of the corner of the garden for a limited period of time in the afternoon. It is not anticipated that this would detrimentally impact on the amenities of this garden space.
65. A condition would however need to be included with any permission granted requiring removal of all permitted development rights for works to the property, as outlined

within Part 1 of the Town and Country Planning (General Permitted Development) Order 2015 as amended.

66. In summary, the proposals have been assessed against SPD guidance and are considered to meet amenity distance standards. Mutual privacy is considered to be suitably protected and overlooking has been minimised through use of high level roof lights for the upper floor accommodation. The proposed design and scale of the property and its location and relationship to nearest properties is considered appropriate to ensure that the proposal would not be visually dominant or intrusive on nearest residents. Subject to a condition removing permitted development rights, the proposals are considered to accord with policy 29 and 31 of the County Durham Plan and the SPD in this regard.

#### Highway Safety and Access

67. Policy 6 requires that development will not be prejudicial to highway safety or have a severe residual cumulative impact on network capacity. Policy 21 states that development should: c) ensure that any vehicular traffic generated by new development, following the implementation of sustainable transport measures, can be safely accommodated on the local and strategic highway network and does not cause an unacceptable increase in congestion or air pollution and that severe congestion can be overcome by appropriate transport improvements. In relation to parking the policy states that car parking at residential development should ensure that a sufficient level is provided for both occupants and visitors, to minimise potential harm to amenity from footway parking.

68. A large hardstanding area is proposed to the front of the dwelling, alongside a large double garage. This space would comfortably provide sufficient parking space for the proposed dwelling. Two additional car parking spaces are noted on the site plan abutting the blank gable end of the garage. These are demarcated to provide parking for the residents of no. 15 The Avenue. As such, the inclusion of a condition is therefore deemed necessary to any approval granted ensuring that these spaces remain available to these residents in perpetuity.

69. Highways assessed the proposals and consider that parking would be sufficient to cover parking requirements for no. 15 and the proposed dwelling. No issues are raised with regards access to the site, particularly as the site is in close proximity to the side lane that accesses the main road, thus limiting vehicle manoeuvring along the back lane. Although there was some concern raised regarding highway safety issues, particularly when cars are parked along the side road leading to the back lane causing some localised congestion when two cars meet, this would not be considered a significant concern warranting refusal on highway grounds. The proposed development has demonstrated sufficient parking on site and would ensure no overspill onto the public highway. The addition of a dwelling in this location may result in some additional car movements but this would not be considered to result in excessive additional use of the back lane over and above the existing situation.

70. The proposals are therefore considered compliant with the relevant parts of policy 6 and 21 of the County Durham Plan.

#### Contaminated Land

71. Contaminated land section assessed the phase 1 report submitted with the application and agreed with the findings. They request the imposition of a pre commencement condition for further surveys and inspections of the site in line with NPPF part 15 and CDP policy 32.

## Objections received and the planning balance

72. As noted, a number of objections and concerns have been received and all have been taken into account and addressed throughout the report. Amendments to the proposals were made to address a number of these concerns. However, it is acknowledged that these amendments do not overcome the concerns over the principle of the development of the site. Officers have given careful consideration to these issues. Assessed against the CDP, there is some identified policy conflict, however, on balance the provision of a new home within a highly sustainable location is considered to have significant merit, and in this instance, a recommendation of approval is deemed reasonable.

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## CONCLUSION

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73. Section 38(6) of the Planning and Compulsory Purchase Act 2004 sets out that planning applications be determined in accordance with the development plan unless material considerations indicate otherwise.

74. In summary, policy 6 of the CDP sets out a number of criteria for development of unallocated sites within the CDP. In this instance, whilst there is some conflict with the policy, in the wider planning balance, the proposals are considered to be broadly in accordance for the reasons set out in this report. Paragraph 11 of the NPPF states that development proposals that accord with an up to date development plan should be approved without delay.

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## RECOMMENDATION

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That the application be **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 approved plans listed in Part 3 - Approved Plans.

Reason: To define the consent and ensure that a satisfactory form of development is obtained in accordance with Policy(ies) 6 and 29 of the County Durham Plan and Parts 12 of the National Planning Policy Framework.

Plan	Drawing No.	Date Received
SITE LOCATION PLAN		03/11/20
PROPOSED ELEVATIONS	Rev C	17/02/21
PROPOSED PLANS	Rev E	17/02/21

3. Notwithstanding any details of materials submitted with the application no development shall commence until details of the make, colour and texture of all walling and roofing materials have been submitted to and approved in writing by the Local

Planning Authority. The development shall be constructed in accordance with the approved details.

Reason: In the interests of the appearance of the area and to comply with Policy 29 of the County Durham Plan and Part 12 of the National Planning Policy Framework.

4. No development shall commence until a land contamination scheme has been submitted to and approved in writing by the Local Planning Authority. The submitted scheme shall be compliant with the YALPAG guidance and include a Phase 2 site investigation, which shall include a sampling and analysis plan. If the Phase 2 identifies any unacceptable risks, a Phase 3 remediation strategy shall be produced and where necessary include gas protection measures and method of verification.

Reason: To ensure that the presence of contamination is identified, risk assessed and proposed remediation works are agreed in order to ensure the site is suitable for use, in accordance with Part 15 of the National Planning Policy Framework. Required to be pre-commencement to ensure that the development can be carried out safely.

5. Remediation works shall be carried out in accordance with the approved remediation strategy. The development shall not be brought into use until such time a Phase 4 Verification report related to that part of the development has been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that the remediation works are fully implemented as agreed and the site is suitable for use, in accordance with Policy 32 of the County Durham Plan and Part 15 of the National Planning Policy Framework.

6. Prior to the first occupation the development hereby approved, details of all means of enclosure of the site shall be submitted to and approved in writing by the Local Planning Authority. The enclosures shall be constructed in accordance with the approved details thereafter.

Reason: In the interests of the visual amenity of the area and to comply with Policy 29 of the County Durham Plan and Parts 12 and 15 of the National Planning Policy Framework.

7. No development shall be occupied until details of the surface treatment and construction of all hardsurfaced areas has been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be undertaken in accordance with the approved details prior to first occupation.

Reason: In the interests of the visual amenity of the surrounding areas in accordance with Policy 29 of the County Durham Plan and Parts 12 and 15 of the National Planning Policy Framework.

8. The two car parking spaces located adjacent to the gable end of the garage building hereby approved, shall be retained for use by residents of 15 The Avenue, and maintained in such a manner as to ensure their availability at all times for the parking of private motor vehicles.

Reason: In the interests of highway safety in accordance with Policy 21 of the County Durham Plan and Part 9 of the National Planning Policy Framework.

9. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and/or re-enacting that Order), no development under any Class of Part 1 of the GDPO shall take place without the grant of further specific planning permission from the Local Planning Authority.

Reason: In the interests of the amenity of the surrounding area in accordance of Policies 29 and 31 of the County Durham Plan and Parts 12 and 15 of the National Planning Policy Framework.

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## **STATEMENT OF PROACTIVE ENGAGEMENT**

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The Local Planning Authority in arriving at its decision to approve the 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) of the Town and Country Planning (Development Management Procedure) (England) Order 2015.)

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## **BACKGROUND PAPERS**

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Submitted application form, plans, supporting documents and subsequent information provided by the applicant  
Statutory, internal and public consultation responses  
The National Planning Policy Framework (2019)  
National Planning Practice Guidance Notes  
County Durham Plan  
Residential Amenity Standards SPD (2020)

