



Area Planning Committee (North)

Date Tuesday 16 June 2020
Time 9.30 am
Venue Remote Meeting - This meeting is being held remotely via Microsoft Teams

Business

Part A

1. Apologies for Absence
2. Substitute Members
3. Minutes of the Meeting held on 27 February 2020 (Pages 3 - 8)
4. Declarations of Interest (if any)
5. Applications to be determined by the Area Planning Committee (North Durham)
 - a) DM/20/00404/FPA - 83, Brackenbeds Close, Pelton
(Pages 9 - 18)
 - b) DM/20/00830/FPA - Land at 27 Blind Lane, Chester-le-Street (Pages 19 - 32)
 - c) DM/20/00219/VOC - 7 St Ebba's Way, Ebchester
(Pages 33 - 44)
6. Such other business as, in the opinion of the Chairman of the meeting, is of sufficient urgency to warrant consideration.

Helen Lynch
Head of Legal and Democratic Services

County Hall
Durham
8 June 2020

To: **The Members of the Area Planning Committee (North)**

Councillor I Jewell (Chair)

Councillor S Wilson (Vice-Chair)

Councillors A Bainbridge, A Bell, L Boyd, D Boyes, J Higgins,
A Hopgood, C Kay, O Milburn, C Martin, J Robinson, A Shield,
J Shuttleworth, K Thompson and T Tucker

Contact: Amanda Stephenson

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DURHAM COUNTY COUNCIL

AREA PLANNING COMMITTEE (NORTH)

At a Meeting of the **Area Planning Committee (North)** held in the Council Chamber, County Hall, Durham on **Thursday 27 February 2020 at 1.00 pm**

Present:

Councillor I Jewell (Chair)

Members of the Committee:

Councillors S Wilson (Vice-Chair), A Bainbridge, A Bell, D Boyes, J Higgins, A Hopgood, O Milburn, C Martin, J Shuttleworth and T Tucker

1 Apologies for Absence

Apologies for absence were received from Councillors C Kay and J Robinson.

2 Substitute Members

There were no substitute members.

3 Minutes of the Meeting held on 28 November 2019

The minutes of the meeting held on 28 November 2019 were confirmed as a correct record by the Committee and signed by the Chair.

4 Declarations of Interest (if any)

There were no declarations of interest.

5 Applications to be determined by the Area Planning Committee (North Durham)

a DM/19/03091/FPA - Graham Court, Sacriston, Durham DH7 6LW

The Committee considered a report of the Senior Planning Officer which consisted of the demolition of Graham Court and the construction of 25 residential dwellings and associated landscaping.

The Senior Planning Officer provided a detailed presentation of the application which included a site location plan, aerial photograph of the site, site photographs and site layout.

The Senior Planning Officer confirmed that since the report had been published a further condition had been included in the application to prevent any fences from being built near to the traffic lights at the crossroads to ensure visibility control. He also noted that there had been a low turn out to the developer's event about their plans in the village pre application.

The Chair thanked the Senior Planning Officer for his presentation. As there were no speakers for this item the Chair asked the Committee for their comments and questions.

Councillor Wilson informed the Committee that he had received no issues from members of his division regarding the application. He agreed that the building had come to the end of its life and did not oppose the application but required assurances from Highways that they did not have any visibility issues with the development being at a crossroads

Councillor Wilson requested that a condition be added to the application regarding the construction management and how it would be maintained. He felt there would be issues with parking around the garage and bus turning circle as people used the estate as a rat run.

The Senior Planning Officer notified the committee that extra detail could be added within the construction management there would be no access from the top of the site if he thought that would cover the issue.

Councillor Wilson agreed that would be suitable.

The Principal Highway Development Management Engineer confirmed that Highways did not object to the application and had found that from Plawsworth Road to the traffic lights all the visibility had been adhered to by the developers. He explained that the parking standards 2019 had been applied and the development had adequate parking on site with one space allocated per household and an additional 25% parking for visitors. He highlighted that 'no parking' and 'no waiting' restrictions would be rolled out along Plawsworth Road and Durham Road to protect the Highways and to reduce the parking issues. He added that the bus turning area was offsite and would not be the responsibility of the developer to address any parking issues on the estate roads.

Councillor Wilson requested that both Councillor Liddle and himself as Local Councillors be consulted with over the road restrictions as residents did park on the highway outside their homes along these roads and he did not want the restrictions to affect them.

The Principal Highway Development Management Engineer agreed to set up a meeting with Councillor Wilson, Councillor Liddle and the Major Projects Team Leader to discuss what road restrictions would be put in place and where.

Councillor Tucker asked if the site of the new residential dwellings would be prone to the risk of flooding as the properties were at a lowered elevation to the main road.

The Senior Planning Officer notified the Committee that there had been no issues of flooding at the property at 18 Highfield in Sacriston that was next to the development site. He added that an agreement had been reached with the Drainage Engineer and the Developer regarding the floor level of the new developments as the area coped well with rainwater. In addition, an amenity fence and obscure glazing had been added as a condition of the application for privacy as the height of the site had been reduced, all to protect that dwelling.

Councillor Boyes was concerned that yet another registered provider was disposing of their social housing for elderly people. He questioned what was going to happen to the few residents that remained in the building and whether there was still a demand for sheltered accommodation. He wanted to know if a condition could be included in the application to ensure that the people that remained would be looked after.

The Senior Planning Officer indicated that tenants would have legal rights in these circumstances and although no information was known at this moment as to how or if the registered provider would seek to re-house the residents, the Senior Planning Officer did not feel that a planning condition could be included to address this.

Councillor Milburn wanted to know if the planning application took into consideration the privacy of the houses that already existed to ensure they were not overlooked. She required a guarantee that lessons had been learned from the past when buildings were built at different levels.

The Senior Planning Officer assured the Committee that although the new properties changed in levels the application had taken privacy of the neighbours into consideration and referred Members to the detailed assessment in paragraph 69 in the report.

Councillor Bell wanted to know how exactly the parking provision had been calculated and wondered if the 106 funding could remain in the division of Sacriston.

The Senior Planning Officer confirmed that the 106 funding would stay in the division and would be added to the legal agreement.

The Principal Highway Development Management Engineer clarified that the Parking Standards 2019 had been applied to calculate the parking allocation within the development. He explained that for a 2-3 bedroomed property only one curtilage per dwelling was sufficient with 25% allocated for visitors.

The Principal Highway Development Management Engineer responded to Councillor Hopgood's query regarding who set the parking standards 2019 criteria that it was the Local Authority who set their own parking standards based on visitor and curtilage parking and the location of the development. He confirmed that it was a Durham County Council's policy that had been applied.

Councillor Hopgood wanted to know who had ratified the policy within the Council whether it had been full council or an Officer. She felt that based on most households having two cars there would not be adequate parking. She thought that if residents could not park outside their homes, they would either use the visitor spaces or park on the kerbside causing obstructions. She questioned how wide the roads and footpaths were to cope with the amount of traffic generated by the number of cars as she believed that residents would eventually complain in the future that there was too much traffic.

The Principal Highway Development Management Engineer explained that his Manager the Highway Development Manager had created the Parking Standards policy that had been supported by Councillors. He noted that research had shown that it was acceptable to provide one space for a one bedroomed house. He confirmed that the footpath was 1.8 metres wide and the road width was 4.8 metres. He noted that a typical car was 1.8 metres making the road an ample width for two cars to pass. He felt that cars would not need to park on the footpaths as there was enough visitor's parking. The Principal Highway Development Management Engineer noted that the Highway Development Manager would be happy to discuss the Parking Standards policy with Members should further explanation be required.

Councillor Hopgood felt that Members did not have a choice in accepting the Durham County Council's parking policy but had not been involved with the standards so was not clear on what was acceptable or not. She thought that it may be difficult for people to go for a walk at night if cars were parked on the footpath. She felt that Councillors needed to look at the standards to be more aware of what was adequate in terms of parking on new developments.

Councillor Jewell emphasized that debating the Council's parking policy was for discussing outside of the meeting and if Councillor required clarity then the appropriate Officer should be lobbied. He believed that the parking standards were influenced by national standards.

Councillor Tucker asked if the corner amenity space on the plans could be utilised to create further parking for visitors.

The Senior Planning Officer advised that the opportunity had been taken as the land in question had already been utilised for the visitors parking. He advised that no further amenity land could be used for additional parking for safety reasons as it was close to the junction.

The Principal Highway Development Management Engineer explained that the visitors parking was in a layby style to allow drivers to put in and pull off in a safe manner rather than carry out a 90-degree manoeuvre.

Councillor Jewell stressed that the planning application had to be determined as it stood as changes to the application could not be negotiated within the meeting.

Councillor Shuttleworth agreed to approve the planning application.

Councillor Boyes was concerned that one space allocated per dwelling did not appear adequate and was not sure that the width of the road could cater for more than one car passing.

The Principal Highway Development Management Engineer confirmed that the width of the road was of an adoptable standard of 4.8 metres and was ample for two cars to pass.

Councillor Boyes gave an example of a housing development in the East of the County that was two-year-old that had caused pandemonium due to insufficient parking and cars parallel parked in the street causing obstructions to both motorists and pedestrians. He felt that parking for the site would need to be acceptable to prevent issues developing in the future.

Councillor Wilson was happy to approve the application.

The Principal Planning Officer notified the Committee that there were to be additional conditions added to the application regarding permitted development rights for fencing on the roadside boundary.

Councillor Bell was familiar with the area and the proposed site was next to a public house. He wanted to know if the noise from the pub had been taken into consideration in the planning application.

The Senior Planning Officer confirmed that any noise nuisance potential from the pub had been considered by Durham County Council's Environmental Health Team. The team had liaised with the developer and they were satisfied that no further work was needed to be carried out on it.

Councillor Wilson **proposed** approval of the application and was **seconded** by Councillor Shuttleworth.

Upon a vote it was unanimously

Resolved

That the application be **APPROVED** subject to the conditions in the report and the additional conditions regarding fencing.

6 Appeal Update

There were no appeal updates.

COMMITTEE REPORT

APPLICATION DETAILS

APPLICATION No:	DM/20/00404/FPA
FULL APPLICATION DESCRIPTION:	Two storey extension to side of dwelling
NAME OF APPLICANT:	Ms Kara Dixon
ADDRESS:	83, Brackenbeds Close Pelton DH2 1XJ
ELECTORAL DIVISION:	Pelton
CASE OFFICER:	Sarah Seabury Planning Officer Telephone: 03000 261 393 sarah.seabury@durham.gov.uk

DESCRIPTION OF THE SITE AND PROPOSALS

The Site

1. The application site is a semi-detached property on a residential estate in the Pelton area of Chester-le-Street. There are residential properties to the north, east and west and Green Belt to the south.

The Proposal

2. It is proposed to construct a side extension to the north west elevation of the property. An extension is proposed at ground floor level to the rear of the garage and a first floor extension would be constructed over both the existing garage and the proposed ground floor extension. The proposed extension would provide a kitchen dining space to the ground floor and an additional bedroom with ensuite to the first floor. The extension would extend to the rear building line of the house and to the existing front and side building line of the garage.
3. This application is reported to Committee at the request of Councillor Danny Wood, who feels that Members should have an opportunity to assess the loss of light and overshadowing of a neighbouring property and the economic impact on a neighbouring property of the proposal. In addition, the Parish Council have also requested the application be called to Committee due to concerns regarding loss of light/sunlight and personal economic impact. They also felt that the applicant should have the opportunity to put their point across.

PLANNING HISTORY

4. No relevant planning history

PLANNING POLICY

NATIONAL POLICY

5. The Government has consolidated all planning policy statements, guidance notes and many circulars into a single policy statement, the National Planning Policy Framework (NPPF), although the majority of supporting Annexes to the planning policy statements are retained. The NPPF was updated in July 2018. The overriding message remains that new development that is sustainable should go ahead without delay. It defines the role of planning in achieving sustainable development under three topic headings – economic, social and environmental, each mutually dependant.
6. The NPPF requires local planning authorities to approach development management decisions positively, and in accordance with paragraph 48 of the National Planning Policy Framework, the weight to be attached to relevant saved local plan policy will depend upon the degree of consistency with the NPPF. The greater the consistency, the greater the weight. The relevance of this issue is discussed, where appropriate, in the assessment section of the report below.
7. The following elements of the NPPF are considered relevant to this proposal;
8. *NPPF Part 8 - Promoting healthy and safe communities* - The planning system can play an important role in facilitating social interaction and creating healthy, inclusive communities. Developments should be safe and accessible; Local Planning Authorities should plan positively for the provision and use of shared space and community facilities. An integrated approach to considering the location of housing, economic uses and services should be adopted.
9. *NPPF Part 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.
10. *NPPF Part 12 - Achieving well-designed places* - The Government has attached great importance to the design of the built environment, with good design a key aspect of sustainable development, indivisible from good planning, with this section of the revised Framework document expanded.

NATIONAL PLANNING PRACTICE GUIDANCE:

11. The National Planning Practice Guidance (NPPG) both supports the core government guidance set out in the NPPF, and represents detailed advice, both technical and procedural, having material weight in its own right. The advice is set out in a number of topic headings and is subject to change to reflect the up to date advice of Ministers and Government.

12. *Design -The importance of good design.* Good quality design is an integral part of sustainable development. The National Planning Policy Framework recognises that design quality matters and that planning should drive up standards across all forms of development. As a core planning principle, plan-makers and decision takers should always seek to secure high quality design, it enhancing the quality of buildings and spaces, by considering amongst other things form and function; efficiency and effectiveness and their impact on wellbeing.

LOCAL PLAN POLICY:

13. The following are those saved policies in the Chester-le-Street District Local Plan 1997 relevant to the consideration of this application:
14. *Policy HP11 – Residential Extensions* – Seeks to control the scale, form and character of extensions to an existing building, any neighbouring property, or the locality in general, specifically within the identified settlement boundaries.
15. *Residential Amenity Design Standards SPD* – In advance of the emerging County Plan the County has adopted new residential amenity standards to inform residential development layouts.

RELEVANT EMERGING POLICY:

16. The County Durham Plan (CDP) which in time will replace the existing saved Local Plans in County Durham commenced its Examination in Public (EiP) in Winter 2019. The programmed hearing sessions subsequently closed on 6th February 2020, and the Inspector's issued his post hearing advice on 20th February 2020. An amended CDP has been prepared to take account of the specific instructions from the Inspector, and all the minor/main modifications which the Council proposed following the hearing sessions and in response to the action points issued by the Inspector. Consultation on the CDP (Main Modifications) commenced on Tuesday 26th May and will last until 21st July 2020 (an eight-week period). All comments that are received during this consultation period will be sent to the Inspector to inform his final report. Paragraph 48 of the NPPF states that decision-takers may give weight to relevant policies in emerging plans according to: the stage of the emerging plan; the extent to which there are unresolved objections to relevant policies; and, the degree of consistency of the policies in the emerging plan to the policies in the NPPF. Although the CDP is now at an advanced stage of preparation, it is considered that it should not be afforded any weight in the decision-making process until the Inspector's final report has been received.

The above represents a summary of those policies considered most relevant in the Development Plan the full text, criteria, and justifications of each may be accessed at

<https://www.durham.gov.uk/article/8284/View-our-planning-policies>

CONSULTATION AND PUBLICITY RESPONSES

STATUTORY RESPONSES:

17. *Highways* –There is an existing vehicle access and hard stand car parking space at the site which is deemed adequate in highway terms to support these proposals. No highways objections would be raised in this regard.

PUBLIC CONSULTATION:

18. Five letters of public consultation were sent out to nearby residents. A single letter of representation was received in addition to the concerns raised by the Local Councillor and the Parish Council. The concerns raised are:
- Loss of light/sunlight to the neighbouring property
 - Dominance and overshadowing of neighbouring property
 - Economic impact on neighbouring property

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=summary&keyVal=Q5U4UDGDG4400>

APPLICANTS STATEMENT

19. Having recently married, the proposal to extend my home is to increase the existing kitchen area and construct an additional bedroom to the first floor for when, I hope, to start my own family in the future. The proposed extension is modest and fits in well with the existing house and is similar to many of the other side extensions to houses in the immediate area.
20. I understand that an objection has been submitted to the LPA in connection with this application, although no details have been published on the council's Public Access website. I assume that the objection has been made by my neighbour at 81 Brackenbeds Close as the planning officer has provided my agent with the reasons for the objection as:
1. Loss of light and overshadowing of a neighbouring property
 2. Economic impact on a neighbouring property.
21. My home is located to the south west of 81 Brackenbeds Close, which has been previously extended with a single storey side and rear extension close to the boundary of my home. As a result of the neighbours already constructed extension, my property already casts a shadow in their direction, but only later in the day as the sun is setting. It is acknowledged that my proposed two storey side extension will cast a shadow in the direction of number 81, however the "additional" shadow impact will be minimal and as stated above, will only occur very late in the day as the sun is setting. A greater amount of shadowing is likely to impact the neighbour's property from the existing 1.80m high garden fence. The "loss of light" to the neighbouring property side extension to the front elevation window already occurs as a result of them constructing this close to my existing garage. The proposed side extension to my home will have no additional impact on light here.
22. The second reason of objection, economic impact on a neighbouring property. No details or information has been provided to me or is noted on the council's Public Access website to substantiate such a statement. Nevertheless, it is my understanding that economic impact is not a material consideration in planning matters. I would appreciate it if the planning officer can confirm this.

PLANNING CONSIDERATIONS AND ASSESSMENT

23. Having regard to the requirements of Section 38(6) of the Planning and Compulsory Purchase Act 2004 the relevant Development Plan policies, relevant guidance and all other material planning considerations, including representations received, it is

considered that the main planning issues in this instance relates to the impact of the development on the character of the surrounding area, neighbouring amenity and highways.

24. The application site is located within the Pelton area of Chester-le-Street and as such Policy HP11 of the Chester-Le-Street Local Plan is most relevant. However, this Policy is not fully consistent with the NPPF therefore any weight afforded to this policy is reduced and paragraph 11 is engaged.
25. Paragraph 11 of the NPPF advises that where the policies which are the most important for determining the application are out of date that planning permission should be granted unless the application of policies in the NPPF that protect areas or assets of particular importance provides a clear reason for refusing the development; or any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF.
26. As specific policies in the Framework do not indicate that the development should be restricted the acceptability of the proposal rests on an assessment of whether any adverse impacts of the proposal would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.

Impact on character and appearance

27. Policy HP11 states that extensions to existing residential properties are not acceptable where they would result in an adverse effect on the character of the existing building, any neighbouring property or the locality in general, where it would cause an unacceptable loss of light or privacy to adjacent properties, impact on the highway, result in the linking of buildings or diminish the private space around a property. In addition, the Residential Amenity Standards SPD state normally side extensions should remain subordinate to the original property through setting them back from the existing building line by approximately 1m and incorporating a lower ridgeline. Furthermore, a separation of 1m between the outside wall of the extension and the side boundary should also be maintained. However, exceptions can be made where the character and appearance of the area is such that the proposal would have little impact on the streetscene.
28. The neighbouring property 81 Brackenbeds Close has been previously extended to the ground floor with a wrap around extension from their original rear elevation and around the side of the property closest to the application site. The extension stops halfway along the side elevation of the property and tapers away from the property boundary as it extends back. The front elevation of this extension is in line with the rear elevation of the existing garage on the applicant's property. At this point the separation distance between the applicants' property and the neighbouring property is 0.3m. The separation distance between the existing garage and the side elevation of the neighbouring property is 2.5m.
29. The proposed extension above the applicants' garage would maintain the separation distance of 2.5m from the side elevation of 81 Brackenbeds Close. The two storey element of the proposed extension would be constructed up to the property building line, in line with the existing established building line of the garage. Therefore, due to the position of the existing extension 81 Brackenbeds Close the separation distance between the side elevation of the neighbouring property and the applicants proposed two-storey element of the extension would be 0.3m at its closest point which would increase to 0.86m as it extends backward by 3.9m along the property boundary toward the rear elevation of the applicants property.

30. The SPD advises a separation distance of 1m between the outside wall of the extension and the side boundary of the property this is to prevent a terracing effect in the streetscene along with the added benefit of external access to the rear of the property. However, in this instance the building line of the property has already been established by the existing garage which extends to the property boundary preventing rear access to the property currently. The proposed extension would not result in the appearance that the two properties are attached as the properties are located on a slight bend in the road and are therefore not inline with one another.
31. In this instance the application site is located in a relatively modern housing estate which over the years a number of properties have been extended to the side and rear. The proposed extension would not conform with the requirements of the SPD as it would extend to the existing building line to the front and side of the existing structure and would not provide a 1m separation from the boundary. However, the proposed extension above the garage has been designed to be in keeping with the character and appearance of the building and neighbouring properties and would appear to be a natural extension of the building. The building line has already been established by the existing garage. It is considered that the proposed extension to the first floor in line with the existing garage to the front and side elevations is in this instance acceptable and in keeping with both the building and the streetscene in accordance with the exceptions under the SPD. It is therefore considered that the proposal is in accordance the NPPF, Policy HP11 of the Chester-le-Street Local Plan.

Residential Amenity

32. The application has been called to Committee due to concerns regarding the potential impact on the neighbouring property 81 Brackenbeds Close given the proximity of the properties to one another.
33. The concerns relate to the potential impact of the development on the window to the front elevation of the extension to 81 Brackenbeds Close. The window is the only opening on the front elevation of this extension and the room is a habitable room therefore impact in terms of loss of light and overbearing and dominance must be assessed. The existing garage is forward of the neighbouring properties extension and breaks the 45 degree rule therefore the room will currently experience overshadowing and loss of light. The proposed extension above the garage would contribute a very minimal addition to any overshadowing or loss of light already experienced. In addition to the above there is a large bush to the front of the neighbouring property which further contributes to the loss of light to the window.
34. In terms of dominance and overbearing the existing garage extends 5.5m forward of the neighbouring window and the properties are angled such that the front elevations are closer together given their position on a slight bend in the building line. This results in a tunnel effect in front of the window therefore any experience of dominance and overbearing would already be apparent to the neighbouring property. It is therefore considered that the proposal would not result in a significantly greater impact on the amenity of the neighbouring property and therefore the proposal is in accordance with the NPPF and Policy HP11 of the Chester-le-Street Local Plan.

Highways

35. The applicants are not proposing to change the current parking arrangements for the property and the existing arrangements are considered to be sufficient for the change in bedrooms proposed. The Highways Development Officer has raised no concerns in this regard.

Other matters

36. The concerns raised with regard to the proposal include the potential economic impact of the extension on the value of the neighbouring property and the future use of the room by the owner. However, property values and the use of the room and its potential economic implications for the owner are not material planning considerations that can be considered as part of the planning balance.

The Planning Balance

37. In accordance with Paragraph 11 of the NPPF, a balancing exercise must be undertaken to decide whether the adverse impacts of granting permission would significantly and demonstrably outweigh the benefits of the proposal. The application benefits would provide additional living space to the applicant's property without resulting in a detrimental impact on the character and appearance of the streetscene or host building. In terms of negative impacts, the proposal may result in a small increase in the impacts of overbearing, dominance and loss of light/sunlight to one room to of the neighbouring property. However, given the existing detrimental impact in terms of overbearing, dominance and loss of light resulting from the existing garage on this room the potential minimal increased impact on this room is not considered to outweigh the benefits of the proposal. The proposal is therefore considered to be in accordance with the NPPF and Policy HP11 of the Chester-le-Street Local Plan.

CONCLUSION

38. On balance it is considered that the impact of the proposed first floor extension to above the garage and two storey extension behind would not result in a significant increase in overbearing, dominance or loss of light/sunlight to the neighbouring property 81 Brackenbeds Close sufficient to warrant refusal given the current impact resulting from the existing building. The proposal has been designed to be in keeping with the existing building and streetscene. In the tilted planning balance test in Paragraph 11 of the NPPF this leads to a recommendation for approval of the proposal, subject to the identified conditions.

RECOMMENDATION

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

- 1) The development hereby approved shall be begun not later than the expiration of 3 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 HP11 of the Chester-le-Street Local Plan;

- 3) Notwithstanding the details shown on the submitted application, the external building materials to be used shall match the existing building.

Reason: In the interests of the visual amenity of the surrounding areas in accordance with Policy HP11 of the Chester-le-Street Local Plan.

STATEMENT OF PROACTIVE ENGAGEMENT

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.)

BACKGROUND PAPERS

The National Planning Policy Framework (revised 2018)
National Planning Practice Guidance Notes
Chester-le-Street District Local Plan 2003 (saved policies)
Statutory, internal and public consultation responses
Submitted forms, plans and supporting documents



<p>Planning Services</p>	<p>Two storey extension to side of dwelling</p> <p>Application Number DM/20/00404/FPA</p>	
<p>This map is based upon Ordnance Survey material with the permission of Ordnance Survey on behalf of Her Majesty's Stationary Office © Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceeding. Durham County Council Licence No. 100022202 2005</p>	<p>Comments</p>	
<p>Date 27 May 2020</p>		<p>Scale NTS</p>

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Planning Services

COMMITTEE REPORT

APPLICATION DETAILS

APPLICATION No:	DM/20/00830/FPA
FULL APPLICATION DESCRIPTION:	New residential three bedroom detached bungalow with detached garage.
NAME OF APPLICANT:	Mrs J Dickinson
ADDRESS:	Land at 27 Blind Lane, Chester-le-Street.
ELECTORAL DIVISION:	North Lodge Louisa Ollivere Planning Officer
CASE OFFICER:	Telephone: 03000 264878 louisa.ollivere@durham.gov.uk

DESCRIPTION OF THE SITE AND PROPOSALS

The Site

1. Located to the north of Chester-le-Street centre, the proposal site is situated within the garden of 27 Blind Lane, and located immediately adjacent to, but not within, the North Durham Green Belt. The site is located at the end of a cul-de-sac serving seven properties, including the host property, dating to the 1970s. The site is bounded by residential properties to the south and west, and open countryside and the A1(M) motorway to the east and north. The site falls within the Chester-le-Street settlement boundary, as designated in the Chester-le-Street District Local Plan Proposals Map, with services and schools located a short distance away. Bus stops are located approximately 400m to the west of the site on North Road, with eight-times hourly Monday-Saturday services to Newcastle city centre, and Chester-le-Street and Gateshead town centres.

The Proposal

2. Permission is sought for the erection of a detached bungalow, and detached garage. The property would broadly be constructed of brick with roof tiles to match the host property, as well as matching windows and doors, gates and an area of hardstanding for vehicles within the curtilage of the site. A substantial garden area would bound both sides of the property, whilst the levels difference to the north is noted, secured via a 0.5m high wall. It is noted planning approval has been granted for residential development at the site on four previous occasions.
3. This application is reported to Committee upon the request of Councillor Craig Martin due the need for the public within the vicinity to have further input and for the application to have further scrutiny.

PLANNING HISTORY

4. 08/00074/FUL Proposed erection of one detached bungalow and detached garage (Approved).
5. 2/11/00057/EOT Application for the extension of time limit for the implementation of previously approved planning application 08/00074/FUL - Erection of one detached bungalow and detached garage (Approved).
6. DM/14/00324/FPA Erection of detached bungalow and garage (Approved).
7. DM/17/00999/FPA Erection of detached bungalow with detached garage (Approved).

PLANNING POLICY

NATIONAL POLICY

8. The Government has consolidated all planning policy statements, guidance notes and many circulars into a single policy statement, the National Planning Policy Framework (NPPF), although the majority of supporting Annexes to the planning policy statements are retained. The overriding message is that new development that is sustainable should go ahead without delay. It defines the role of planning in achieving sustainable development under three topic headings – economic, social and environmental, each mutually dependant.
9. The NPPF requires local planning authorities to guide development towards sustainable solutions whilst taking local circumstances into account, to reflect the character, needs and opportunities of each area.
10. In accordance with paragraph 213 of the National Planning Policy Framework, the weight to be attached to relevant saved local plan policy will depend upon the degree of consistency with the NPPF. The greater the consistency, the greater the weight. The relevance of this issue is discussed, where appropriate, in the assessment section of the report below.
11. The following elements of the NPPF are considered relevant to this proposal;
12. *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.
13. *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.

14. *NPPF Part 5 - Delivering a sufficient supply of homes.* To support the Government's objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed, that the needs of groups with specific housing requirements are addressed and that land with permission is developed without unnecessary delay.
15. *NPPF Part 6 - Building a strong, competitive economy.* The Government is committed to securing economic growth in order to create jobs and prosperity, building on the country's inherent strengths, and to meeting the twin challenges of global competition and a low carbon future.
16. *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.
17. *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.
18. *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.
19. *NPPF Part 15 - Conserving and enhancing the natural environment.* The Planning System should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes, geological conservation interests, recognising the wider benefits of ecosystems, minimising the impacts on biodiversity, preventing both new and existing development from contributing to or being put at unacceptable risk from pollution and land stability and remediating contaminated or other degraded land where appropriate. Amongst other aims decisions should ensure that new development is appropriate for its location taking into account the likely effects of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site to impacts that could arise from the development. Noise should be mitigated and reduced to a minimum potential adverse impact to avoid noise giving rise to significant adverse impacts on health and quality of life. Decisions should ensure that new development can be integrated effectively with existing businesses. Existing businesses should not have unreasonable restrictions placed on them as a result of development permitted after they were established. Where the operation of an existing business could have a significant adverse effect on new development the applicant should be required to provide suitable mitigation.

NATIONAL PLANNING PRACTICE GUIDANCE:

20. The newly introduced National Planning Practice Guidance (NPPG) both supports the core government guidance set out in the NPPF, and represents detailed advice, both technical and procedural, having material weight in its own right. The advice is set out in a number of topic headings and is subject to change to reflect the up to date advice of Ministers and Government.
21. *Design: process and tools* – sets out guidance for well-designed places, advises how to make decisions about design, details tools for assessing and improving design quality and promotes effective community engagement on design.
22. *Climate change* - Addressing climate change is one of the core land use planning principles which the National Planning Policy Framework expects to underpin both plan-making and decision-taking. Planning can also help increase resilience to climate change impact through the location, mix and design of development. Reflecting the 'golden thread' of the NPPF, sustainable development is key.
23. *Flood Risk and Coastal Change* - The general approach is designed to ensure that areas at little or no risk of flooding from any source are developed in preference to areas at higher risk. Application of the sequential approach in the plan-making process, in particular application of the Sequential Test, will help ensure that development can be safely and sustainably delivered, and developers do not waste their time promoting proposals which are inappropriate on flood risk grounds.

LOCAL PLAN POLICY:

24. The following saved policies in the Chester-le-Street Local Plan 2003 are relevant to the consideration of this application.
25. *Policy NE2 – Development beyond settlement boundaries* – outside of settlement limits development will be strictly controlled. Development should protect and enhance the character of the countryside and be consistent with maintaining the economic sustainability of agriculture and other rural businesses.
26. *Policy NE6 – Development affecting the Visual Amenity of the Green Belt* – Development within or conspicuous from the Green Belt will not be granted where the proposal by virtue of its scale, siting, materials or design is detrimental to the visual amenity of such.
27. *Policy HP6 - Residential within settlement boundaries* – Proposals for residential development will be permitted within the defined settlement boundaries of a number of listed settlements providing it is classed as previously developed land and meets the general criteria of Policy HP9.
28. *Policy HP9 - Residential Design Criteria (General)* - requires new development to; relate well to the surrounding area in character, setting, density and effect on amenity of adjacent property, to provide an attractive, efficient and safe residential environment, to provide adequate privacy and amenity, safe road access and retain existing landscape features.

29. *T6 – Provision for Public Transport: General* – Development proposals should be designed to encourage use of public transport and reduce reliance upon the private car by locating accesses close to bus routes and footpath links. Where new transport links are required an appropriate contribution will be sought from the developer through a Section 106 obligation.
30. *Policy T8 – Car Parking Provision* – States that new development should seek to minimise parking provision other than for cyclists and disabled users, other than in exceptional circumstances.
31. *Policy T15 - Access and Safety provisions in design* - Development should have safe access to classified road, should not create high levels of traffic exceeding the capacity of the local road network, and have adequate links to public transport, with consideration for cyclists and service vehicles and emergency vehicles.
32. *Policy T17 - General Policy* - All new developments should have regard to and be consistent with the provision of a safe and accessible transport network, in particular through reducing reliance on the private car, encouraging the use of public transport and promoting cycling and walking.

RELEVANT EMERGING POLICY:

33. The County Durham Plan (CDP) which in time will replace the existing saved Local Plans in County Durham commenced its Examination in Public (EiP) in Winter 2019. The programmed hearing sessions subsequently closed on 6th February 2020, and the Inspector's issued his post hearing advice on 20th February 2020. An amended CDP has been prepared to take account of the specific instructions from the Inspector, and all the minor/main modifications which the Council proposed following the hearing sessions and in response to the action points issued by the Inspector. Consultation on the CDP (Main Modifications) commenced on Tuesday 26th May and will last until 21st July 2020 (an eight-week period). All comments that are received during this consultation period will be sent to the Inspector to inform his final report. Paragraph 48 of the NPPF states that decision-takers may give weight to relevant policies in emerging plans according to: the stage of the emerging plan; the extent to which there are unresolved objections to relevant policies; and, the degree of consistency of the policies in the emerging plan to the policies in the NPPF. Although the CDP is now at an advanced stage of preparation, it is considered that it should not be afforded any weight in the decision-making process until the Inspector's final report has been received.

The above represents a summary of those policies considered most relevant in the Development Plan the full text, criteria, and justifications of each may be accessed at

<https://www.durham.gov.uk/article/3267/Chester-le-Street-Local-Plan>

CONSULTATION AND PUBLICITY RESPONSES

STATUTORY RESPONSES:

34. Highways Officer– Has no objections to these proposals. The proposed development shall not be brought into use until a new access crossing has been

constructed in accordance with submitted and approved plans. The Officer recommends an informative be added that the site access crossing onto Blind Lane must be constructed in accordance with the requirements of Section 184(3) of the Highways Act 1980 and to ensure that that no doors or gates to open outwards towards the public highway and that all drainage from these proposals should be dealt with at source and not discharged onto the public highway.

35. Northumbrian Water – Northumbrian Water actively promotes sustainable surface water management across the region. They advise that the developer should develop their surface water drainage solution by working through the following, listed in order of priority:

Discharge into ground (infiltration)

Discharge to a surface water body

Discharge to a surface water sewer, highway drain, or another drainage system

As a last resort, discharge to a combined sewer.

INTERNAL CONSULTEE RESPONSES:

36. Trees Officer: Advises that the proposed garage will be located close to the boundary which, on the Highway side contains roadside trees and hedges. It is noted that overhang from the trees are currently across the boundary and that the proposed garage will require these to be cut back and will in the future be problematic for the structure.
37. The Officer advises that foundations for the garage will need to be on pile or raft foundation complying with chapter 4.2 building near trees as roots from DCC vegetation may be problematic in terms of future movement and root encroachment. The Officer advises that DCC will not remove highway trees to suit the application.
38. The Officer advises that it would be beneficial that the structure is moved away from the boundary as this will allow maintenance and reduce problems with overhang touching and causing damage to the roof. Unless moved to a distance outside the rooting area of highway trees, it is advised that foundations must comply with chapter 4.2 guidelines.
39. The Officer advises that trees within the property curtilage do not warrant tree preservation orders and that DCC will not be seeking to place any on this property.

PUBLIC RESPONSES:

40. 15 letters of consultation were sent out to surrounding residents. This has resulted in 5 letters of objection from local residents.
41. The concerns of local residents are summarised as follows:
- The lack of neighbour consultation.
 - The build is likely to interfere with the tree roots and the hedgerow.
 - The trees play an important role in enhancing the local landscape and help against noise and pollution from the A693.
 - The proposed development will have a serious effect on the current access arrangements if the hammer head is used as off-site parking for the development. Service vehicles and visitors to the neighbouring properties would then have to reverse onto Blind Lane, a very busy and fast arterial road,

or undertake 3 point turns which would risk damage to pavements, driveways and/or vehicles. This may prevent deliveries to the street's residents. The request that the integrity of the turning bay must be preserved.

- Design should be in keeping with the existing bungalows.

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?keyVal=Q7REE1GD0ER00&activeTab=summary>

APPLICANTS STATEMENT

42. The proposed bungalow at this site has been approved several times before, and all details remain the same, so I am hopeful that it will again be given approval.
43. The planned property is in keeping with the rest of the estate being a one level detached dwelling with a separate garage and open aspect. Building materials and design match those of the other bungalows in the street. Due to the private position at the very end of the street, there would be minimal disruption during building. All service utilities are already in place in the existing property.
44. The completed bungalow would provide spacious ground floor accommodation in a quiet, private cul-de-sac in a location well suited for commuting north or south on the A1, and also close to the ample shopping and leisure facilities in Chester-Le-St, Durham and Newcastle. Public transport links are good with many bus stops in walking distance, and a railway station only 2 miles away. It would be both an attractive and practical place to live.

PLANNING CONSIDERATIONS AND ASSESSMENT

The Principle of the Development

45. Having regard to the requirements of Section 38(6) of the Planning and Compulsory Purchase Act 2004 the relevant Development Plan policies, relevant guidance and all other material planning considerations, including representations received, it is considered that the main planning issues in this instance relate to the principle of development, whether this is a sustainable location for housing development, the impacts upon residential amenity and the economy, design and the impacts upon the character of the area, highway safety and whether appropriate drainage can be achieved.

The Development Plan

46. The Government has consolidated all planning policy statements, guidance notes and many circulars into a single policy statement, the National Planning Policy Framework (NPPF), although the majority of supporting Annexes to the planning policy statements are retained. The NPPF was updated in February 2019. The overriding message remains that new development that is sustainable should go ahead without delay. It defines the role of planning in achieving sustainable development under three topic headings – economic, social and environmental, each mutually dependant.

47. In accordance with paragraph 213 of the National Planning Policy Framework, the weight to be attached to relevant saved local plan policy will depend upon the degree of consistency with the NPPF. The greater the consistency, the greater the weight. The relevance of this issue is discussed, where appropriate, in the assessment section of the report below.

The Principle Issues

Engagement of paragraph 11 of the NPPF

48. The proposal would be in conflict with the most relevant saved local Plan policy HP6 (Residential development within settlement boundaries) as this is not a brownfield site. However, this policy is inconsistent with the NPPF and also out-of-date, therefore, the weight to be afforded to this policy is reduced and paragraph 11 of the NPPF is engaged.
49. Paragraph 11 of the NPPF advises that where the policies which are the most important for determining the application are out of date that planning permission should be granted unless the application of policies in the NPPF that protect areas or assets of particular importance provides a clear reason for refusing the development; or any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF.
50. As specific policies in the Framework do not indicate that the development should be restricted the acceptability of the proposal rests on an assessment of whether any adverse impacts of the proposal would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

Locational Sustainability

51. Paragraph 108 of the NPPF advises that when considering new development, it should be ensured that there are appropriate opportunities for sustainable transport modes to be taken up. There are bus stops with regular services within reasonable walking distance of the site and the town centre is within 650m. The proposed site can therefore be considered to be moderately sustainable as there would not be heavy reliance on the private vehicles for accessing employment and services.
52. It is accepted that the proposed development would result in greenhouse gas emissions. However, it is considered that such emissions are likely to be relatively lower than would be the case for alternative, less sustainable locations.

Residential Amenity

53. Chester-Le-Street Local Plan Policy HP9 requires proposals to avoid damage to neighbouring amenity and provide an attractive environment and adequate privacy and daylight. This policy is broadly consistent with the NPPF and NPPG. Section 11 Paragraph 117 of the NPPF requires planning decisions to ensure healthy living conditions and paragraph 122 emphasis the importance of securing healthy places.
54. The closest property to the application site is the host dwelling, and it is appreciated that a degree of overlooking may occur from the host dwelling into the

proposal site garden, however this overlooking will reduce in time as boundary hedging grows and it has been taken into account that there is a more private area of garden to the east side of the dwelling. Furthermore the position of the dwelling has twice been considered acceptable in this respect. It is acknowledged the windows in the host property facing the proposal site's western blank gable end are approximately 12 metres away, this exceeds the minimum 10m distance between single storey gables where one has a principal room window which is normally required within the adopted residential amenity standards SPD. Furthermore, these windows are at an angle and would not be directly facing in any case, therefore there would only be marginal impacts to the neighbouring property light and outlook. Given the above, it is not considered any significant amenity impacts would occur to neighbouring properties.

55. With regards to other amenity considerations, the residential amenity standards advise that developments should incorporate usable, attractively laid out and private garden space and generally require the length of gardens to be no less than 9m. Whilst this proposal would not have a long rear garden it would have two side garden areas of a reasonable size which are considered to be acceptable. The amount of garden land that remains for the host property would also be less than 9m in length however the size of the front and rear gardens would remain at an acceptable level similar to other properties on the estate.

Impacts upon character of the area

56. Chester-Le-Street Local Plan Policy HP9 requires developments to relate well to the surrounding area, respect its predominant character and street pattern, setting and density. This policy is broadly consistent with paragraph 127 of the NPPF which requires developments to function well and add to the overall quality of the area, be visually attractive, be sympathetic to the local character and history and to establish a strong sense of place.
57. Local residents are concerned about the design of the development not appearing in keeping. Whilst the design differs from the uniform design of the other bungalows on the estate in terms of development footprint and layout, this somewhat smaller and simpler design is considered acceptable given that it is sited at the end of the cul de sac. Furthermore it is of note that an identical design and has twice been considered acceptable under 2 previous permissions in recent years. The proposed materials are in keeping with the neighbouring properties. Overall the proposal is considered to be of a good standard of design and it is considered that the proposal would respect the local character.

Impacts on the Greenbelt

58. Chester-le-Street Local Plan Policy NE6 advises that development within, or conspicuous from, the Green Belt will not be granted where the proposal by virtue of its scale, siting, materials or design is detrimental to visual amenity of the Green Belt.
59. As the proposed site is within a garden of an existing property on an estate it will be seen in the context of the built development that surround it and which it reflects in terms of scale, siting and materials. Bearing this in mind it is not considered that there would be harm to the visual amenity of the adjacent Green Belt.

Five Year Housing Land Supply

60. Paragraph 73 of the NPPF maintains the requirement for Local Planning Authorities (LPAs) to identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of five years' worth of housing against their housing requirement set out in adopted strategic policies, or against their local housing need where the strategic policies are more than five years old.
61. Within County Durham all of the extant development plans are more than five years old and their housing figures need revising so the starting point for calculating land supply will be local housing need using the Government's standard methodology. The 'Preferred Options' (June 2018) stage of the emerging County Durham plan (CDP) is aligned with the standardised methodology and identifies a housing need figure of 1,368 dwellings per annum (dpa). The Council is able to demonstrate in excess of 6 years supply of deliverable housing land against this figure. Accordingly, the weight to be afforded to the boost to housing supply as a benefit of the development is clearly less than in instances where such a healthy land supply position could not be demonstrated. The boost to housing supply from the development of one dwelling should not therefore be given significant positive weight in the planning balance.

Building a strong, competitive economy

62. Section 6 of the NPPF advises that significant weight should be placed on the need to support economic productivity. It is recognised that the development would be likely to support the local construction industry. However, in terms of construction this would only be short term and would not carry much weight in favour of the proposal.

Impacts to trees

63. Chester-le-Street Local Plan Policy HP9 criteria xii advises that as far as possible, existing landscape features should be incorporated into developments, this would include trees. Paragraph 175 of the NPPF seeks to protect ancient and veteran trees. There are no trees on the site that would be likely to be affected. Whilst there are trees on the adjacent highway land that could be affected these would not be considered to be ancient or veteran trees or particularly worthy of Tree Preservation Orders but would be considered to be a roadside feature that DCC as highways authority would not be willing to remove. Trees Officers and local residents have identified that the close proximity of the trees as a potential problem and have raised concerns over their compatibility with the proposed garage and the need for their retention on visual and sound barrier grounds. In response the applicants have confirmed that the foundations for the garage will be on pile or raft foundation as advised by the Trees Officer to prevent future movement and root encroachment. Such measures would ensure the survival of the trees and are considered acceptable.

Drainage Considerations

64. Chester-Le-Street Local Plan is silent in respect of flooding. Section 14 of the NPPF requires Local Planning Authorities to take full account of flood risk. Paragraph 163 advises that development should not increase flood risk elsewhere. The applicant has detailed that surface water drainage would be to the mains sewer which is contrary to the requirements of the County Durham Surface Water Management Plan. The Local Planning Authority are satisfied however that

a satisfactory surface water drainage arrangement could be achieved on this site and would therefore, in the event of approval, require a condition in relation to the submission of a surface water drainage scheme and implementation of agreed scheme on site. With such a condition it is considered the application gains the support of the NPPF in this respect.

Access/Parking/highway Safety

65. A range of transport policies apply to this scheme however only T6 and T15 achieve some consistency with national guidance. T6 requires development to be consistent with a safe and accessible public transport network and should help to encourage its use by all members of the public. T15 requires developments to have safe access, turning and manoeuvring space, acceptable levels of traffic, adequate links and access to and provision for public transport and consideration for pedestrians and cyclists. Paragraph 108 of the NPPF advises that appropriate opportunities to promote sustainable transport modes can be taken up, that a safe and suitable access to the site can be achieved and that any significant impacts can be cost effectively mitigated.
66. As detailed above it is considered that this is a moderately sustainable location with opportunities for residents to use sustainable transport modes. Whilst the residents of the estate have concerns over the potential for parking in the hammer head and the subsequent highways safety issues this could cause, the Highways Officer has no such concerns given the adequate level of parking on the site (3 spaces and a garage). This should reduce the likelihood of any parking over spilling onto the street. It is acknowledged that residents/delivery drivers etc have experienced issues in terms of being able to safely access and exit the street when persons have parked in the hammerhead however this is not within the remit the control of the Planning Authority. No concerns have been raised from Highways in relation to additional traffic associated with the dwelling. Bearing the above in mind it is therefore considered that in terms of Highways Safety the proposal is in accordance with the NPPF and Chester-Le-Street Local Plan Policy.

Other Issues

67. Residents have raised concerns over the lack of neighbour consultation however the consultation undertaken goes beyond statutory requirements.

The Balancing Exercise

68. The application brings the benefits of adding to the County's housing supply of dwellings in sustainable locations and aiding the local construction economy.
69. Conditions can ensure that there are no adverse impacts in relation to the highway, trees or drainage and all other issues are considered neutral.
70. This balancing exercise has led your Officers to the following conclusion.

CONCLUSION

65. The conclusion of the balancing exercise of paragraph 11 of the NPPF is that there are no adverse impacts that would significantly and demonstrably outweigh the limited sustainable housing supply and economy benefits, when assessed against the policies in the Framework taken as a whole. Therefore, in accordance with paragraph 11 of the NPPF, the application should be approved.

RECOMMENDATION

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 HP9 of the Chester-le-Street Local Plan.

3. The foundations of the garage hereby approved must be on pile or raft foundation complying with the technical requirements of the National House Building Council Standards 2020 chapter 4.2 building near trees.

Reason: In the interests of safeguarding trees on the highway verge in accordance with Chester-le-Street Local Plan Policy HP9 criteria xii.

4. No development shall commence until a scheme for the provision of foul and surface water drainage works have been submitted to and approved in writing by the Local Planning Authority. The scheme shall be developed in accordance with the Councils Sustainable Drainage Systems (SuDS) Adoption Guide 2016. The development thereafter shall be completed in accordance with the details and timetable agreed.

Reason: to ensure that surface and foul water are adequately disposed of in accordance with Parts 14 and 15 of the National Planning Policy Framework. Required as a pre-commencement condition to ensure that an acceptable drainage scheme is incorporated into the development.

5. The proposed development shall not be brought into use until a new access crossing has been constructed in accordance with plans submitted to and approved in writing by the Local Planning Authority.

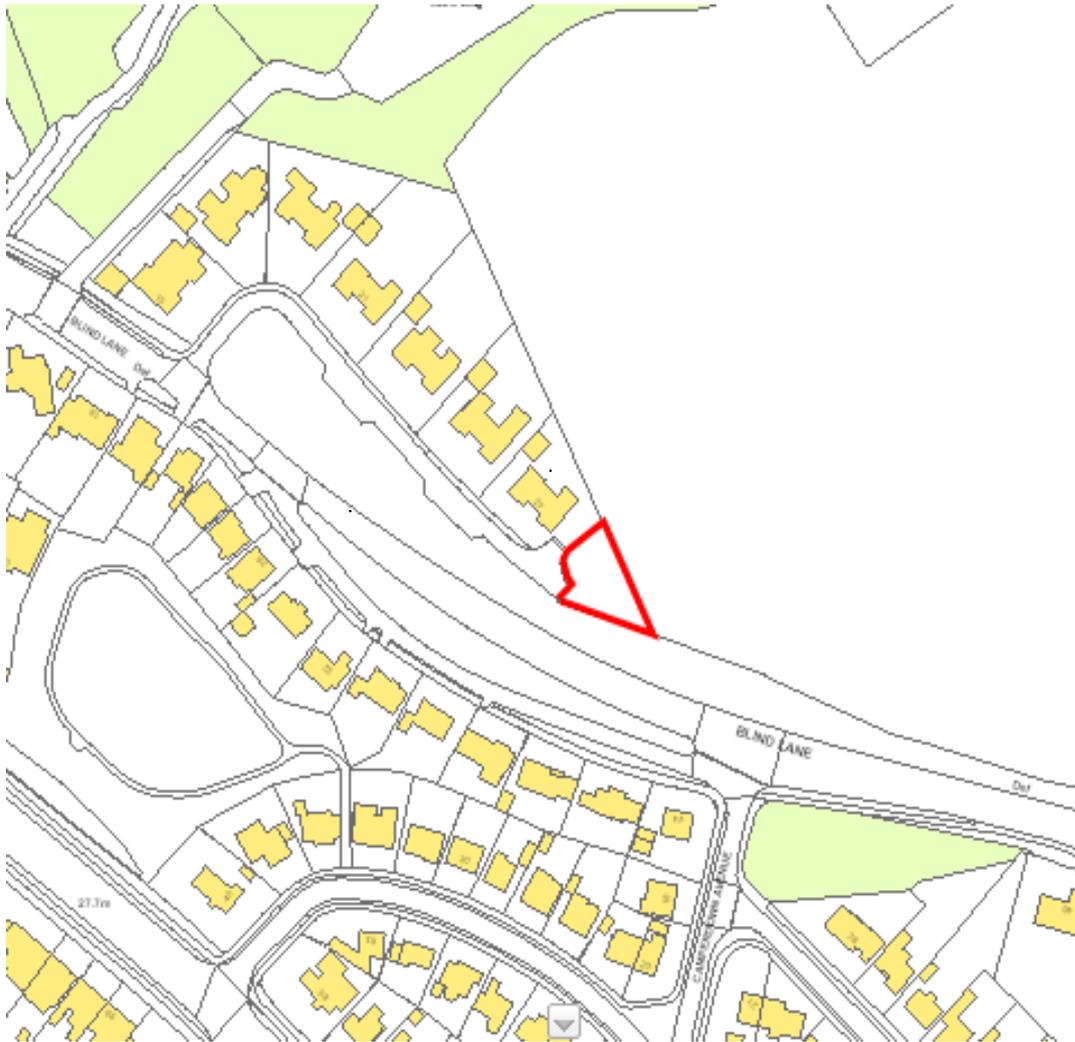
Reason: In the interests of highway safety in accordance with policy T15 of the Chester-le-Street Local Plan.

STATEMENT OF PROACTIVE ENGAGEMENT

The Local Planning Authority in arriving at its decision to refuse 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.)

BACKGROUND PAPERS

The National Planning Policy Framework (2019)
National Planning Practice Guidance Notes
Chester-le-Street Local Plan 2003 (saved policies)
Statutory, internal and public consultation responses
Submitted forms, plans and supporting documents



Planning Services

DM/20/00830/FPA

New residential three bedroom detached bungalow with detached garage.

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Comments

Date 16.06.2020

Scale NTS

Planning Services

COMMITTEE REPORT

APPLICATION DETAILS

APPLICATION No:	DM/20/00219/VOC
FULL APPLICATION DESCRIPTION:	Variation of approved plans and access conditions (2&3) of planning permission DM/15/01563/FPA (Dwelling conversion) to regularise works done and allow changes including extended driveway, front seating area, alternative windows, access ramp, moving garage further from rear wall, raising of garage roof height and raising boundary wall height
NAME OF APPLICANT:	Mr Paul Edward Garvey
ADDRESS:	7 St Ebba's Way, Ebchester, Consett
ELECTORAL DIVISION:	Leadgate and Medomsley
CASE OFFICER:	Louisa Ollivere Planning Officer Telephone: 03000 264878 louisa.ollivere@durham.gov.uk

DESCRIPTION OF THE SITE AND PROPOSALS

The Site

1. The application site is the former Ebchester Methodist Church at St Ebba's Way, Ebchester which is currently undergoing conversion to a 4-bed dwelling under a planning permission granted approval in 2015 (DM/15/01562/FPA). The former church building is a modern c20th red brick building. The site is surrounded by residential properties to the north, and south and further residential properties on higher ground to the east. St Ebba's Way roadway runs in front of the site. Significant conversion work has already been undertaken, including earthworks to create the access driveway, however condition 3 of the planning approval that required the access to be constructed before the commencement of the conversion works had not been discharged.

The Proposal

2. The application proposes the varying of the approved plans to extend the driveway, create a front seating area, provide alternative window arrangements, access ramp, reposition the garage further from rear wall and raise its roof height and to raise the boundary wall height. It also seeks to regularise the works that have been done before the construction of the access.

3. This application is reported to Committee as requested by Councillor Watts Stelling on the grounds of the harm to the visual amenity of the area in conflict with Derwentside Local Plan Policy GDP1 and Highways safety concerns in conflict with Derwentside Local Plan Policy TR2.

PLANNING HISTORY

4. Change of use from church to 4-bedroom dwelling and extension to north side and rear to create double garage and creation of driveway to the front (DM/15/01562/FPA) (Approved).
5. Enforcement complaint in relation to untidy condition and materials causing an obstruction investigated and materials removed, and breach resolved EN/16/00646.
6. Enforcement complaint in relation to materials and debris to the front of the premises investigated and materials removed, and breach resolved EN/17/01178.
7. Enforcement complaint in relation to breach of condition 3 investigated and planning application to vary planning condition invited to regularise breach EN/19/01050.

PLANNING POLICY

NATIONAL POLICY

8. The Government has consolidated all planning policy statements, guidance notes and many circulars into a single policy statement, the National Planning Policy Framework (NPPF), although the majority of supporting Annexes to the planning policy statements are retained. The NPPF was updated in July 2018. The overriding message remains that new development that is sustainable should go ahead without delay. It defines the role of planning in achieving sustainable development under three topic headings – economic, social and environmental, each mutually dependant.
9. In accordance with paragraph 48 of the National Planning Policy Framework, the weight to be attached to relevant saved local plan policy will depend upon the degree of consistency with the NPPF. The greater the consistency, the greater the weight. The relevance of this issue is discussed, where appropriate, in the assessment section of the report below.
10. The following elements of the NPPF are considered relevant to this proposal;
11. *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.
12. *NPPF Part 5 - Delivering a sufficient supply of homes.* To support the Government's objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed, that the needs of groups with specific housing requirements are addressed and that land with permission is developed without unnecessary delay.

13. *NPPF Part 6 - Building a strong, competitive economy.* The Government is committed to securing economic growth in order to create jobs and prosperity, building on the country's inherent strengths, and to meeting the twin challenges of global competition and a low carbon future.
14. *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.
15. *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.

NATIONAL PLANNING PRACTICE GUIDANCE:

16. The National Planning Practice Guidance (NPPG) both supports the core government guidance set out in the NPPF, and represents detailed advice, both technical and procedural, having material weight in its own right. The advice is set out in a number of topic headings and is subject to change to reflect the up to date advice of Ministers and Government and is subject to continual review.
17. *Design* – sets out the importance of good design, the planning objectives it can achieve, what constitutes a well-designed place and the design issues that relate to different types of development.

LOCAL PLAN POLICY:

18. The following is a summary of those saved policies in the Derwentside District Local Plan 1997 (saved policies) relevant to the consideration of this application:
19. *Policy GDP1 – General Development Principles* – outlines the requirements that new development proposals should meet, requiring high standards of design, protection of landscape and historic features, protection of open land with amenity value, respecting residential privacy and amenity, taking into account 'designing out crime' and consideration of drainage.
20. *Policy HO17 – Sub division and adaptation of existing buildings to residential use* – conversions and divisions should respect the character of the existing building and the locality, not affect the amenity of neighbouring occupiers, provide an element of useable amenity space and that the concentration of such uses should would not affect the character of an area.
21. *Policy TR2 – Development and Highway Safety* – relates to the provision of safe vehicular access/exit, adequate provision for service vehicle manoeuvring, access for emergency vehicles and access to the public transport network.
22. *County Durham Plan Residential Amenity Standards Supplementary Planning Document 2020* - provides guidance on how best to design extensions and undertake other domestic developments including decking, walls and balconies. It also includes guidance on the space/amenity standards that would normally be expected where new dwellings are proposed. It promotes high quality design which is sensitive and in keeping with the area in which it is located.

RELEVANT EMERGING POLICY:

23. The County Durham Plan (CDP) which in time will replace the existing saved Local Plans in County Durham commenced its Examination in Public (EiP) in Winter 2019. The programmed hearing sessions subsequently closed on 6th February 2020, and the Inspector's issued his post hearing advice on 20th February 2020. An amended CDP has been prepared to take account of the specific instructions from the Inspector, and all the minor/main modifications which the Council proposed following the hearing sessions and in response to the action points issued by the Inspector. Consultation on the CDP (Main Modifications) commenced on Tuesday 26th May and will last until 21st July 2020 (an eight-week period). All comments that are received during this consultation period will be sent to the Inspector to inform his final report. Paragraph 48 of the NPPF states that decision-takers may give weight to relevant policies in emerging plans according to: the stage of the emerging plan; the extent to which there are unresolved objections to relevant policies; and, the degree of consistency of the policies in the emerging plan to the policies in the NPPF. Although the CDP is now at an advanced stage of preparation, it is considered that it should not be afforded any weight in the decision-making process until the Inspector's final report has been received.

The above represents a summary of those policies considered most relevant in the Development Plan the full text, criteria, and justifications of each may be accessed at:

<https://www.durham.gov.uk/article/8284/View-our-planning-policies>

CONSULTATION AND PUBLICITY RESPONSES

STATUTORY RESPONSES:

24. *Highways* – No objections to these proposals provided that the widened access is constructed in accordance with the submitted plan. The Officer notes that the applicant's domestic access is served by St Ebba's Way where there is a standard public footway and considers the street to be a very lightly trafficked low speed residential environment. The electronic gate is to be installed on the applicant's private land and as long as the gate does not open out towards the highway there would be no reason for an objection to the application. It is advised that development should only be refused on grounds where there would be a significant severe cumulative highways impact. The Officer advises that if a standard gate or an electronic gate were to be installed at this location access and egress would not be seen as an issue from the private driveway proposals which would comply with MfS manual for streets technical standards.
25. It is advised that the improved site access must be constructed in accordance with the requirements of Section 184(3) of the Highways Act 1980 and that a suitably worded Informative to this effect be added to any planning permission that may be granted
26. Informatives are also required in relation to restricting gates that open outwards towards the public highway and restricting water from being discharged onto the public highway.

PUBLIC CONSULTATION EXERCISE:

- 27.16 consultation letters were sent to local residents and a site notice posted. Six objections have been received raising concerns that are summarised as follows:

- The development is not in keeping with other properties in terms of context, street pattern, scale and proportions, particularly in relation to the height of the garage, the extending of the driveway and loss of landscaped area to the front and appearance of boundary walls.
- Overbearing impact to neighbouring bungalows.
- Impacts to neighbour's visual amenity and residential privacy and general quiet amenity.
- Noise and dust from development.
- Loss of roadside parking.
- Ebba's Way is already busy and congested with traffic and on-street parking leading to poor visibility.
- Increase in vehicular traffic entering and exiting the roadway harmful to highway and pedestrian safety.
- Conversion has been going on for 5 years with issues such as mud egressing onto the highway.
- Increase in parked vehicles will restrict access/egress for emergency vehicles on the narrow roadway.

APPLICANT'S STATEMENT:

28. There are main alterations to the existing planning application.

Moving the garage forward - this is to allow enough land at the rear of the garage to accommodate a retaining wall.

Shorten the Garage - this is to allow enough Drive space in front of the Garage.
 Heighten the Garage - as the foundations must accommodate a slab which has to be attached to the main building foundations. We cannot dig down to get the required headroom in the Garage. We require that headroom to accommodate vehicles at a height of 2.5 meters.

Reduce the width of the Garage - this is to make sure the boundary wall at No 6 is stable as the foundations are wider than the wall which was not clear on the original application.

Widen the Driveway from 5 meters to 10.7 meters - there is a problem on the highway with safe parking. By making the drive wider we can accommodate vehicles on the drive rather than parked on the roadside. Also the aesthetic appearance from the main road will be much better with cars and vans parked in the garage and on the drive.

The fence - we must heighten the inner garden at the front of the property and put in a disabled access in the way of a ramp. The wall plus fence at 1.4 meters will screen the inner groundwork to create a better look. Also, the council have raised local wall and fences at the level. This will be a match.

Drive gates - we are fitting Electric Cantilever Wooden gates to the drive to match the Fence. This will improve the look of the property and at the same time offer extra security to the house and vehicles.

29. These are the reasons for making this application. They will be a massive advantage to the property and the local environment. The fact that vehicles will be garaged and on a driveway is a major public benefit both in looks and traffic flow.

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=Q4TO1WGD0AX00>

PLANNING CONSIDERATIONS AND ASSESSMENT

The Principle of the Development

30. Section 73 of the Town and Country Planning Act 1990 (as amended) applies to the determination of applications to develop land without the compliance with conditions previously attached. S73 states that on such an application the Local Planning Authority (LPA) shall consider only the question of the conditions subject to which planning permission should be granted. The LPA should decide whether planning permission should be granted subject to conditions differing from those subjects to which the previous planning permission was granted or that it should be granted unconditionally. If the LPA decide that planning permission should be granted subject to the same conditions as those subject to which the previous permission was granted, they should refuse the application.
31. In considering such an application, the Development Plan and any other material considerations under section 38(6) of the Planning and Compulsory Purchase Act, are relevant in the determination. LPA's should, in making their decisions, focus their attention on national and development plan policies, and other material considerations which may have changed significantly since the original grant of permission.
32. Planning permission DM/15/01562/FPA was granted for change of use from church to 4 bedroom dwelling and extension to north side and rear to create double garage and creation of driveway to the front. This included a condition to be discharged prior to the commencement of the development to agree details of the new access and for this to be constructed by the developer. The development has subsequently commenced without this condition being discharged.
33. The current application seeks to remove this condition and condition 2 (the approved plans condition) would also be varied to extend the driveway, create a front seating area, provide alternative window arrangements, access ramp, reposition the garage further from rear wall and raise its roof height and to raise the boundary wall height.
34. The principle of the development has been considered in detail under previous planning permissions and remains acceptable in line with Derwentside District Local Plan Policies and the revised NPPF. The permission has been implemented through the commencement of construction work on site. Therefore, it is only considered necessary to reappraise in detail those issues relevant to the changes.
35. Having regard to the requirements of Section 38(6) of the Planning and Compulsory Purchase Act 2004 the relevant Development Plan policies, relevant guidance and all other material planning considerations, including representations received, it is considered that the main planning issues in this instance relate to design and impacts upon the character of the area and highways safety.

The Development Plan

36. Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The NPPF is a material planning consideration. The Derwentside Local Plan remains the statutory development plan and the starting point for determining applications as set out at Paragraph 12 of the NPPF. The NPPF advises at Paragraph 213 that the weight to be afforded to existing Local Plans depends upon the degree of consistency with the NPPF.

37. The Local Plan was adopted in 1997 and was intended to cover the plan period until 2006. However, the Framework advises that Local Plan policies should not be considered out-of-date simply because they were adopted prior to the publication of the NPPF.
38. This is an application for amendments to an already approved conversion of a building to housing. The main Policy within the Development Plan relating to such conversions, policy HO17, is consistent with the advice in the NPPF. The most important policy for the determination of the application is up to date and therefore the tilted balance test does not apply. Consequently, consideration of the development should be led by the development plan if the decision is to be defensible.
39. Paragraph 11 of the NPPF advises that development that accords with an up-to-date development should be approved without delay. Paragraph 12 advises that where a planning application conflicts with an up-to-date development plan (including any neighbourhood plans that form part of the development plan), permission should not usually be granted. Local planning authorities may take decisions that depart from an up-to-date development plan, but only if material considerations in a particular case indicate that the plan should not be followed.

Design Considerations

40. Derwentside Local Plan Policy GDP1 requires a high standard of design which is in keeping with the character and appearance of the area. Derwentside Local Plan Policy HO17 (A) requires proposals to be sympathetic to the character of the existing building and locality as a whole. Paragraph 127 of the NPPF require developments to add to the overall quality of the area and be visually attractive and to be sympathetic to local character and the surrounding built environment. The adopted residential amenity standards SPD advises that the design and detailing of boundary gates, walls and fences, particularly on highways frontages, plays an important role in defining the character of all residential areas. It advises that the style and material match or compliment the existing style of the boundary treatment in the surrounding area.
41. Local residents do not consider the proposed development to be sympathetic, particularly in relation to the height of the garage and the large areas of parking and resultant loss of landscaping.
42. With regards to the height of the garage, this would still be subservient to the host building and would be similar in height to the neighbouring bungalow and would not be considered to be out of keeping. It is noted that most of the properties along Ebba's Way have pleasant landscaped front gardens with new boundaries of dwarf brick walls with timber fencing and that there is only one property with in-curtilage parking, which is the property adjacent. Whilst a large area of hardstanding is being proposed and further landscaping will be lost, given this building is on a much larger plot than the surrounding properties it benefits from being able to accommodate such a large area of hardstanding whilst still retaining more than half of the front area for landscaping purposes. The retention of the remainder of the garden could be controlled via a condition to restrict permitted development rights. In regard to the proposed boundary treatments, the front boundary has been reduced in height and the design amended to better reflect that neighbouring boundary treatments of dwarf walls with timber fencing above. The development has also positively evolved with the deletion of the unsympathetic glass extension. The proposed windows arrangements have been dictated by building regulations and the proposed brickwork surround would improve upon the current temporary window arrangement on site.

43. The amended proposal is considered to be in keeping with the existing building character and appearance of the area and therefore in accordance with both National and Local Plan Policy.

Highway Safety

44. Derwentside Local Plan Policy TR2 requires developments to have a clearly defined and safe vehicle access and exit onto the adopted road network, adequate parking space and to allow effective access at all times for emergency vehicles. The NPPF in paragraph 108 requires safe and suitable access for all users. Paragraph 109 advises that development should only be refused on highway grounds if there would be an unacceptable impact on highway safety or the residual cumulative impact on the road network would be severe.
45. The Highways Officer advises that the street is very lightly trafficked and low speed residential environment. It is acknowledged that due to the lack of in-curtilage parking at St Ebba's Way and at the development site still under construction that there is a significant amount of parking on street. It is also noted that there are issues generally with vehicles being parked in positions that have hampered highway safety however this is not an unusual situation on many older streetscapes where in curtilage parking is scarce. It is noted that residents have concerns over the number of vehicles associated with the occupier and on-going site works and vehicles generally parking on the pavement however this is not something that the Planning Authority can control.
46. Local residents are concerned that the driveway widening would increase the number of vehicles entering/exiting the site. The proposal amounts to 2 additional spaces from the two already approved (not including the garage). They feel that this would be detrimental to pedestrian safety as visibility would be compromised into and out of the driveway by vehicles parked on street. These concerns are not shared by the Highways Officer. The relatively low-level boundary walls and gateway would enable adequate visibility for drivers exiting the widened driveway of pedestrians and vice versa. As it is a parking offence to park in front of a driveway or dropped kerb the proposal would allow for a 11m stretch of road and footpath free of cars which should ensure good visibility of pedestrians for any drivers entering the widened driveway and vice versa. The proposal would reduce the ability for 2 vehicles to park on street in front of the property, however as the proposal would propose 2 new parking spaces in curtilage, in effect taking two vehicles off street it is considered that the impacts are neutral.
47. Residents are also concerned that the increase in vehicles associated with the amendment will restrict access/egress for emergency vehicles using the roadway. This concern is not shared by the Highways Officer. It is worth noting that for 4 bed residential developments of this scale DCC parking requirements require a minimum of 2 spaces per dwelling and do not impose maximum spaces. Whilst the current owner may or may not have a significant number of vehicles above this amount any planning permission is attached to the land and not the person. The four spaces now proposed are more than sufficient for a domestic dwelling of this size.
48. It is agreed with the Highways Officer that conditions and informative should ensure that the proposed gates open inwards and that the new driveway be appropriately constructed and drained.
49. Bearing the above in mind, it is considered that the widened driveway is safe, the site includes adequate parking and allows for effective access for emergency vehicles. It is not considered that there would be an unacceptable impact on highway safety, or that the residual cumulative impacts on the road network would be severe and therefore

there are no grounds to refuse the application on highway safety grounds in accordance with National and Local Plan Policy.

50. It has also been borne in mind that the provision of a hard surface such as this for a dwelling house would normally be permitted development if it were made of porous materials or water is made to run off to an area within the curtilage and the only reason that this requires permission is due to the fact that land levels have been altered to accommodate the driveway.

Residential Amenity

51. Paragraph 127 of the NPPF aims to ensure that developments create places that have a high standard of amenity for existing and future users. Paragraph 170 requires new development not to contribute to or be put at an unacceptable risk from, or be adversely affected by, unacceptable levels of noise pollution.
52. Concerns have been raised by neighbours in relation to the overbearing height of the garage. However, the neighbouring property is at a higher ground level than site and therefore the impacts of the height of the garage in terms of neighbouring light and outlook are not significantly detrimental to residential amenity.
53. With regards to noise, dust and disturbance and general visual amenity, whilst it is acknowledged that the approved development has been on-going for a significant amount of time and that local residents have suffered harm to their amenity as a result, in terms of planning law there is no requirement for completion within a specified timescale. Government guidance indicates that a condition requiring completion by a certain date would not be acceptable.
54. In terms of noise, dust and disturbance, no controls in relation to working times were required for the last application and are not considered suitable in this instance as they are not proportionate to the scale of the development and such issues are better controlled under statutory nuisance legislation.

Assessment of conditions

55. Approval of the proposals would result in the grant of a new planning permission for the development as a whole. As a result there is a need to consider the implications of the amendments upon the suite of conditions that would apply and this is discussed below.
56. As the development has begun before planning permission has been granted the standard time-limiting condition will not be appropriate.
57. In terms of the approved plans condition the new schedule of drawings would replace those previously approved.
58. Condition 3 of DM/15/01562/FPA can no longer be complied with as the development has commenced and therefore its removal is accepted.
59. As the dwelling is now occupied it is considered necessary to require the driveway to be completed within an appropriate timescale of three months, and to maintain the character of the area it is considered necessary to remove permitted development rights to ensure control over any further hard surfacing. Section 73 of the Town and Country Planning Act 1990 allows LPA's to grant a new permission subject to different conditions and therefore two new conditions are recommended in relation to these matters.

CONCLUSION

60. The main Policy within the Development Plan relating to such conversions is consistent with the NPPF. Therefore, consideration of the development should be led by the development plan.
58. Whilst local residents concern over parking and highways safety issues in the general vicinity and in relation to lengthy operations on site are understandable it is not considered that refusing this application would resolve these issues. The loss of two on-street parking spaces is not considered significant in terms of highway safety as it would be replaced with two in curtilage. All other highways issues are neutral. The design has been amended to ensure the development will reflect the character of the area and there will no significant harm to residential amenity. The proposal is therefore considered to accord with the development plan.
61. In accordance with Paragraph 11 of the NPPF the development should therefore be approved without delay. The material considerations raised by the objectors do not indicate that in this case that the development plan should not be followed. Local planning authorities may take decisions that depart from an up-to-date development plan, but only if material considerations in a particular case indicate that the plan should not be followed.
62. Officers therefore conclude their recommendation in favour of the proposals.

RECOMMENDATION

63. That the application be APPROVED, subject to the conditions detailed below:
1. The development hereby approved shall be carried out in strict accordance with the following approved plans:

Site and ground floor plan proposed	12/03/2020
Front elevation proposed	12/03/2020
North/south elevation proposed	12/03/2020

Reason: To define the consent and ensure that a satisfactory form of development is obtained in accordance with Policies GPD1 and TR2 of the Derwentside District Local Plan 1997 (saved policies).
 2. Within 3 months of the date of this decision the driveway hereby approved must be fully constructed in accordance with the approved plans.

Reason: In the interests of highway safety and Policy TR2 of the Derwentside District Local Plan 1997 (saved policies).
 3. The gate shall not open outwards towards the highway.

Reason: In the interests of highway safety and Policy TR2 of the Derwentside District Local Plan 1997 (saved policies).
 4. 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 within use class F, Part1 of Schedule 2 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 Policy GDP1 of the Derwentside Local Plan and Parts 12 and 15 of the National Planning Policy Framework.

STATEMENT OF PROACTIVE ENGAGEMENT

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.

BACKGROUND PAPERS

The National Planning Policy Framework (2018)
National Planning Practice Guidance Notes
Derwentside District Local Plan 1997 (saved policies).
Residential Amenity Standards Supplementary Planning Document 2020
Strategic Housing Land Availability Assessment
Statutory, internal and public consultation responses
Submitted forms, plans and supporting documents



Planning Services

Variation of approved plans and access conditions (2&3) of planning permission DM/15/01563/FPA (Dwelling conversion) to regularise works done and allow changes including extended driveway, front seating area, access ramp, moving garage further from rear wall, raising of garage roof height and raising boundary wall height.

Application Number DM/20/00219/VOC

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Comments

Date 16th June 2020

Scale NTS