



Area Planning Committee (North)

Date Tuesday 15 June 2021
Time 9.30 am
Venue County Hall, Durham

Business

Part A Items which are open to the Public and Press

1. Apologies for Absence
2. Substitute Members
3. Minutes of the meeting held on 25 November 2020
(Pages 3 - 10)
4. Declarations of Interest, if any
5. Applications to be determined by the Area Planning Committee
(North Durham)
 - a) DM/21/00952/FPA - Land South West of 2 Humber Hill, Stanley (Pages 11 - 22)
Proposed upgrade to the existing base station telecommunications apparatus. Replacement 20m streetpole and associated ancillary works.
 - b) DM/21/01263/FPA - 3 Eureka Terrace, Tanhills, Nettlesworth
(Pages 23 - 34)
Conversion of existing unoccupied 12no bedroom hostel into 5no self-contained supported living units (class C3.b) with staff and communal areas.
 - c) DM/20/03802/FPA - Land to South West of Osborne Court, Newfield (Pages 35 - 56)
4 Bedroom brick built house with associated amenities.

- d) DM/21/00690/FPA - 55 Lintzford Road, Hamsterley Mill
(Pages 57 - 66)

Raising of roof height and installation of dormer windows to create a two-storey dormer bungalow and garage, two storey extension to front and single storey orangery extension to rear.

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
7 June 2021

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

Councillor M McGaun (Chair)
Councillor A Watson (Vice-Chair)

Councillors J Atkinson, B Bainbridge, G Binney, J Blakey,
L Brown, M Currah, K Earley, J Griffiths, D Haney, C Marshall,
E Peeke, J Purvis, J Quinn and S Wilson

DURHAM COUNTY COUNCIL

AREA PLANNING COMMITTEE (NORTH)

At a Remote Meeting of the **Area Planning Committee (North)** held via Microsoft Teams on **Wednesday 25 November 2020 at 9.30 am**

Present:

Councillor I Jewell (Chair)

Members of the Committee:

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

Apologies:

Apologies for absence were received from Councillors S Wilson and C Kay

Also Present:

Councillors W Stelling and D Wood

1 Apologies for Absence

Apologies for absence were received from Councillor S Wilson

2 Substitute Members

There were no substitute Members.

3 Minutes of the Meeting held on 16 June 2020

The minutes of the meeting held on 16 June 2020 were confirmed as a correct record and signed by the Chairman.

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/20/00956/FPA - Land to the West of Southfield Farm, Hamsterley Mill

The Committee considered a report of the Senior Planning Officer which sought approval for the erection of an egg production unit for organic free-range hens, within 40 acres of newly planted woodland.

The Senior Planning Officer provided a detailed presentation of the application which included a site plan, site photographs and the existing and proposed layouts of the unit.

He further advised that there was an error contained within paragraph 4 of the report, which stated that Councillor Shield had called the application in, when in fact this had been Councillor W Stelling, who was also in attendance to speak.

Councillor Bell noted the reference to the birds using the outside wooded area and queried whether they would be housed inside or out. In response the Senior Planning Officer advised that the birds would effectively be free range, with tree planting used for shelter.

Regarding the objections raised and highlighted by the Senior Planning Officer, the Chair asked whether the officer could confirm the consultation process had been carried out in accordance with protocol. In response the Senior Planning Officer advised that determining who should be consulted was balanced proportionately to the proposals. Those closest to the site had in this case been consulted. Consulting on a wider basis could result in accusations that the Officer was attempting to build objections.

Councillor W Stelling, local Member addressed the committee to speak in objection to the application. He commented that the proposals would have a detrimental impact on the landscape value and a very popular public walk and ancient woodland area. The smell and noise and appearance of the site would change the whole aspect of the valley. The site was also in close proximity to the village of Medomsley and close to the local primary school.

In addition, he added that he too had concerns regarding the potential for the water course to be polluted.

Mrs B Nesham, local resident addressed the committee in objection to the application. She explained that in her opinion the cumulative impact of housing an additional 18,000 birds on this site would be detrimental to neighbouring residents. She further referred to guidance from DEFRA in relation to infill units and permits.

She noted that the access to the site would be a significant investment for the applicant and felt that this may be cause to believe that an additional building may be applied for in the future.

In addition, she too held concerns regarding cross contamination from the nearby burial site and for overall water course pollution from the intensification of the farms use. She advised that the whole area of Medomsley had concerns regarding this application and respectfully asked that the application be refused.

At this point the Senior Planning Officer provided clarification on the boundary of the site and roadway and noted that references made to DEFRA were separate from the planning process.

M Anslow, Neighbourhood Interventions Team explained that the site was 650m away from the nearest village and that buildings of this nature tended not to cause levels of concentrated odour which would impact upon these properties. He further referred to a similar site at Hamsterley, which had received no complaints at all and was in much closer proximity to dwellings.

As a point of clarification at this point, N Carter, Solicitor advised that the points raised by objectors relating to risks of contamination were not supported by evidence, nor were they considered to be likely. He therefore advised that these comments should bear limited weight when determining the application.

At this point the Chair welcomed D Stewart, Principal Development Manager Engineer to advise the committee on the highways impact of the proposals.

The Principal DM Engineer advised that the route to the site was a strategic freight route for the County. The existing access had functioned without issue and it was noted that low levels of movements in and out of the site would be seen each week.

Councillor Tucker asked what proportion of the land would be open for free range and what the proximity of this section of land would be to the existing farm. In response the Senior Planning officer confirmed that there would be 2 fields of separation with wildflower planting between the area used for birds and the existing farm. He further noted that whilst the birds would have a large area, they would not be given unlimited range and this was constrained to a degree.

Mr K Henderson, Applicant addressed the committee in support of the application. He advised that his family had been poultry farmers on the site since 1970 and were registered organic free-range egg providers.

He explained that the birds had a 350m range from the shed.

Mr R Tulip, Lintz Hall Farm advised that they were a family run business, with 60 employees. He explained that over recent years people's buying habits had changed and increased demand for free-range and organic eggs had been seen, leading to the need to upscale the operation to ensure that existing contracts could be met. He further noted that during the 10-year period that the chicken farm had been in operation, there had been no issues regarding noise, pollution or smell and the application sought to merely extend the current operations.

Councillor Shield referred to the number of residents consulted in Dipton and Medomsley, and agreed that wider consultation in the Medomsley area would have been beneficial. In considering the planning balance he added that paragraph 15 of the NPPF was prescriptive in the requirement for applications to enhance the environment and in his opinion this application, would impact upon the unspoilt landscape, have a negative visual impact and was not well related to the existing farmstead.

He went on to outline his concerns in relation to natural drainage from Pont Burn to the River Derwent and noted objectors concerns regarding the neighbouring burial site. Regarding highways, he added that whilst he acknowledged the officer's comments, there had been no reference made to the steep, winding nature of the stretch of highway and that many accidents had occurred on this road previously. He felt that the likelihood of an accident occurring would increase when vehicles would be required to slow to allow turning HGV's.

With all that in mind he added that he was unable to support the proposal in this location as he felt it was contrary to Paragraph 11 and 15 of the NPPF and Paragraphs 10, 31 and 39 of the County Durham Plan.

The Senior Planning Officer, in responding to the comments noted that the applicant had responded well to the officer's landscape assessment and amended proposals to reflect their requirements.

Councillor Boyes added that whilst he appreciated the local knowledge provided by the members of public and local members present, he was happy with the officer's recommendations and mitigating measures. He felt that the application sought to serve the greater good, ensuring the continuity of local jobs and was positive from an ethical point of view.

Councillor Tucker asked what other structures were already on site and what was already visible from public view. It was reported that the site housed a conventional farm steading. The site was not visible from the main road but was visible from the higher up settlement of Dipton.

Further discussion took place regarding the proposed road, noting that this would be an agricultural track, surfaced in dark grey bedded chippings. The Senior Planning Officer further commented that in relation to comments made regarding hedges and screening on Long Close bank, these issues would be agreed with the applicant as part of the landscaping scheme.

Councillor Boyes **Moved** the recommendation subject to the conditions listed in the report.

Councillor **Boyd**, Seconded the officer's recommendation.

Following a vote being taken it was

Resolved:

That the application be **APPROVED** subject to the conditions as listed in the report.

b DM/20/00712/FPA - Land to the south of West Pelton Primary School, West Pelton

The Committee considered a report of the Senior Planning Officer which sought approval for the erection of a single bespoke architect designed 4 bed dwelling and eight 'glamping pods'.

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

Councillor D Wood, local Member addressed the committee to speak in objection to the application. Councillor Wood noted that he was a Local Authority School Governor at West Pelton school however several of the school governors including the chair had already raised concerns about this through the planning portal.

He went on to state that since the original application was submitted the goal posts had moved significantly due to the adoption of the County Durham Plan. Original reasons for the application being called in were due to the proximity of the site to West Pelton Primary School and its proposed location outside of the traditional boundary of the village. Concerns were also highlighted regarding access to the site, which had resulted in a number of objections from nearby residents.

He further noted that the application originally was submitted without any consultation with the school or with local residents and at the time of the

original application being made it was also done so without any pre application advice from Planning Officers. The lack of pre consultation had made it much more difficult in terms of the local community to address the issues and the application was subsequently withdrawn following objections. It was evident from this application however that there had been work undertaken with planning officers to mitigate some of the concerns that had been raised and whilst those mitigations have been put in place to address the access arrangements, significant objections remain to the development of this site mainly due to its location and proximity to the neighbouring school.

Further concerns outstanding as a local member related to issues with water supply and drainage, noting that there were existing drainage issues downhill of the site which in his view could be exacerbated by the development.

Furthermore he commented that if the single property on the site were considered without the glamping pod element it was his view that even under the County Durham Plan this would likely constitute ribbon development between the villages of West Pelton and Grange villa and would be unlikely to be recommended for approval. By including the glamping element the application becomes more palatable in planning terms however he stressed the significant level of objections from local residents and also the fact that the development of this site was deemed by County Council officers to be an encroachment into the open countryside beyond natural and defensible boundaries. Considering the points made he asked the committee to refuse the application.

Mrs S Clements, Applicant addressed the committee to speak in support of the application. She advised that this was an exciting retirement plan for her and her husband, which was a passion project which could prosper. The facilities to be provided on site were consistent with views expressed by Visit County Durham and would provide a welcome uplift to surrounding businesses.

She advised that whilst she acknowledged concerns regarding the proximity to the school, a heavily plated buffer would be installed on the boundary to minimise visual impact for both the school and the guests of the glamping pods. She further added that it was within their interests to ensure that they adhered to their own management plan and that guests adhered to onsite rules.

She also noted that there would be no means of noise creating activity on site and it would not be open to group bookings, which would further provide assurance to neighbours. Each of the units would be completely self-contained and this restricted movement around the site.

Regarding the dwelling, she added that his was of passive design in a strategic placement on site, reducing the visibility of the property. She further advised that a wind turbine would be installed to provide their own energy and this should be promoted.

Regarding the highway concerns raised, the Principal DM Engineer advised that as this site was to be used for holiday guests, trips in and out of the site would be usually during off-peak times of the day. The access met highways standards with good visibility.

Councillor Boyd commented that whilst she sympathised with the school and their concerns, and furthermore felt that the dwelling was not in fitting with its surroundings, she did appreciate that there was numerous tourism attractions in the area and accommodation of this nature would be welcomed by visitors.

Councillor Shield asked what assurances could be provided that the site would be managed correctly and in accordance with the conditions listed. He further asked whether if the application had been for a dwelling only would this of been considered acceptable given that it was outside the curtilage of the nearest residential area.

Councillor Bell commented that he felt the scheme was brilliant, the applicant had overcome the initial concerns raised by planners, whilst acknowledging that local members did still have some concerns. He felt that the site would help to support the local economy and was in a sustainable location.

Councillor Tucker noted that given the small number of pods to be provided on site this caused some concerns for the long-term financial stability of the business and if it were to fail, then the house would be able to remain. In response the Senior Planning Officer advised that the business had intended to put in place a low-cost entry start as business viability was important to them.

Councillor Bell **Moved** that the application be approved subject to the conditions listed in the report. **Seconded** by Councillor Milburn.

Resolved:

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

This page is intentionally left blank

Planning Services

COMMITTEE REPORT

APPLICATION DETAILS

APPLICATION No:	DM/21/00952/FPA
FULL APPLICATION DESCRIPTION:	Proposed upgrade to the existing base station telecommunications apparatus. Replacement 20m streetpole and associated ancillary works.
NAME OF APPLICANT:	Cornerstone
ADDRESS:	Land South West of 2 Humber Hill, Stanley.
ELECTORAL DIVISION:	Stanley
CASE OFFICER:	Louisa Ollivere Planning Officer Telephone: 03000 264878 louisa.ollivere@durham.gov.uk

DESCRIPTION OF THE SITE AND PROPOSALS

The Site

1. The site is an existing telecommunications mast site located just south east of the Wear Road junction with Humber Hill roadway just before Wear Road becomes Durham Road and descends towards The Middles before ascending to Craghead. Due to the width of the carriageways, the additional splays at the road junction and the expanse of grass verge on both sides of the road, the character of the immediate townscape here is dominated by highways. The site involves a triangular section of grass between two footpaths that features a 12.5m high streetpole presently on the site. There are three existing equipment cabinets on the footpath behind the current pole. There is a mature tree to the south of the current pole. The wider area characterised as residential with properties within 20m of the current pole to the east of the site, there are also residential properties within 50m to the north and south of the site and residential properties 70m to the west.

The Proposal

2. Permission is sought for upgrading works which involve the removal of the existing 12.5 streetpole and 3 cabinets and replacing this equipment with a 20m high streetpole in a light grey colour 2m south east of the current position. The pole would accommodate 6 antennas in an upper and lower stack. Ancillary works include 3 new radio base stations and a new enclosure cabinet in Fir Green. The new equipment would provide enhanced 5G coverage and capacity in a sharing agreement for Vodafone and O2 in the Stanley area

3. This application is reported to Committee upon the request of Councillor Carl Marshall to enable further consideration of the impacts to health and other concerns raised by local residents.

PLANNING HISTORY

4. 1/2008/0371 Prior approval application for the erection of one 12.5 metre high O2 uk ltd base station (Application refused but allowed on Appeal)
5. 1/2009/0715 Prior approval application for the erection of one 12.5 metre high O2UK shareable telecommunications column and two ground based cabinets (Prior approval not required).

PLANNING POLICY

NATIONAL POLICY

6. The Government has consolidated all planning policy statements, guidance notes and many circulars into a single policy statement, the National Planning Policy Framework (NPPF), 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.
7. 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.
8. 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.
9. The following elements of the NPPF are considered relevant to this proposal;
10. *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.
11. *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.

12. *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.
13. *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.
14. *NPPF Part 10 - Supporting high quality communications.* The development of high speed broadband technology and other communications networks also plays a vital role in enhancing the provision of local community facilities and services. Local planning authorities should support the expansion of electronic communications networks, including telecommunications and high speed broadband.
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.
16. *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:

17. 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.

18. *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.

LOCAL PLAN POLICY:

19. The following policy in the County Durham Plan 2020 are relevant to the consideration of this application.
20. *Policy 21 (Delivering Sustainable Transport)* requires all development to deliver sustainable transport by: delivering, accommodating and facilitating investment in sustainable modes of transport; providing appropriate, well designed, permeable and direct routes for all modes of transport; ensuring that any vehicular traffic generated by new development can be safely accommodated; creating new or improvements to existing routes and assessing potential increase in risk resulting from new development in vicinity of level crossings. Development should have regard to Parking and Accessibility Supplementary Planning Document.
21. *Policy 27 – Utilities, Telecommunications and Other Broadcast Infrastructure* - supports such proposals provided that it can be demonstrated that there will be no significant adverse impacts or that the benefits outweigh the negative effects; it is located at an existing site, where it is technically and operationally feasible and does not result in visual clutter. If at a new site then existing site must be explored and demonstrated as not feasible. Equipment must be sympathetically designed and camouflaged and must not result in visual clutter; and where applicable it proposal must not cause significant or irreparable interference with other electrical equipment, air traffic services or other instrumentation in the national interest.
22. *Policy 29 – Sustainable Design* - requires all development proposals to achieve well designed buildings and places having regard to SPD advice and sets out 18 elements for development to be considered acceptable, including: making positive contribution to areas character, identity etc.; adaptable buildings; minimising greenhouse gas emissions and use of non-renewable resources; providing high standards of amenity and privacy; contributing to healthy neighbourhoods; and suitable landscape proposals. Provision for all new residential development to comply with Nationally Described Space Standards, subject to transition period. Provision for alterations and extensions to residential property to be sympathetic to existing building and character and appearance of area Provision for signage, adverts, street furniture and public art to be appropriate and sympathetic to users and local setting and not detrimental to visual amenity or public highway safety Provision for major developments to appropriately consider the public realm in terms of roads, paths, open spaces, landscaping, access and connectivity, natural surveillance, suitable private and communal amenity space that is well defined, defensible and designed to the needs of its users. Provision for new major residential development to be assessed against Building for Life Supplementary Planning Document, to achieve reductions in CO2 emissions, to be built to at least 30 dwellings per hectare subject to exceptions. All new development to achieve BREEAM minimum rating of 'very good'.
23. Policy 39 (Landscape) states that proposals for new development will only be permitted where they would not cause unacceptable harm to the character, quality or distinctiveness of the landscape, or to important features or views. Proposals are expected to incorporate appropriate mitigation measures where

adverse impacts occur. Development affecting Areas of Higher landscape Value will only be permitted where it conserves and enhances the special qualities, unless the benefits of the development clearly outweigh its impacts.

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/cdp>

CONSULTATION AND PUBLICITY RESPONSES

STATUTORY RESPONSES:

24. *Highways Authority* – Has no objections to these proposals.
25. *High Moorsey Meteorological Office* – No objections.

INTERNAL CONSULTEE RESPONSES:

26. Trees Officer: Comments awaited.

PUBLIC RESPONSES:

27. 292 letters of consultation were sent out to surrounding residents and a site notice posted. This has resulted in 18 letters of objection from 12 local residents and a petition against the mast signed by 53 residents.
28. The concerns of local residents are summarised as follows:
 - There is clinical evidence that such developments are detrimental to biological matter within its range.
 - The current mast already emits unsafe levels of radiation 24 hours a day.
 - RF radiation has long term effects such as cancer and heart disease amongst any other illnesses/conditions.
 - Humber Hill and Wear Road have a massive cancer cluster and lots of people have died or have unexplained illnesses.
 - The mast is too close to residential properties. There are seven residential properties and a community building within the exclusion zone of the ICNIRP.
 - ICNIRP guidelines state that the 'safe' levels for 5G are only applicable to 6 minutes of continuous exposure to this frequencies.
 - Impacts to property value.
 - 5G will erode freedoms and could be used as a weapon.
 - There is no need for a 5G mast in respect of local residents, schools or business.
 - The proposal should be assessed by the Director Public Health or an Environmental Health Officer.
 - The mast will an eyesore and not at all in keeping with the surroundings.
 - Being sensitive to microwave radiation means I will have to move away.
 - Approving will leave the local authority open to claims from the public in relation to impacts to future property, injury or health.
 - The proposal is contrary to Paragraph 180 of the NPPF.
 - The application does not provide the relevant risk assessment or relevant exclusion zones which should be made available for public scrutiny.
 - The proposal is an incompatible and unacceptable use of land and that is a material planning consideration.

- The application is unsustainable under the NPPF Social sustainability objective as there is no net benefit therefore the application should be refused.
- This is not an upgrade but a new mast and should be assessed as such.
- Lack of publicity and issues with site notice placement.

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=QQ68GDGDMKU00>

APPLICANTS STATEMENT

29. We consider the development complies with both central government and local planning policy guidance where the underlying aim is to provide an efficient and competitive telecommunication system for the benefit of the community while minimising visual impact.
30. Taking into account the factors of technical constraints, available sites and planning constraints we consider that this site and design clearly represents the optimum environmental solution.
31. On the basis of a recognised need to expand and promote telecommunications networks across the region, it is considered that the proposal fully accords with the requirements of the National Planning Policy Framework and the Council's Local Plan Policies.
32. This monopole will facilitate 5G which the current equipment does not and cannot.

PLANNING CONSIDERATIONS AND ASSESSMENT

The Principle of the Development

33. 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 in this location and the visual impact upon the surrounding area.

The Principle Issues

34. Policy 27 of the CPD supports telecommunications proposals provided that it can be demonstrated that there will be no significant adverse impacts or that the benefits outweigh the negative effects. For masts at an existing site the policy advises that masts should be located where they are technically and operationally feasible and do not result in visual clutter. For new sites it must be demonstrated that existing sites have been explored and are not feasible. In all cases the policy requires the equipment to be sympathetically designed and camouflaged and to not result in visual clutter; and where applicable the proposal must not cause significant or irreparable interference with other electrical equipment, air traffic services or other instrumentation in the national interest.

35. Part 10 of the NPPF supports high quality communications. Paragraph 112 advises that advanced, high quality and reliable communications infrastructure is essential for economic growth and social well-being. Paragraph 113 states that where new sites are required such as for new 5G networks, equipment should be sympathetically designed and camouflaged where appropriate.
36. Para 115 of the NPPF advises that applications for electronic communications development should be supported by the necessary evidence to justify the proposed development. This should include:
 - a. the outcome of consultations with organisations with an interest in the proposed development, in particular with the relevant body where a mast is to be installed near a school or college, or within a statutory safeguarding zone surrounding an aerodrome, technical site or military explosives storage area;
 - b. for an addition to an existing mast or base station, a statement that self-certifies that the cumulative exposure, when operational, will not exceed International Commission guidelines on non-ionising radiation protection; or
 - c. for a new mast or base station, evidence that the applicant has explored the possibility of erecting antennas on an existing building, mast or other structure and a statement that self-certifies that, when operational, International Commission guidelines will be met.
37. Para 116 of the NPPF goes on to advise that Local planning authorities must determine applications on planning grounds only. They should not seek to prevent competition between different operators, question the need for an electronic communications system, or set health safeguards different from the International Commission guidelines for public exposure.
38. Policy objectives within the NPPF are clear that sites for mast installation should be kept to a minimum consistent with efficient operation of the network and applications should be determined on planning grounds. On this basis, Policy 29 of the CDP is also applicable which requires proposals to achieve well designed places and Part 12 of the NPPF whereby planning decisions should address the integration of new development into the natural and built environment (Paragraph 127). Paragraph 130 states that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions. Paragraph 128 further states that applicants will be expected to work closely with those directly affected by their proposals to evolve designs that take account of the views of the community.

Site suitability versus other sites

39. The site is approximately 2m from the existing monopole which is to be removed from the site and which is within the control of the operator and will be defunct once the new pole is installed. Removal of the existing monopole will be ensured by way of condition. Given the above it is not necessary to assess alternative sites in line with Paragraph 113 of the NPPF and Policy 27 of the CDP, nonetheless it has been identified that given the height that is required for 5G site sharing that there is a lack of available rooftops to accommodate alternative equipment. Furthermore, given the constrained 250m cell radius area that is required for the proposal other sites would involve quieter amenity space beside Humber Hill which is a largely residential area. There is therefore no conflict with both national and local plan policy in this respect.

Design and visual impact considerations

40. Policy 27 of the CDP requires telecommunications equipment to be sympathetically designed and camouflaged and to not result in visual clutter. In respect of design policy 29 of the CDP requires all proposals to achieve well designed places. Policy 39 of the CDP requires there to be no unacceptable harm to landscapes and that proposals mitigate any adverse visual effects.
41. Residents consider that the taller and wider replacement mast would appear visually intrusive in relation to the character and appearance of the area. It is accepted that the structure would be seen, however it would be seen amongst the utilitarian streetlights and beside the wide carriageways of a busy road. It is not considered that it would appear particularly intrusive in such a context. Although views of the Durham countryside are evident beyond the estates cascading down the slopes of South Stanley, it is nonetheless considered that highways dominate the townscape here. This impression is accentuated by the absence of visual enclosure due to the wide separation of the modest bungalows beside the intervening expanse of carriageway and grass. Furthermore, the mast has been carefully positioned to face a blank gable end of the nearest dwelling and to either present only an oblique view or to be at least 45m from any of the surrounding dwellings that have views to it.
42. The physical appearance of the pole was chosen to reflect the appearance of streetlights, to this end it is considered more appropriate that the colour reflect that of the current streetlights and mast than the grey colouring proposed, this can be ensured via condition. Whilst it is a prominent location, the current mast that is being replaced is now commonly accepted as a normal item of street furniture along this streetscape. Therefore, siting a new mast in a slightly different position would not appear as out of place or significantly detract from the character of the local area in accordance with Policy 27 of the CDP.

Consultation and Interference

43. The proposal is not in a safeguarding zone in relation to air traffic services or other instrumentation in the national interest. Nor is it considered in a site likely to cause electrical interference. The applicants have submitted a statement that self-certifies that, when operational, International Commission guidelines will be met, in accordance with the requirements of Paragraph 115 of the NPPF.
44. The nearest schools are some distance away and in consideration of the 'Code of Best Practice on Mobile Network Development in England' (published 24 November 2016) (CBP) it is accepted that consultation with school(s) is not required).

Building a strong, competitive economy

45. Part 6 of the NPPF advises that significant weight should be placed on the need to support economic productivity. Paragraph 112 of the NPPF recognises that advanced, high quality and reliable communications infrastructure is essential for economic growth. It advises that decisions should support the expansion of electronic communications networks, including next generation technology such as 5G. The proposal gains positive weight in this respect.

Impacts to trees

46. Policy 40 of the CDP requires the protection of trees of high landscape, amenity or biodiversity value unless the benefits of the proposal clearly outweigh the harm. The position of the mast will be closer to a tree that forms part of the streetscene than the current mast. The developer considers that there would be no impacts to this tree. Views of the Council's arboricultural Officer are awaited and will be reported to members.

Highways Considerations

47. Policy 21 of the CDP requires all development to deliver sustainable transport by: delivering, accommodating and facilitating investment in sustainable modes of transport; providing appropriate, well designed, permeable and direct routes for all modes of transport; ensuring that any vehicular traffic generated by new development can be safely accommodated; creating new or improvements to existing routes and assessing potential increase in risk resulting from new development in vicinity of level crossings. Development must also have regard to Parking and Accessibility Supplementary Planning Document. There are no concerns over highway safety in respect of the proposal therefore the proposal accords with the above policy

Other Issues

48. Many residents clearly have deep concerns over possible negative health impacts from the proposed and current mast and have requested further assessment from Public Health England and Environmental Health.
49. Paragraph 180 of the NPPF advises that decisions should ensure that new development is appropriate for its location considering the likely effects of pollution on health, living conditions and that natural environment. Health considerations and public concern can, in principle, be material considerations in determining applications for planning permission. It is for the decision-maker to determine what weight to attach to such considerations in any particular case. The LPA have seen no substantiated evidence in relation to negative health impacts therefore they carry little weight.
50. It is the Government's firm view that the planning system is not the place for determining health safeguards. It remains central Government's responsibility to decide what measures are necessary to protect public health. In the Government's view, if a proposed mobile phone base station meets the International Commission on Non-Ionizing Radiation Protection (ICNIRP) guidelines for public exposure it should not be necessary for a LPA, in processing an application for planning permission, to consider further the health aspects and concerns about them as stated in Paragraph 116 of the NPPF. All new and replacement mobile phone base stations are expected to meet the ICNIRP guidelines. However, all applicants should include with their applications, a statement that self-certifies to the effect that the mobile phone base station, when operational, will meet the guidelines. A ICNIRP Certificate has been supplied as part of supporting information. The likely effects of non-ionizing radiation on health and living conditions are therefore not significant and would not warrant further consultation with Public or Environmental Health Teams.
51. It is noted that residents are concerned that the mast is too close to residential properties and that there is no detail or risk assessment in relation to the exclusion

zone of the ICNIRP and impacts upon health of nearby residents. However, the government does not require operators to notify owners, site neighbours or the public of these exclusion zones areas only that mast operators provide a self-certificate of compliance when they make a planning application. Ofcom have taken many exposure measurements in the UK at publicly accessible locations near to base stations and these have consistently been well within the ICNIRP guideline levels. As a result, the Local Planning Authority have no reason to question the health impacts of the proposed replacement 5G mast and associated equipment cabinets in accordance with the requirements of Paragraph 116 of the NPPF in this regard.

52. It is noted that residents have concerns over impacts to property value however this is not a material planning consideration.
53. Security concerns are noted however 5G cell towers cannot produce the power of frequency to be used as a military weapon and the basic security measures that have been used for 3/4G also apply to 5G, with the proper use of encryption to ensure the confidentiality and integrity of data. The problem is greater than any operator and more attributable to companies encrypted applications and governments which host those companies.
54. It is acknowledged that local residents feel that there is no need for a 5G mast in respect of residents, schools, or business. Paragraph 116 of the NPPF advises that Local planning authorities must determine applications on planning grounds only. They should not question the need for an electronic communications system.
55. Residents have raised concerns about the effects of radiation on the environment, particularly on wildlife populations, however there is currently no evidence that human-made radiation at realistic field levels has population level impacts on either animals or plants.
56. Concerns raised with regards to publicity were noted early in the application process and significant further public consultation was undertaken. A site notice was posted in line with statutory requirements.

CONCLUSION

57. The siting of a replacement streetpole is considered justified in this location. There will be no significant adverse impacts to health or to the visual amenity of the area. The proposal offers benefits in terms of providing advanced, high quality and reliable communications infrastructure which is essential for economic growth and social well-being. The proposal is therefore considered to accord with CDP Policy 27 and Parts 10 and 15 of the NPPF. Paragraph 11 of the NPPF advises that development proposals that accord with an up-to-date development plan should be approved without delay therefore approval is recommended. There are no material considerations in this particular case that indicate that the plan should not be followed.

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 27 of the County Durham Plan and Part 10 of the NPPF.

3. Notwithstanding the details shown on the approved plans the colour of the streetpole is not approved. The colour of the equipment pole shall be dark green and retained this colour in perpetuity.

Reason: To ensure that a satisfactory form of development is obtained in accordance with Policy 27 of the County Durham Plan and Part 10 of the NPPF.

4. Within 6 months of the erection of the new monopole hereby approved, the existing monopole shall be removed from site.

Reason: To ensure that the visual appearance of the area is not overly cluttered in accordance with Policy 39 of the County Durham Plan and Part 15 of the NPPF.

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

County Durham Plan 2020
The National Planning Policy Framework (2019)
Internal and public consultation responses
Submitted forms, plans and supporting documents



Planning Services

DM/21/00952/FPA

Proposed upgrade to the existing base station telecommunications apparatus. Replacement 20m streetpole and associated ancillary works.

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

Comments

Date 15.06.2021

Scale NTS

Planning Services

COMMITTEE REPORT

APPLICATION DETAILS

APPLICATION No:	DM/21/01263/FPA
FULL APPLICATION DESCRIPTION:	Conversion of existing unoccupied 12no bedroom hostel into 5no self-contained supported living units (class C3.b) with staff and communal areas
NAME OF APPLICANT:	Mr Kevin Davison, Riversdale Homes 3 Eureka Terrace Tanhills
ADDRESS:	Nettlesworth Chester-le-Street DH2 3PZ
ELECTORAL DIVISION:	Sacrison Steve France Senior Planning Officer
CASE OFFICER:	Telephone: 03000 264871 steve.france@durham.gov.uk

DESCRIPTION OF THE SITE AND PROPOSALS

The Site

1. This application proposes the conversion of an existing hostel into self-contained living units for an applicant who provides supported accommodation for people with autism.
2. The property at Tanhills has been in specialist residential use and is in a residential area. The two-storey significantly extended and altered dwelling is semi-detached from a modern two and a half storey development of residential flats which has a rear parking courtyard that the development site overlooks. The site has off-street parking area to the side, amended during the course of the application to provide an additional space at the expense of an existing tree, where a flat roofed single storey porch provides the main access into the building.
3. There is a range of generally two storey dwellings in the immediate area, in a wide range of appearance, style and age, most with off-street parking. A small mini-supermarket and post office is present just south of the site fronted by lay-by parking.

The Proposal

4. The proposal seeks to change the existing internal layout of 12 bedrooms, lounges, staff offices and kitchen. The proposed arrangement rearranges the floorplans to provide two ground-floor and three first-floor flats, each with a

bedroom, separate lounge, kitchen and toilet facilities. Adjacent the existing retained entrance is a communal hub with staff offices and a staff hub/kitchen. No external changes are proposed to windows, however the uses of some rooms served by existing openings will be changed, with particular attention drawn to the existing wc and store windows on the first-floor west elevation which are proposed to serve a bedroom. An amended plan submitted during the course of the application shows on-site parking for four vehicles, three in tandem.

5. The operational management plan submitted with the proposals details a scheme of supported independent living for adults with Autism and Learning Disabilities, with residents generally, 'not be able to leave the property without staffing support'. The home would have a senior manager in situ who would be available at all times for residents needs and also community liaison.
6. This application is reported to Committee upon the request of Councillor Simon Wilson to consider the parking and highways implications of the scheme in a public forum.

PLANNING HISTORY

7. 2/04/00840/FUL - Construction of new entrance at rear of property to facilitate sub-division of nursing home. Approved December 2005.
8. 2/90/0303/DM – Proposed Change of Use to home for mentally handicapped adults. Approved October 1990.
9. 2/83/0055/DM – Proposed Double Garage and Utility Room. Approved February 1983.

PLANNING POLICY

NATIONAL POLICY

10. 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.
11. 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.
12. The following elements of the NPPF are considered relevant to this proposal;
13. *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.

14. *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.
15. *NPPF 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.
16. *NPPF Part 8. Promoting healthy and safe communities.* Planning policies and decisions should aim to achieve healthy, inclusive and safe places which: promote social interaction, including opportunities for meetings between people who might not otherwise come into contact with each other, are safe and accessible, so that crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and enable and support healthy lifestyles, especially where this would address identified local health and well-being needs.
17. *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.
18. *NPPF Part 15 - Conserving and enhancing the natural environment.* Recognises the wider benefits from natural capital and ecosystem services – including the economic and other benefits of trees and woodland.

NATIONAL PLANNING PRACTICE GUIDANCE:

19. 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.
20. *Healthy and safe communities* - advises 'Planning and health need to be considered together in two ways: in terms of creating environments that support and encourage healthy lifestyles, and in terms of identifying and securing the facilities needed for primary, secondary and tertiary care, and the wider health and care system (taking into account the changing needs of the population)'.
Housing for older and disabled people – states, 'The provision of appropriate housing for people with disabilities, including specialist and supported housing, is crucial in helping them to live safe and independent lives. Unsuitable or unadapted housing can have a negative impact on disabled people and their carers. It can lead to mobility problems inside and outside the home, poorer mental health and a lack of employment opportunities. Providing suitable housing can enable disabled

people to live more independently and safely, with greater choice and control over their lives. Without accessible and adaptable housing, disabled people risk facing discrimination and disadvantage in housing’.

LOCAL PLAN POLICY:

22. The following policies in the Durham County Plan (adopted October 2020) are relevant to the consideration of this application:
23. Policy 15 (*Addressing Housing Need*) states. establishes the requirements for developments to provide on-site affordable housing, the circumstances when off-site affordable housing would be acceptable, the tenure mix of affordable housing, the requirements of developments to meet the needs of older people and people with disabilities and the circumstances in which the specialist housing will be supported.
24. Policy 21 (*Delivering Sustainable Transport*) requires all development to deliver sustainable transport by: delivering, accommodating and facilitating investment in sustainable modes of transport; providing appropriate, well designed, permeable and direct routes for all modes of transport; ensuring that any vehicular traffic generated by new development can be safely accommodated; creating new or improvements to existing routes and assessing potential increase in risk resulting from new development in vicinity of level crossings. Development should have regard to Parking and Accessibility Supplementary Planning Document.
25. Policy 31 (*Amenity and Pollution*) sets out that development will be permitted where it can be demonstrated that there will be no unacceptable impact, either individually or cumulatively, on health, living or working conditions or the natural environment and that they can be integrated effectively with any existing business and community facilities. Development will not be permitted where inappropriate odours, noise, vibration and other sources of pollution cannot be suitably mitigated against, as well as where light pollution is not suitably minimised. Permission will not be granted for sensitive land uses near to potentially polluting development. Similarly, potentially polluting development will not be permitted near sensitive uses unless the effects can be mitigated.
26. *Policy 40 (Trees, Woodlands and Hedges)* states that proposals for new development will not be permitted that would result in the loss of, or damage to, trees, hedges or woodland of high landscape, amenity or biodiversity value unless the benefits of the scheme clearly outweigh the harm. Proposals for new development will be expected to retain existing trees and hedges or provide suitable replacement planting.

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/media/34069/County-Durham-Plan-adopted-2020-pdf/CountyDurhamPlanAdopted2020vDec2020.pdf?m=637424969331400000>

CONSULTATION AND PUBLICITY RESPONSES

STATUTORY RESPONSES:

27. Highways – *‘The care facility will be reduced in terms of the number of bedrooms from 12 to 5 bedrooms. There is a sizable parking area at the site for the 3 spaces proposed at the side of the property for visitors and staff needs. The site is located only a short walk to access the public bus service to the north of the site. No highways objections would be raised’.*

EXTERNAL RESPONSES:

28. The Police Architectural Liaison Officer in consultation with the local Police Inspector raises no objection to the proposals subject to the restriction to the operation of the facility in accordance with the Operational Management Plan as set out in condition 3.

INTERNAL CONSULTEE RESPONSES:

29. Adult and Health Services - note they have been in discussion with the applicants, and the scheme has been reduced from an initial proposal for 8 flats at their suggestion. They are still in discussions with the applicants over their business case.

PUBLIC RESPONSES:

30. 20 letters of consultation were sent out to surrounding residents. This has resulted in two representations including one objection at the point this report is being written. If additional comments are received, they will be reported verbally to Members at the Committee Meeting.
31. The objector considers the proposals, *‘a ridiculous proposal when we have a hostel within half a mile, which over the years has brought a number of anti-social behaviour problems into the village. Nettlesworth is a compact village and I feel this development should be declined and relocated to a more suitable area’.*
32. The other correspondent, neither supporting nor objecting the principle raise concerns at parking overspill, with congestion in the street exacerbated by the nearby shops and post office. The previous hostel use is contended to have generated 4-5 cars on-street most days.

APPLICANT’S STATEMENT

33. *‘Riversdale Homes would like to develop the project to support 5 people with Learning Disabilities and or Autism in conjunction with Durham County Council, an approved social housing provider to manage the accommodation and additionally in partnership with an experienced care provider. The care provider will be approved not only by CQC but also contracted from an approved framework list managed and monitored by Durham County Council’.*
34. *‘Our intention is to provide 5 large spacious apartments in line with the current thinking around the specific requirements of people with Autism (Autism is a sensory condition that is aided by the provision of bespoke environments). The people at the home will view the home as a home for life and their own individual needs will be assessed via a multi-disciplinary team who will offer ongoing support*

in addition to the care team. Our hope is that the local community will be involved in the project and that the prospective tenants will be offered opportunities to be involved in the local community, our ultimate aim is to integrate people not segregate people with disabilities from society. The home will be offered to people who originate from Durham therefore the project will provide support for local people’.

35. *‘I do hope that this proposal will be an opportunity for everyone to support local vulnerable people’.*

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=QRATUQGD0A500>

PLANNING CONSIDERATIONS AND ASSESSMENT

The Principle of the Development

36. Having regard to the requirements of Section 38(6) of the Planning and Compulsory Purchase Act 2004 the relevant Development Plan policies, relevant guidance and all other material planning considerations, including representations received, it is considered that the main planning issues in this instance relate to the implications of the use for the existing community, the suitability of the location for the proposed residents and highways considerations.

The Development Plan

37. The County Plan 2020 was adopted in October, with the policies therein up to date in terms of the required consistency with the NPPF. The NPPF and NPPG guidance is a material consideration in its own right.

The Principle Issues

38. The principle issue is the appropriateness of the site for both proposed and existing residents, led by the requirements of Policy 15. The policy states that the council will support the provision of specialist housing for older people, vulnerable adults and people with disabilities where: the development is in an appropriate location with reference to the needs of the client; it is designed to meet the particular requirements of residents; appropriate measures will be in place to ensure access for emergency vehicles and safety measures such as fire escapes; and satisfactory outside space, highway access, parking and servicing can be achieved.
39. National Planning Guidance advises, *‘The provision of appropriate housing for people with disabilities, including specialist and supported housing, is crucial in helping them to live safe and independent lives. Unsuitable or unadapted housing can have a negative impact on disabled people and their carers. It can lead to mobility problems inside and outside the home, poorer mental health and a lack of employment opportunities. Providing suitable housing can enable disabled people to live more independently and safely, with greater choice and control over their*

lives. Without accessible and adaptable housing, disabled people risk facing discrimination and disadvantage in housing’.

40. Part 8 of the Framework advises that planning policies and decisions should aim to achieve healthy, inclusive and safe places which promote social interaction, including opportunities for meetings between people who might not otherwise come into contact with each other.
41. The scheme provides for 5 flats in a low-density arrangement, with each having the facilities to allow an individual all the expected aspects of independent living, with immediate access to support staff. The applicant describes that; *the people in the home will need help with all of their physical daily living activities to the extent that some may require support with bathing, washing and eating. The home staff will be selected by the Council and they will be registered with CQC the national body for inspection and regulation no-one in the home will be there without a thorough risk assessment which is the case for everyone, everywhere in the country with a level of Learning Disorder/Autism.* The proposed scheme, in layout and operation has been designed to meet the needs of the proposed residents.
42. For the remaining criteria, as a modern conversion the new layout will meet all the required fire and escape requirements of the Building Regulation Acts - it will be vetted by Building Control and Fire Officer to ensure it meets the necessary requirements for emergency vehicles / compartmentation / protected means of escape /emergency lighting/fire detection and alarm systems. The nature of the needs of the proposed residents is such that the restricted outdoor space available around the building appears appropriate, noting that particularly to the north of Tanhills/Nettlesworth, there is a network of countryside footpaths that allows for easy recreational access.
43. The above assessments are specific to the stated use and likely implications of the scheme. Existing residents will require surety that the development cannot be used as a different type of hostel within the stated Use Class without the potential for further assessment and consultation. To this end a condition tying the operation of the home to the applicant’s Management Plan for residents with Learning Disorder/Autism/high level of cognitive disability needs is proposed.
44. Within an existing urban area, the site is considered to be in a sustainable location. Within a standard walking distance of 400m, there are 10 bus stops, including on the main A167 that would allow staff access via public transport. There also a small convenience store and post office within 20m of the site.

Highway Safety

45. Highways Officers note the historic parking demands of the site, the proposed level of use and car parking provision and the relationship to local bus stops, raising no objection. Since this response an additional parking space has been added to the proposed site layout to provide off-street parking for visitors and staff as well as accessible vehicles, which is considered at an appropriate level for the proposed use. The scheme is concluded to comply with the requirements of Policy 21 of the plan for Highway Safety.

Residential Amenity

46. The direct implications for residential amenity are protected by Policy 31 of the County Plan, which seeks to ensure that there will be no unacceptable impacts on health or living conditions. With no external physical changes proposed, this assessment relates to the changed uses of windows on the west elevation, where on the first-floor windows previously serving a wc and storeroom are proposed to serve a single bedroom. These windows overlook the car parking courtyard of the adjacent flats and at an angle of 90 degrees have a relationship to the rear elevation and habitable rooms in that development. The relationship is close, but as a variation on the existing arrangement, not considered unreasonable.
47. The significantly lower density of occupation of the development site is also relevant in the assessment of the effects on the surrounding population. In combination with the requested changes to the building, the proposed conversion is considered to have no net impact upon existing residential amenity from the established planning use of the building in accordance with Policy 31 of the County Plan.

Other Issues

48. The addition in process of an additional parking space has put the existing small tree adjacent the entrance into a restricted landscape space, resulting in limited long-term survival prospects. It is proposed that a planning scheme including replacement with two specimens of an appropriate species be agreed through a condition to be attached to any approval, ensuring compliance with Policy 40 of the plan.

CONCLUSION

86. Both the development Plan policies and national advice in the Framework and Planning Guidance notes seek to ensure the planning system provides the opportunity for disabled members of the community for independent living. The scheme will be subject to the appropriate regulatory and inspection regimes of Care Services, and it would be inappropriate for a planning consent to replicate these.
87. It is however appropriate that as the assessment and conclusions for the appropriateness of the use are derived from the specific nature of the proposals, the needs of the occupants and the care regime set up to support them, that a consent should be likewise specific enough to give the Council as Local Planning Authority control over any future changes in the nature of the occupants, and therefore the local community the opportunity to comment on this should it ever be proposed. A condition is proposed to this effect.
88. The parking implications may be considered neutral. Less residents are proposed on the site, but there are likely to be more support staff. Off-street parking is available, and bus-stops are within easy reach.
89. The loss of the single small tree on the site can be mitigated by replanting.

RECOMMENDATION

92. 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 Policies 15, 21, 31 and 40 of the Durham County Plan, 2020 and parts 2, 4, 5, 8, 9 and 15 of the National Planning Policy Framework.

3. The development must be occupied by and run for the benefit of residents with Learning Disorder/Autism/high level of cognitive disability needs in accordance with the details of the submitted Operational Strategy, submitted 7 May 2021. The operator must ensure that suitable risk assessments to protect residents are in place, with appropriate ratios of CQC registered trained staff.

Reason: In the interests of residential amenity, to ensure amenity and safeguarding relationships for existing and proposed residents, to ensure compliance with policies 15 and 31 of the Durham County Plan 2020, parts 8 and 15 of the Framework and the advice for Housing for Older and Disabled People in the National Planning Guidance

4. No development shall commence until a detailed landscaping scheme has been submitted to and approved in writing by the Local Planning Authority for a scheme of replacement planting for the tree proposed to be felled adjacent the single parking space.

Any submitted scheme must be shown to comply with legislation protecting nesting birds and roosting bats.

The landscape scheme shall include accurate plan-based details of the following:

- Details of landscaping including planting species, sizes, layout, densities, numbers.
- Details of planting procedures or specification.
- Finished topsoil levels and depths.
- Details of temporary topsoil and subsoil storage provision.
- Seeded or turf areas, habitat creation areas and details etc. Details of land and surface drainage.
- The establishment maintenance regime, including watering, rabbit protection, tree stakes, guards etc.

The Local Planning Authority shall be notified in advance of the start on site date and the completion date of all external works. The scheme must be implemented before the end of the first available planting season. Trees, hedges and shrubs shall not be removed without agreement within five years. Any specimens that fail must be replanted to the original specification within the same time period.

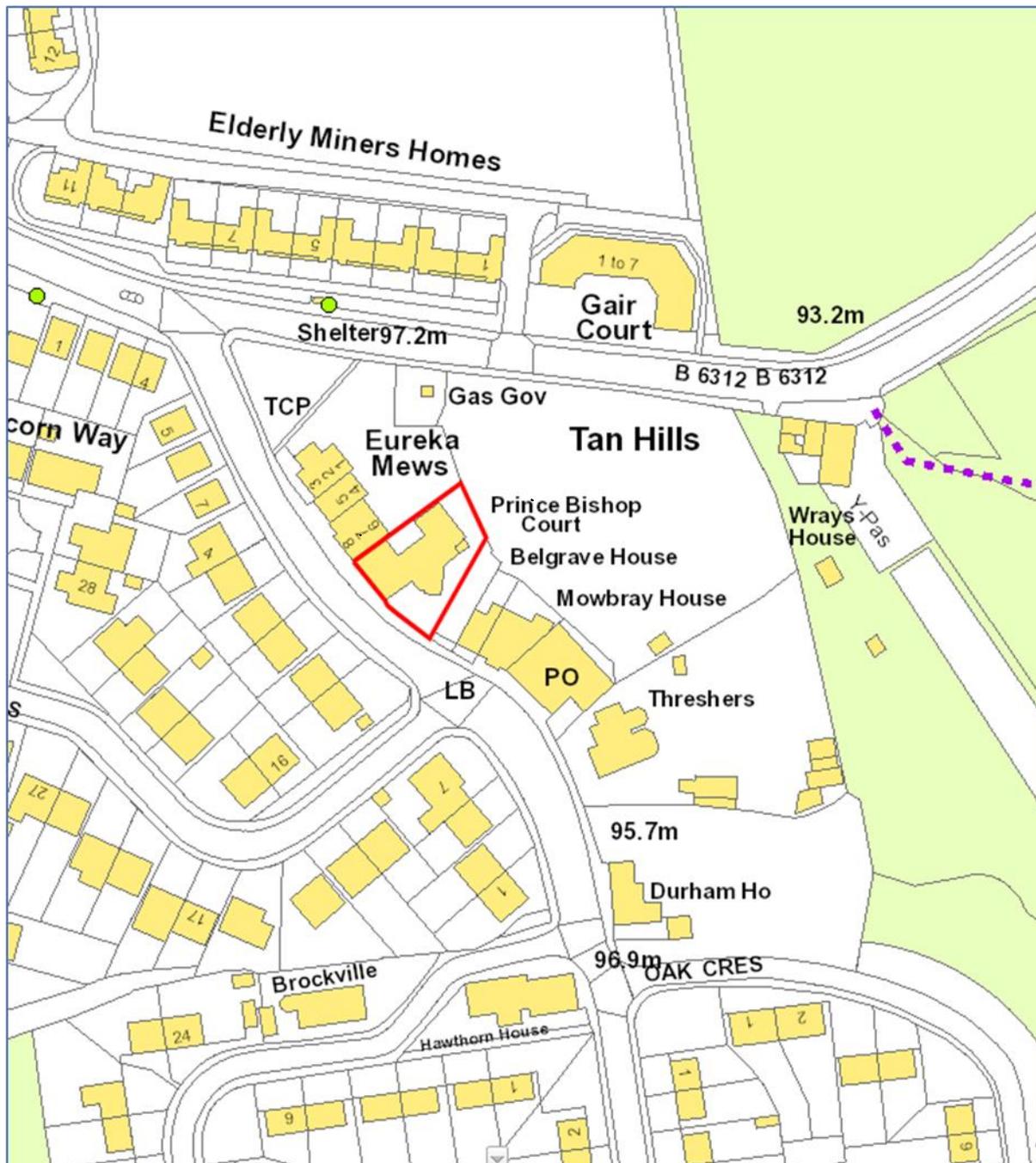
Reason: In the interests of the visual amenity of the area and to comply with Policy 29 of the County Durham Plan and Part 12 of the National Planning Policy Framework.

STATEMENT OF PROACTIVE ENGAGEMENT

In accordance with Article 35(2) of the Town and Country Planning (Development Management Procedure) (England) Order 2015, the Local Planning Authority 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.

BACKGROUND PAPERS

The National Planning Policy Framework (2019)
National Planning Practice Guidance Notes
Durham County Plan 2020
Statutory, internal and public consultation responses
Submitted forms, plans and supporting documents



Planning Services

DM/21/01263/FPA

Conversion of existing unoccupied 12no bedroom hostel into 5no self-contained supported living units (class c3.b) with staff and communal areas.

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

Comments

Date 15 June 2021

Scale NTS

This page is intentionally left blank

Planning Services

COMMITTEE REPORT

APPLICATION DETAILS

APPLICATION No:	DM/20/03802/FPA
FULL APPLICATION DESCRIPTION:	4 Bedroom brick built house with associated amenities
NAME OF APPLICANT:	Mr Clark
ADDRESS:	Land to South West of Osborne Court, Newfield.
ELECTORAL DIVISION:	Pelton Louisa Ollivere Planning Officer
CASE OFFICER:	Telephone: 03000 264878 louisa.ollivere@durham.gov.uk

DESCRIPTION OF THE SITE AND PROPOSALS

The Site

1. The site is a 1200sqm area of pasture land located to the south west of three dwellings, 1 and 2 Osborne Court and a modern dwelling (1b Front Street) which lie to the rear of older residential properties of Front Street, Newfield. Allotment gardens lie to the south west of the site and there is a paddock to the north west of the site. An unclassified roadway lies and pasture land lie south of the site. The site drops gently down from this roadside on the south east boundary into the site by approximately 4-5m before levelling off to the north western boundary.
2. The site is on the edge of the settlement with a school and some limited services located a short distance away. Bus stops are located approximately 150m to the east of the site on Front Street, with regular hourly day time services to Chester-le-Street.
3. There are constraints on site as it falls within a risk of high risk of coal mining legacy issues and there is an overland flow route that runs north east to south west through the site and an area of the site is as low risk of surface water flooding.

The Proposal

4. Permission is sought for the erection of a detached two storey dwelling with integral triple garage. The property would broadly be constructed of red brick with some off white rendered features within the facades. The roof would incorporate smooth grey roof tiles. The window openings would incorporate heads and cills. All glazing would be aluminium and anthracite grey and doors would be composite doors also in anthracite grey. A substantial garden area would be provided at the rear. To the front there would be hard landscaping in the form of gravel and permeable slabs for parking areas. The property would be enclosed with 2m high timber fencing on the south boundary, 1.2m high ranch fencing on the rear

boundary and a brickwork wall with black metal railings above (1m in height) to the front and for part of the south side. Landscaping is proposed in the form of native species hedging and Beech hedging adjacent to the boundary enclosures. Two parking spaces are proposed at the front of the property. A Sycamore tree at the front of the site is proposed to be removed to facilitate the site access. There are a few other trees on the site none of which are to be retained.

5. This application is being reported to Committee upon the request of Pelton Parish Council on the grounds that the proposal will increase flooding, result in a loss of light to inhabitants of 2 Osborne Court, the lack of detail over drainage and the loss of land for wildlife and food production.

PLANNING HISTORY

6. 2/04/00595/FUL Erection of 5 no. stables, 2 no. cart lock ups and 1 no. tack room (Refused).

PLANNING POLICY

NATIONAL POLICY

7. 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.
8. 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.
9. 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.
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 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.
13. *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.
14. *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.
15. *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.
16. *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.
17. *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.
18. *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:

19. 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.
20. 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.
21. 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.
22. 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:

23. The following policies in the County Durham Plan are relevant to the consideration of this application.
24. *Policy 6 (Development on Unallocated Sites)* states the development on sites not allocated in the Plan or Neighbourhood Plan, but which are either within the built-up area or outside the built up area but well related to a settlement will be permitted provided it: is compatible with use on adjacent land; does not result in coalescence with neighbouring settlements; does not result in loss of land of recreational, ecological, or heritage value; is appropriate in scale, design etc to character of the settlement; it is not prejudicial to highway safety; provides access to sustainable modes of transport; retains the settlement's valued facilities; considers climate change implications; makes use of previously developed land and reflects priorities for urban regeneration
25. *Policy 21 (Delivering Sustainable Transport)* requires all development to deliver sustainable transport by: delivering, accommodating and facilitating investment in sustainable modes of transport; providing appropriate, well designed, permeable and direct routes for all modes of transport; ensuring that any vehicular traffic generated by new development can be safely accommodated; creating new or improvements to existing routes and assessing potential increase in risk resulting from new development in vicinity of level crossings. Development should have regard to Parking and Accessibility Supplementary Planning Document.
26. *Policy 26 (Green Infrastructure)* states that development will be expected to maintain and protect, and where appropriate improve, the County's green infrastructure network. Advice is provided on the circumstances in which existing

green infrastructure may be lost to development, the requirements of new provision within development proposals and advice in regard to public rights of way.

27. *Policy 29 (Sustainable Design)* requires all development proposals to achieve well designed buildings and places having regard to SPD advice and sets out 18 elements for development to be considered acceptable, including: making positive contribution to areas character, identity etc.; adaptable buildings; minimising greenhouse gas emissions and use of non-renewable resources; providing high standards of amenity and privacy; contributing to healthy neighbourhoods; and suitable landscape proposals. Provision for all new residential development to comply with Nationally Described Space Standards, subject to transition period.
28. *Policy 31 (Amenity and Pollution)* sets out that development will be permitted where it can be demonstrated that there will be no unacceptable impact, either individually or cumulatively, on health, living or working conditions or the natural environment and that they can be integrated effectively with any existing business and community facilities. Development will not be permitted where inappropriate odours, noise, vibration and other sources of pollution cannot be suitably mitigated against, as well as where light pollution is not suitably minimised. Permission will not be granted for sensitive land uses near to potentially polluting development. Similarly, potentially polluting development will not be permitted near sensitive uses unless the effects can be mitigated.
29. *Policy 32 (Despoiled, Degraded, Derelict, Contaminated and Unstable Land)* requires that where development involves such land, any necessary mitigation measures to make the site safe for local communities and the environment are undertaken prior to the construction or occupation of the proposed development and that all necessary assessments are undertaken by a suitably qualified person.
30. *Policy 35 (Water Management)* requires all development proposals to consider the effect of the proposed development on flood risk, both on-site and off-site, commensurate with the scale and impact of the development and taking into account the predicted impacts of climate change for the lifetime of the proposal. All new development must ensure there is no net increase in surface water runoff for the lifetime of the development. Amongst its advice, the policy advocates the use of SuDS and aims to protect the quality of water.
31. *Policy 36 (Water Infrastructure)* advocates a hierarchy of drainage options for the disposal of foul water. Applications involving the use of non-mains methods of drainage will not be permitted in areas where public sewerage exists. New sewage and waste water infrastructure will be approved unless the adverse impacts outweigh the benefits of the infrastructure. Proposals seeking to mitigate flooding in appropriate locations will be permitted though flood defence infrastructure will only be permitted where it is demonstrated as being the most sustainable response to the flood threat.
32. *Policy 39 (Landscape)* states that proposals for new development will only be permitted where they would not cause unacceptable harm to the character, quality or distinctiveness of the landscape, or to important features or views. Proposals are expected to incorporate appropriate mitigation measures where adverse impacts occur. Development affecting Areas of Higher landscape Value will only be permitted where it conserves and enhances the special qualities, unless the benefits of the development clearly outweigh its impacts.

33. *Policy 40 (Trees, Woodlands and Hedges)* states that proposals for new development will not be permitted that would result in the loss of, or damage to, trees, hedges or woodland of high landscape, amenity or biodiversity value unless the benefits of the scheme clearly outweigh the harm. Proposals for new development will be expected to retain existing trees and hedges or provide suitable replacement planting. The loss or deterioration of ancient woodland will require wholly exceptional reasons and appropriate compensation.
34. *Policy 41 (Biodiversity and Geodiversity)* restricts development that would result in significant harm to biodiversity or geodiversity and cannot be mitigated or compensated. The retention and enhancement of existing biodiversity assets and features is required as are biodiversity net gains. Proposals must protect geological features, have regard to Geodiversity Action Plans and the Durham Geodiversity Audit and where appropriate promote public access, appreciation and interpretation of geodiversity.
35. *Policy 43 (Protected Species and Nationally and Locally Protected Sites)* development proposals that would adversely impact upon nationally protected sites will only be permitted where the benefits clearly outweigh the impacts whilst adverse impacts upon locally designated sites will only be permitted where the benefits outweigh the adverse impacts. Appropriate mitigation or, as a last resort, compensation must be provided where adverse impacts are expected. In relation to protected species and their habitats, all development likely to have an adverse impact on the species' abilities to survive and maintain their distribution will not be permitted unless appropriate mitigation is provided or the proposal meets licensing criteria in relation to European protected species.

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/cdp>

CONSULTATION AND PUBLICITY RESPONSES

STATUTORY RESPONSES:

36. Highways Officer– Considers the proposal acceptable subject to a suitable footway link being provided to connect the site to the existing public footway to the rear of number 1 Front Street and that any boundary treatments at the site adjacent to the highway be under 1m in height and subject to informatives in relation to requirement of The Highways Act 1980.
37. Northumbrian Water – Advise that there may be assets that are the responsibility of Northumbrian Water that are not yet included on their records and that care should therefore be taken prior and during any construction work with consideration to the presence of sewers on site.
38. It is noted that the submitted plans make reference to a combined sewer which crosses the site and may be affected by the proposed development. They advise that they do not permit a building over or close to their apparatus. NWL advise that they will work with the developer to establish the exact location of our assets and ensure any necessary diversion, relocation or protection measures required prior to the commencement of the development.

39. The Coal Authority – Have no objection subject to the imposition of conditions to secure a scheme of intrusive site investigations be carried out and necessary remediation works be undertaken prior to the commencement of the development.

INTERNAL CONSULTEE RESPONSES:

40. Drainage Team - Advise that the Councils current flood data identifies an overland flow route across the rear of the site which could occur during storm conditions. The Officer advises that this should not be restricted to cause increased flooding to adjacent land / property.
41. Environmental Health (Contaminated Land) - Request a screening assessment be undertaken prior to the decision.
42. Environmental Health (Nuisance) - Advise that consideration be given to imposing conditions to restrict working hours during the construction phase of the development covering demolition, construction and deliveries to site. The Officer is satisfied, based on the information submitted with the application, that the development is unlikely to cause a statutory nuisance as a result.
43. Environmental Health (Air quality) - Have no air quality concerns.
44. Spatial Policy - Advise that the main issues in assessing this proposal is whether the proposed dwelling is an appropriate type and form of housing for the location in line with Policy 6 of the County Durham Plan, and whether it will be compatible with its surroundings in terms of privacy and amenity and the character of the local area.
45. The Officer advises that a key issue is whether the proposed dwelling is appropriate in terms of location to the character and function of this part of Newfield, and design policies. Taking into account the size of Newfield, the Officer considers that 1 dwelling would be of a scale commensurate with its role and function and the facilities which are available. The Officer notes that the site lies to the rear of an established main street, central to the village and within walking distance of all local amenities. The Officer considers that the site has reasonably good access to community services and facilities (including bus stops).
46. In terms of design, reference is made to the need to comply with the criteria laid out within Policy 29 and the Residential Amenity Standards SPD. The Officer notes that the proposal will have some bearing on adjacent properties, particularly number 2 and potentially 1b Osborne Court. It is advised that the design and layout of the dwelling should ensure that reasonable privacy and light is provided for surrounding residents and occupiers, particularly in relation to residential use and enjoyment of dwellings and private gardens. It is advised that the amenity that existing residents of Osborne Court can reasonably expect to enjoy should not be significantly compromised.
47. Ecology - Advise that the ecological information is sound and request a condition that a total of 2 bat roosting opportunities will be provided associated with the south west facing roof pitch.
48. Trees Officer - Has requested an assessment of the trees proposed to be removed and has requested full landscaping details.

49. Landscape - Note that the site doesn't lie in an area covered by any national or local landscape designations such as an Area of Higher Landscape Value (AHLV) and that the Trees within the site are not covered by a Tree Preservation Order (TPO). It is pointed out that the site lies within an area identified in the County Durham Landscape Strategy (2008) as developed.
50. The Officer noted that the site is within an area of urban character and forms part of a strip of privately owned green space between existing housing and allotment gardens. It is noted that the frontage of the proposed dwelling would face south-east and the footprint of the dwelling, would broadly align in plan with adjacent dwellings Valley View (1b) and numbers 1 and 2 Osborne Court to the north. The Officer considers that the building would change the character of the site from a green space to residential development, extending the settlement to the south-west. It is considered that the proposed building and access would bring about adverse landscape effects however that these have the potential to improve through the submitted landscape planting scheme.
51. The Officer notes that site would be visible from the rear of nearby properties, with a mix of direct and oblique views. It is considered that there would be adverse visual effects on receptors close to the site which have the potential to improve through the proposed boundary hedge planting. It is advised that the development is otherwise not visible from locations within the wider landscape due to buildings, trees and woodland. Visual effects are therefore considered local to the site.
52. It is advised that it would be preferable for the entire boundary tree planting to be made up of native hedge species however the Officer accepts the partial use of Beech in this urban character location and as Beech trees retain their leaves during winter months. The Officer advises that as the proposal involves the removal of a semi-mature Sycamore tree that this should be considered in the planning balance.
53. Pelton Parish Council: object on the following grounds:
- That the proposal will conflict the County Durham Plan sustainability objectives to discourage inappropriate development in areas at risk of flooding and to ensure that new development does not give rise to flood risk elsewhere as the site is prone to flooding and neighbouring land is lower.
 - The application boundaries may reduce the natural light into Osborne Court.
 - Lack of information in relation to drainage
 - That the land is required for wildlife and flood risk mitigation and the proposal is contrary to NPPF policy 118b.

PUBLIC RESPONSES:

54. A total of 22 letters of consultation were sent out to surrounding residents and a site notice posted. This has resulted in 8 letters of objection from 9 local residents and the Newfield South View Allotment Association.
55. The concerns are summarised as follows:
- The development could set a precedent for further development in the paddock at the rear.
 - Development has previously been refused on the site for stables and this could lead to a further applications for stables.

- If the applicants are to keep horses then more adequate fencing is required.
- Ground stability concerns and stability for neighbouring properties.
- Drainage concerns.
- Wastewater drainage is under pressure and struggling to cope this will cause more problems with instances of sewage blockages and overflowing.
- Impacts to allotment water supply/pressure.
- The wastewater pipeline may run beneath the dwelling any may need to be relocated.
- The site is outside of the village boundary.
- Council has stipulated that this area will be strictly controlled, and any new dwelling will only be granted for agricultural or forestry activities.
- The proximity of the boundary fence to neighbouring wall will prevent access for maintenance.
- The development will obstruct light into the garden of no2 (Osborne Court) and restrict light towards the property due to the closeness and position.
- The deeds of the land restrict it to grazing and that there be no erection of fixed buildings.
- The plans may alter from that proposed.
- This is not previously developed land, contrary to the County Durham Plan.
- There may be impacts to newts as there are ponds in close proximity.
- The scale is not in keeping with the local area.
- As the site is not level this may result in flooding of allotments.
- The area has poor drainage.
- A vehicle cannot pass the tree next to the access road without damaging it.
- There will need to be a new field access.
- There is a public right of way across the proposed site.
- Our boundary hedge/fence will be replaced by a new fence.
- The dwelling has an excessive number of garages and rooms.
- Impacts to wildlife and biodiversity
- Surface water flood maps show part of the site is at risk of flooding
- SUDS may not be suitable as may increase the frequency and severity to which the neighbouring allotments are flooded.
- Every development should demonstrate at least 10% biodiversity net gain, this application demonstrates biodiversity net loss contrary to the government's 25 Year Environment Plan and Durham County Councils development plan.

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=QLSIMOGDL3X00>

APPLICANTS STATEMENT

56. The design brief was to create an impactful 4 bedroom house with a traditional brickwork elevation and roofs, that sits well within the site and is sympathetic to the constraints of the site, notably to avoid an invasion of privacy or over massing/shadowing of number 1 Osbourne Court and the easement around the 225mm drainage pipe cutting across the site. We have provided a building that suits these needs and sits almost exactly between the constraints highlighted above, this design is client-led and will provide a bespoke home that fits their family needs for many years to come.
57. The site is well located within an urban area with good connections to the various transport networks that service Newfield to Durham, Newcastle and beyond. The

building, although substantial, is rather modest in footprint given the overall site area of the plot, this allows good space for the client and their family to use recreationally and avoids the site being overdeveloped.

PLANNING CONSIDERATIONS AND ASSESSMENT

The Principle of the Development

58. 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 in this location, locational sustainability credentials, housing land supply, economic impacts, amenity impacts, design considerations, resilience to flooding and sustainable drainage, impacts to ecology, trees and landscape and whether then site is suitable for development in terms of stability and contamination and highway safety.

The Principle Issues

59. The lead County Durham Plan policy in relation to this development is Policy 6 (Development on Unallocated Sites). This essentially permits development on unallocated sites but within the built-up area or outside the built-up area but well related to a settlement provided certain criteria are met. The most relevant criteria in this instance relate to the need for development to be compatible with surrounding uses, the need for the development to be appropriate in terms of scale, design, layout and location to the surroundings, the need for the development to have good access by sustainable modes of transport to relevant services and facilities and to reflect the size of the settlement and level of services within the settlement .
60. Newfield is a settlement with the site adjacent to the built-up area. The acceptability of the proposal rests on the above criteria being met and each of these will be considered in turn in the following section of the report alongside other relevant policy considerations.

Locational sustainability credentials

61. Criteria f) of Policy 6 of the CDP requires development to have good access by sustainable modes of transport to relevant services and facilities and to reflect the size of the settlement and the level of service provision within the settlement. Paragraph 108 of the NPPF advises that appropriate opportunities to promote sustainable transport modes can be-or have been- taken up, given the type of development and its location.
62. The site lies just outside the built-up residential area. The dwelling is considered to be of a scale commensurate with its role and function and the facilities which are available. The site lies to the rear of an established main street, central to the village and within walking distance of all local amenities. The site has reasonably good access to community services and facilities (including bus stops).
63. Against this background, it appears that jobs, shops, services, and education are likely to be reasonably accessible from the site by modes of transport other than

the private car. This weighs in favour of this development, in accordance with Policy 6 of the CDP and Paragraph 108 of the NPPF.

Housing Land Supply

64. The Council is now able to demonstrate in excess of 6 years supply of deliverable housing land as established in the recently adopted County Durham Plan, 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.

Building a strong, competitive economy

65. Paragraph 80 of the NPPF advises that significant weight should be placed on the need to support economic growth and productivity. The proposal would have some short term economic benefits to the construction sector. These would be very limited benefits and would not weigh heavily in favour of this proposal.

Amenity considerations and impacts to surrounding uses

66. Policy 29 of the CDP requires proposals to provide high standards of amenity and privacy, and minimise the impact of development upon the occupants of existing adjacent and nearby properties. Policy 31 of the CDP requires development to have no unacceptable impact on living conditions and to ensure that future occupiers of proposed developments have acceptable living conditions. It advises that proposals which will have an unacceptable impact such as through overlooking, visual intrusion, visual dominance or loss of light, noise or privacy will not be permitted unless satisfactory mitigation measures can be demonstrated. Paragraph 127 (f) of the NPPF requires developments to have a high standard of amenity for existing and future users.
67. The site is adjacent to two residential properties in close proximity to the north east. This being the case the proposed amenity of existing and future residents is a material consideration, with the occupier of No. 2 Osborne Court particularly concerned about light to their property and garden.
68. The Council's Residential Amenity Standards SPD does not provide guidance in relation to distances between gable to gable. Nonetheless the layout of the proposed dwelling has been designed to reduce impacts to levels of light and outlook for the main impacted property (2 Osborne Court). In order to avoid easements on site the building line of the dwelling conflicts slightly with the well used 45-degree rule in respect of rear neighbouring windows as the corner of the dwelling extends past this line by 0.6m. This minor infringement would not cause an undue adverse impact to light and outlook. It has also been borne in mind that land levels submitted indicate that the land levels would not alter significantly and the site is at a lower level than surrounding properties therefore this reduces the impact in terms of light. In respect of privacy the proposed dwelling has been designed to prevent overlooking into neighbouring properties. The only window which overlooks the garden area for 2 Osborne Court is from the storage area of the garage, which is considered acceptable.
69. The proposed levels of light, outlook and privacy for the proposed dwelling are also considered acceptable as windows do not overlook neighbouring development and are not impacted by neighbouring built form. The 26m long garden to the rear well exceeds the minimum garden depth requirements set out within the standards.

70. To guard against noise impacts to neighbours during construction it is considered appropriate to attach a condition restricting timing of construction, demolition, deliveries and running of plant and equipment.
71. On this basis it is considered that the proposed development is compatible with the existing residential use of adjacent land and there is policy compatibility with CDP Policy 6 criteria (a) and Policy 31 and Section 12, Paragraph 127 of the NPPF in that respect.
72. In respect of the neighbouring allotments, Policy 26 of the CDP requires the County's green infrastructure such as this to be protected. In this respect it is noted that care must be taken to ensure that the development does not worsen the potential for flooding of the allotments. This is considered in more detail later in the report.

Design, layout, location and impacts upon the character of the area

73. Policy 29 of the CDP requires all development proposals to achieve well designed buildings and places having regard to supplementary planning documents and other local guidance documents where relevant, and: contribute positively to an area's character, identity and landscape features, helping to create and reinforce locally distinctive communities.
74. Section 12, Paragraph 127 of the NPPF requires developments to add to the overall quality of an area, be visually attractive, be sympathetic to the local character, maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live.
75. The settlement of Newfield is characterised by 2 storey terraced and semi-detached red brick and render properties, with traditional properties along the primary roadsides of Front Street with more modern properties located to the rear. Immediately adjacent the site is a large detached modern red brick property (1b Front Street) built in recent years.
76. Concerns have been raised by local residents over the size and scale of the dwelling and the number of garages in comparison to neighbouring development.
77. In terms of design the set back of the development is necessary to reduce overshadowing to neighbouring properties and gardens and is therefore accepted despite being at odds with the adjacent building line. In respect of size and scale, the detached property is large in comparison to Osborne Court properties, however it is not dissimilar in width and depth to the adjacent modern detached property which has an integral double garage. Furthermore, it is proportionate to the plot size. The design of the dwelling has evolved positively from the original plans with the garages being given less dominance and lowering of the garage roofline above to reduce the scale. The large front and rear facade have now been broken up with differing materials and the large blank gable end presented to the allotments has also been broken up with a brick course. The proposed gravel and permeable grey slabs for the driveway are new materials to the area, nonetheless it is accepted that they are required for drainage purposes, and, it is considered that once the landscaping is established that they will not be highly visible from outside of the site. The overall result is an interesting modern design which is in keeping with this part of Newfield given the modern development already in the

area. The quality of the design and materials specification can be ensured via condition.

Resilience to Flooding

78. Policy 35 of the CDP requires there to be no net increase in surface water run-off and that run-off must be managed at source wherever possible and follow the SUDS hierarchy. Where sites are susceptible to overland flows or lie within a Surface Water Risk area the policy advises that developers must put adequate protection in place. Section 14 of the NPPF requires Local Planning Authorities to ensure that developments do not result in an increase in flood risk off site. Paragraph 118b of the NPPF recognises that undeveloped land can perform functions such as flood risk mitigation.
79. The rear garden part of the proposed site plan is an overland flow route and also an area at low risk of flooding. Local residents have raised concerns over flooding in the general area and to the allotments on lower ground. The surface water is proposed to drain to a soakaway and permeable materials are proposed within the hard landscaping. This would be in accordance with the requirements of the County Durham Surface Water Management Plan and is considered acceptable for the built part of the development. Whilst the allotment site is downslope of the development the submitted land levels do not indicate a significant change in topography therefore additional attenuation in term of accommodating further SUDS to slow the run off rates onsite is not necessary.
80. In respect of the overland flow route to Blindy Burn that runs from the site to the allotments, drainage engineers have advised that this must not be restricted by the development. None of the built form of the development would obstruct the flow, only fencing is proposed which would allow permeability. Plans detail that the land levels in this part of the development would not be altered and therefore there should be no restrictions to the overland flow route. As the area of low risk of flooding in the garden is close to the proposed dwelling it is necessary to require the building to be flood resilient, this can be done by raising floors, flood doors, etc this detail can be required by condition.
81. Subject to the imposition of relevant conditions as discussed above, the proposal is considered to accord with Policy 35 of the CDP and Section 14 of the NPPF.

Water Infrastructure

82. Policy 36 of the CDP requires foul water to drain to a hierarchy with connection to the public sewer being the most suitable option. The drainage is proposed to a main sewer. Whilst residents have concerns over capacity and detail recent issues with sewage blockages etc. NWL have not raised concerns that the system does not have the capacity to accommodate a further dwelling.
83. There are concerns from local residents that the development would impact upon NWL equipment and drainage easements. The plans indicate that whilst close to such equipment they would not be built over. Nonetheless NWL will work with the developer to establish the exact location of the drain and easement and ensure any necessary diversion, relocation or protection measures are undertaken prior to the commencement of the development under their statutory powers. Similarly, Building Control Inspections will insure the protection of any other drains. The developer has also undertaken a drainage survey to better understand the position of drains on site in preparation.

84. The development is considered to accord with Policy 36 of the CDP as a result.

Ecology

85. Policy 41 requires development to not significantly harm biodiversity and to minimise impacts to biodiversity and provide net gains for biodiversity. Policy 43 of the CDP advises that all development likely to have an adverse impact on protected species to not be permitted unless there is appropriate mitigation or compensation and the legal tests are met if a licence is required. Section 15 of the NPPF requires the safeguarding of protected species. Paragraph 118 of the NPPF requires consideration to be given to the wildlife function that undeveloped land can perform. Whilst it is noted that residents have concerns over potential impacts to newts in nearby ponds and wildlife and biodiversity generally and the need for net gains, the applicant has submitted an ecological survey which details the grassland to be of low ecological value and that the trees on site offer limited nesting and no bat roosting provision. The survey concludes that with mitigation no habitat or species will be significantly affected. The Council's Ecologist is satisfied with the results and recommends bat roosting opportunities be provided in terms of gains; this can be ensured via condition. Significant landscaping is proposed on site which should provide new biodiversity to the site. As a result, the proposals are considered to accord with Policy 43 of the CDP and Section 15 of the NPPF.

Trees and Landscaping

86. Policy 39 of the CDP requires there to be no unacceptable harm to the landscape or to important features and views and to incorporate appropriate measures to mitigate adverse landscape or visual effects. Policy 40 of the CDP advises that proposals for new development will not be permitted that would result in the loss of, or damage to, trees of high landscape, amenity, or biodiversity value unless the benefits of the proposal clearly outweigh the harm. The policy requires new development to retain existing trees where they make a positive contribution to the locality or the development and that any trees that are lost are replaced.
87. Policy 29 requires landscaping proposals to respond to topography, existing features and wildlife habitats. It requires consideration of views of and from the site and that the design reflects any features characteristic of the locality such as boundaries, paving materials and plant species. It welcomes opportunities for wildlife and in the case of edge of settlement development requires an appropriate level of structural landscaping to screen or assimilate the development into its surroundings and provide an attractive new settlement boundary.
88. The application proposes the removal of a Sycamore tree near to the front of the site and few other trees/hedges that are on the site. The loss of the Sycamore is regrettable but necessary for access purposes. While no arboricultural justification has been provided for the removal of the other trees on site, these are required to enable the development to go ahead; however, without this justification their removal must be weighed in the planning balance as a minor negative.
89. The site would be visible from the rear of nearby properties, with a mix of direct and oblique views. There would be adverse visual effects on receptors close to the site which have the potential to improve through the proposed boundary hedge planting. The development is otherwise not visible from locations within the wider landscape due to buildings, trees, and woodland. Visual effects are therefore local to the site.

90. As this is an edge of settlement development the hard and soft landscaping is particularly important. The Landscape Officer advises that the adverse landscape impacts presented by the new built form and access can be mitigated through a suitable landscaping scheme. Structural landscaping is proposed in the form of native rich hedgerows along the southern and northern boundary. Closer to the roadway on the southern boundary and eastern boundary a Beech tree line is proposed. Landscape Officers advise that it would be preferable for the entire boundary tree planting to be made up of native hedge species however Officers accept the use of Beech given the species retains leaves during the winter and bearing in mind the location on the edge of the wider countryside.
91. Outside of this landscaping, a 2m high timber fenceline would be proposed along the greater part of the northern and southern boundaries. This reflects the 2m high timber fencelines in the vicinity of the site to other rear gardens. The brickwork wall with black metal railings above proposed at the front (eastern boundary) and along a section of the southern boundary near to the road would reflect the height, design and materials of the adjacent dwelling boundary to the street frontage.
92. Overall, the visual and landscape impact of the proposals would be one that is transformative to the immediate area; however subject to the installation of an appropriate landscaping scheme around the property its impact would be greatly reduced and offset the loss of existing trees at the site to a degree. As a result of the above the proposed development is considered to accord with Policies 29, 39 and 40 of the CDP

Land stability

93. Policy 32 of the CDP restricts development on despoiled, degraded, derelict, contaminated or unstable land unless it can be demonstrated that such issues can be addressed by mitigation measures, the risks are not unacceptable, and all investigations and risk assessments have been undertaken. Section 15 of the NPPF requires Local Planning Authorities to prevent new development from being put at unacceptable risk from land stability. In terms of land stability, it is noted that residents have concerns over the stability of the land and impact upon the stability of neighbouring land however the Coal Authority have no objections and have requested a condition in relation to addressing the coal mining legacy issues, adhering to the requirements of Policy 32 and Section 15 of the NPPF. The view of the Contamination Officer in relation to any requirements to address contamination will be updated at Committee, with the option of conditions being available to address any contamination.

Highway safety and capacity considerations

94. Policy 21 of the CDP requires all development to deliver sustainable transport by amongst other less relevant criteria ensuring that any vehicular traffic generated by new development can be safely accommodated and ensuring development has regard to Parking and Accessibility Supplementary Planning Documents. Paragraph 108 of the NPPF advises that it should be ensured that safe and suitable access to the site can be achieved for all users.
95. The scheme has been amended to incorporate the requirements of the Highways Officer for the footway specification immediately outside of the site to width of 1.8 metres and it also has acceptable levels of parking. The proposed front boundary treatments have been amended for highways visibility purposes and a condition

can ensure that landscaping to the front of the proposed property is maintained at a suitable height for visibility.

96. Subject to the above, the proposed dwelling would be considered to meet the requirements of Policy 21 of the CDP and Paragraph 108 of the NPPF.

Other issues

97. It is noted that residents are concerned that the development could set a precedent for further development in the paddock at the rear for housing/stables however each application needs to be considered on its own merits.
98. Comments have been made that the applicant may keep horses on the site and that the fencing is not suitable for such purposes. There is no proposal for this within this application therefore the fencing is considered suitable. If permission is approved this would be for residential only.
99. The concerns raised in relation to poor water supply and water pressure to neighbouring allotments are noted. Water supply is not a consideration for most planning applications of this nature being a private matter for the parties involved and NWL.
100. It is noted that in the past the site was considered outside of the settlement and therefore subject to tighter planning controls, however that view was based on planning policy which has been replaced by the CDP and the NPPF which have a greater degree of flexibility in this respect where locations are sustainable amongst other policy considerations. Equally concerns are raised that the site is not previously developed land, where again the CDP and NPPF carry a greater degree of flexibility where locations are considered to be sustainably located.
101. In respect of access to neighbouring land for maintenance of fence purposes, this is a civil matter covered by separate legislation.
102. With regards to any covenants on the land, this is a civil matter and not a material planning consideration.
103. Concerns that the plans may alter if approved are noted, however any changes would require the further consideration of the LPA through a further application that will be consulted upon depending upon the significance of the changes proposed.
104. It is noted that the current access into the paddock beyond will be closed off, however there will be a strip of land retained to the south of the site that would allow for access to the paddock beyond.
105. Comments are noted in relation to a public right of way however there is not a registered Public Right of Way over the site, although there may be private rights of way/easements which are civil matters.
106. Concerns over impacts to boundary fences /hedges are noted however any boundaries would be built up against such features rather than replacing current boundaries.

CONCLUSION

107. The proposed new dwelling is considered to be well related to the existing settlement and has good access by sustainable modes of transport to relevant services and facilities and reflects the size of the settlement and level of services within the settlement. There are limited benefits accrued in the form of housing land supply and the construction economy.
108. The amended proposal is appropriate in terms of scale, design, layout, and location to the surroundings.
109. Subject to conditions controlling the potential impacts from the construction phase, drainage and flood resilience, ecological mitigation and ground stability remediation the proposals are considered acceptable.
110. The proposal is therefore in general accordance with the Policies of the County Durham Plan and the National Planning Policy Framework in respect to this development. There are no material consideration in this case that indicate that the plan should not be followed therefore the proposal 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 Policies 6,21,26,29,31,32,35,36,39,40,41 and 43 of the CDP.

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

Reason: In the interests of the appearance of the area and to comply with Policy 29 of the County Durham Plan and Part 12 of the National Planning Policy Framework. Required pre-commencement to ensure that the quality of materials are suitable to the area before construction commences.

4. No development shall commence until a detailed landscaping scheme has been submitted to and approved in writing by the Local Planning Authority.

No tree shall be felled, or hedge removed until the landscape scheme, including any replacement tree and hedge planting, is approved as above.

Any submitted scheme must be shown to comply with legislation protecting nesting birds and roosting bats.

The landscape scheme shall include accurate plan-based details of the following:

Trees, hedges and shrubs scheduled for retention.

Details of hard and soft landscaping including planting species, sizes, layout, densities, numbers.

Details of planting procedures or specification.

Finished topsoil levels and depths.

Details of temporary topsoil and subsoil storage provision.

Seeded or turf areas, habitat creation areas and details etc. Details of land and surface drainage.

The establishment maintenance regime, including watering, rabbit protection, tree stakes, guards etc.

The Local Planning Authority shall be notified in advance of the start on site date and the completion date of all external works.

Trees, hedges and shrubs shall not be removed without agreement within five years.

Reason: In the interests of the visual amenity of the area and to comply with Policy 29 of the County Durham Plan and Part 12 of the National Planning Policy Framework. Required pre-commencement to ensure that the visual impacts of the proposal are understood before development commences.

5. All planting, seeding or turfing and habitat creation in the approved details of the landscaping scheme shall be carried out in the first available planting season following the practical completion of the development.

No tree shall be felled, or hedge removed until the removal/felling is shown to comply with legislation protecting nesting birds and roosting bats.

Any approved replacement tree or hedge planting shall be carried out within 12 months of felling and removals of existing trees and hedges.

Any trees or plants which die, fail to flourish or are removed within a period of 5 years from the substantial completion of the development shall be replaced in the next planting season with others of similar size and species.

Replacements will be subject to the same conditions.

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

6. Prior to occupation of the dwellinghouse a total of 2 bat roosting opportunities will be provided associated with the southwest facing roof pitch either through the inclusion

of 2 bat slates or through careful pointing to ridge tiles to allow an entrance to a retained space beneath the roof tile. These features will be retained in perpetuity.

Reason: In the interests of mitigation for protected species in accordance with Policy 43 of the County Durham Plan.

7. No external construction works, works of demolition, deliveries, external running of plant and equipment shall take place other than between the hours of 0800 to 1800 on Monday to Friday and 0800 to 1400 on Saturday.

No internal works audible outside the site boundary shall take place on the site other than between the hours of 0730 to 1800 on Monday to Friday and 0800 to 1700 on Saturday.

No construction works or works of demolition whatsoever, including deliveries, external running of plant and equipment, internal works whether audible or not outside the site boundary, shall take place on Sundays, Public or Bank Holidays

For the purposes of this condition, construction works are defined as: The carrying out of any building, civil engineering or engineering construction work involving the use of plant and machinery including hand tools.

Reason: In the interests of protecting residential amenity in accordance with Policy 31 of the County Durham Plan.

8. No development shall commence until a land contamination scheme has been submitted to and approved in writing by the Local Planning Authority. The submitted scheme shall be compliant with the YALPAG guidance and include a Phase 1 preliminary risk assessment (desk top study).

If the Phase 1 assessment identifies that further investigation is required a Phase 2 site investigation shall be carried out, which shall include a sampling and analysis plan. If the Phase 2 identifies any unacceptable risks, a Phase 3 remediation strategy shall be produced and where necessary include gas protection measures and method of verification.

Reason: To ensure that the presence of contamination is identified, risk assessed, and proposed remediation works are agreed in order to ensure the site suitable for use, in accordance with Policy 32 of the County Durham Plan and Part 15 of the National Planning Policy Framework. Required to be pre-commencement to ensure that the development can be carried out safely.

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

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

10. No development shall commence until;

- a) a scheme of intrusive site investigations has been carried out on site to establish the risks posed to the development by past coal mining activity, and;

b) any remediation works and/or mitigation measures to address land instability arising from coal mining legacy, as may be necessary, have been completed on site in full in order to ensure that the site is made safe and stable for the development proposed.

The intrusive site investigations and remedial works shall be carried out in accordance with authoritative UK guidance.

Reason: The undertaking of intrusive site investigations, prior to the commencement of development, is considered to be necessary to ensure that adequate information pertaining to ground conditions and coal mining legacy is available to enable appropriate remedial and mitigatory measures to be identified and carried out before building works commence on site. This is in order to ensure the safety and stability of the development, in accordance with paragraphs 178 and 179 of the National Planning Policy Framework.

11. Prior to the occupation of the development, or it being taken into beneficial use, a signed statement or declaration prepared by a suitably competent person confirming that the site is, or has been made, safe and stable for the approved development shall be submitted to the Local Planning Authority for approval in writing. This document shall confirm the methods and findings of the intrusive site investigations and the completion of any remedial works and/or mitigation necessary to address the risks posed by past coal mining activity.

Reason: The undertaking of intrusive site investigations, prior to the commencement of development, is considered to be necessary to ensure that adequate information pertaining to ground conditions and coal mining legacy is available to enable appropriate remedial and mitigatory measures to be identified and carried out before building works commence on site. This is in order to ensure the safety and stability of the development, in accordance with paragraphs 178 and 179 of the National Planning Policy Framework.

12. No buildings, structures or changes in land levels shall restrict the overland flow route across the rear of the site.

Reason: To ensure that the development does not increase impacts from flooding in the area in accordance with Policy 35 of the County Durham Plan.

13. No development shall commence until measures such as raised floor levels and flood doors have been submitted to and approved in writing by the Local Planning Authority to ensure that the dwelling is flood resilient and the approved details shall be incorporated into the approved design and retained in perpetuity.

Reason: To ensure that the development is flood resilient in accordance with Policy 35 of the County Durham Plan. Required pre-commencement to ensure that these measures are incorporated at build stage.

14. No boundary treatment to the front elevation of the dwelling hereby approved facing south east onto the adopted highway shall exceed a height of 1 metre, with no obstruction to visibility greater than 1 metre in height within 1 metre of the boundary adjacent to the adopted highway.

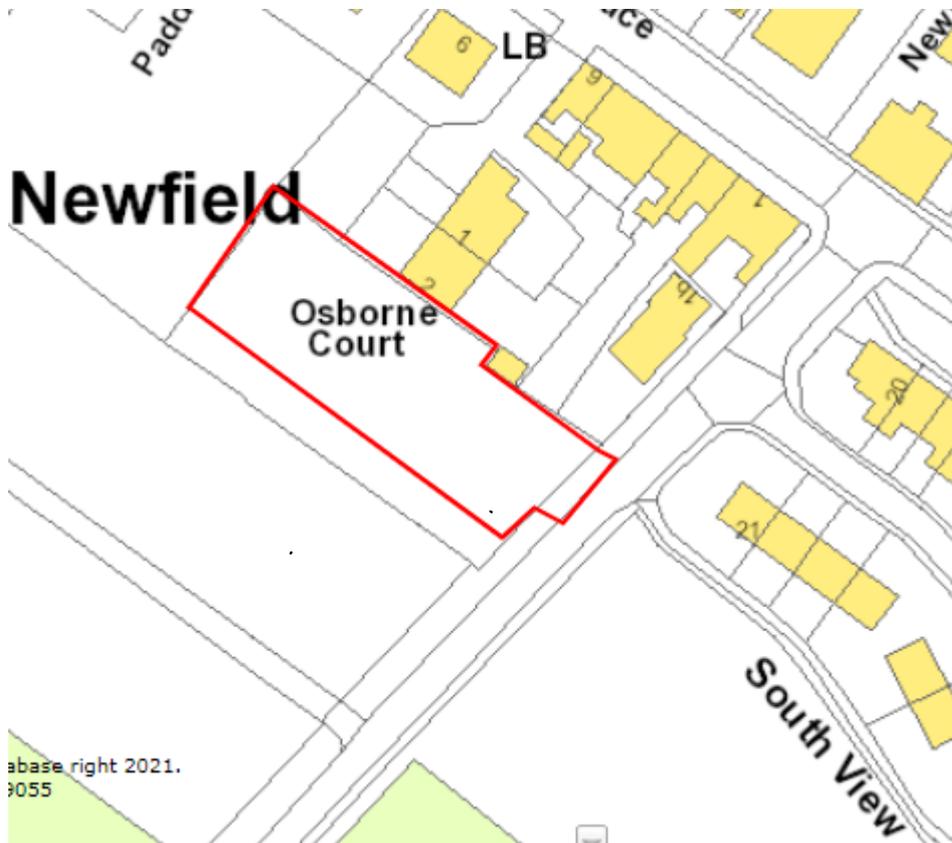
Reason: In interests of highway safety in accordance with Policy 21 of the County Durham Plan and Part 9 of the NPPF.

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 (2019)
National Planning Practice Guidance Notes
The County Durham Plan 2020
Residential Amenity Standards SPD 2020
Statutory, internal, and public consultation responses
Submitted forms, plans and supporting documents



Planning Services

DM/20/03802/FPA

4 Bedroom brick built house with associated amenities

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

Comments

Date 15.06.2021

Scale 1:1250

Planning Services

COMMITTEE REPORT

APPLICATION DETAILS

APPLICATION NO:	DM/21/00690/FPA
FULL APPLICATION DESCRIPTION:	Raising of roof height and installation of dormer windows to create a two-storey dormer bungalow and garage, two storey extension to front and single storey orangery extension to rear.
NAME OF APPLICANT:	Mr Alan Jones
ADDRESS:	55 Lintzford Road, Hamsterley Mill
ELECTORAL DIVISION:	Leadgate and Medomsley Tracey Outhwaite Assistant Planning Officer
CASE OFFICER:	Telephone: 03000 264879 tracey.outhwaite@durham.gov.uk

DESCRIPTION OF THE SITE AND PROPOSALS

The Site

1. The application site is a detached brick-built bungalow located within a residential estate in Hamsterley Mill. The site falls within an Area of High Landscape Value and forms part of a group Tree Preservation Order covering the majority of the properties within the estate. The existing dwelling is a single storey property with garage to the front. It is located to the north western edge of the Hamsterley Mill Estate. The property faces southwards towards an area of woodland that sits between it and the Galley Burn. Structures have been built to the southern boundary of the site between the building and western boundary and is characterised by the large Beech hedgerow that lines the boundary in this location. To the main road (northern boundary) the domestic curtilage is well screened by mature hedgerow, however the western boundary is open overlooking the woodland which is owned by the applicant. This woodland is open to the main road and so the rear elevation of the dwelling is visible from the A694.

The Proposal

2. The proposed works include raising the roof height of the bungalow to create a two storey dormer bungalow, there is to be three dormer windows within the new roof to the rear of the property and a further two dormer windows within the new roof to the front of the property, a pitched roof is also proposed to the existing flat roofed garage. A single storey orangery extension is also proposed to the rear.
3. This application is reported to Committee upon the request of Councillor Stelling who is the ward Councillor for the Ebchester and Medomsley Division stating that the proposals are not suitable for this location and the surrounding houses.

PLANNING HISTORY

4. 1/0000/8207/25222 Detached bungalow and garage Approved 1st January 1992
1/0001/2518/27620 Garage Approved 1st January 1992
1/2003/0910/17634 Felling of one oak tree (tpo 66) Approved 28th October 2003
1/2005/0879/22714 Felling of twelve trees (tpo 66) Approved 21st July 2006
1/2006/0173/24199 Application for a certificate of lawfulness for extension to garden curtilage Refused 28th September 2006
1/2007/0257/60116 Change of use of land from woodland to garden and retention of domestic dog kennel (retrospective) Refused 20th July 2007 Appeal In Progress
1/2007/0832/62637 Felling of three sycamore trees, pruning of three conifer trees, lopping of one stem of a silver birch and one stem of an english holly (tpo 66) Approved 7th December 2007
1/2008/0319/64834 Provision of field gate vehicular access to woodland area Refused 17th July 2008 Appeal Dismissed 20th March 2009
1/2013/0180/86320 Demolition of timber kennel block and erection of replacement garden shed Approved 25th September 2013
1/2013/0192/86352 Felling of one willow tree (tpo 66) Historic withdrawn
1/2013/0460/87130 Felling of one willow tree and planting of replacement (tpo 66) Historic withdrawn
1/2013/0481/87239 Crown reduction of 30% to 1 no rowan tree (tpo 66) Historic withdrawn
1/2013/0482/87240 Felling of one sycamore tree (tpo 66) Historic withdrawn

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 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.
6. 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.
7. The following elements of the National Planning Policy Framework (NPPF) are considered relevant to this proposal:

8. *NPPF Part 2 - Achieving sustainable development.* The purpose of the planning system is to contribute to the achievement of sustainable development and therefore at the heart of the NPPF is a presumption in favour of sustainable development. It defines the role of planning in achieving sustainable development under three overarching objectives – economic, social and environmental, which are interdependent and need to be pursued in mutually supportive ways. The application of the presumption in favour of sustainable development for plan-making and decision-taking is outlined.
9. *NPPF Part 4 - Decision-making.* Local planning authorities should approach decisions on proposed development in a positive and creative way. They should use the full range of planning tools available, including brownfield registers and permission in principle, and work proactively with applicants to secure developments that will improve the economic, social and environmental conditions of the area. Decision-makers at every level should seek to approve applications for sustainable development where possible.
10. *NPPF Part 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:

11. The Government has consolidated a number of planning practice guidance notes, circulars and other guidance documents into a single Planning Practice Guidance Suite. This document provides planning guidance on a wide range of matters. Of relevance to this application is the practice guidance with regards to; conserving and enhancing the historic environment; design; and use of planning conditions.
<https://www.gov.uk/government/collections/planning-practice-guidance>

Local Plan Policy:

12. Paragraph 47 of the NPPF states that planning law requires applications for planning permission to be determined in accordance with the development plan, unless material considerations indicate otherwise. The development plan is the County Durham Plan (CDP). The following CDP policies would be deemed relevant to the determination of the application:
13. *Policy 21 - Delivering Sustainable Transport* - requires all development to deliver sustainable transport by: delivering, accommodating and facilitating investment in sustainable modes of transport; providing appropriate, well designed, permeable and direct routes for all modes of transport; ensuring that any vehicular traffic generated by new development can be safely accommodated; creating new or improvements to existing routes and assessing potential increase in risk resulting from new development in vicinity of level crossings. Development should have regard to Parking and Accessibility Supplementary Planning Document.
14. *Policy 29 - Sustainable Design* – All development proposals will be required to achieve well designed buildings and places having regard to supplementary planning documents and other local guidance documents where relevant, and contribute positively to an area’s character, identity, heritage significance, townscape and landscape features, helping to create and reinforce locally distinctive and sustainable communities.

15. *Policy 31 – Amenity and Pollution* – Development will be permitted where it can be demonstrated that there will be no unacceptable impact, either individually or cumulatively, on health, living or working conditions or the natural environment. Proposals which will have an unacceptable impact such as through overlooking, visual intrusion, visual dominance or loss of light, noise or privacy will not be permitted unless satisfactory mitigation measures can be demonstrated.
16. *Policy 40 – Trees, Woodlands and Hedges* – Proposals for development will not be permitted that would result in the loss or damage to trees of high landscape, amenity or biodiversity value, unless the benefits of the proposal clearly outweigh the harm. Proposals for new development will be expected to retain existing trees where they can make a positive contribution to the locality or to the development.
17. *Residential Amenity Standards SPD (2020)* – Provides guidance on the space/amenity standards that would normally be expected where new dwellings and extensions are proposed.

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/3266/Development-Plan-for-County-Durham>

CONSULTATION AND PUBLICITY RESPONSES

STATUTORY RESPONSES:

18. *Highways Authority – Raise no objections.*

INTERNAL CONSULTEE RESPONSES:

19. *Arboricultural* – The proposed should not require arboricultural information however, it would be prudent that the proposed should comply with NHBC Guidelines chapter 4.2 building near trees with regard to foundation depths.

PUBLIC RESPONSES:

20. The application has been publicised by way of letters to 9 neighbouring residents. 7 letters of objection and concerns have been received. The letters of objection are in relation to:
 - Access and construction being made from the existing driveway.
 - The proposed materials being out of character within the estate.
 - The protection of trees during the construction period.
 - The proportions and detailing being inappropriate to the area.
 - Significant adverse impacts on the area.
 - Increase in height in unacceptable to the established pattern of development at the site within the locality and impacts on neighbour's amenity.

- The extension does not have an acceptable relationship to the host property in design terms, it is considered to be top heavy and does not reflect current layout densities.
- The development is too high, too cumbersome and too big.
- The proposed development is inappropriate as it will unacceptably adversely affect the character, appearance and amenity of the host property and the locality; would lead to unacceptable over-looking, is over-development; and would not result in any net benefit to the County as there are no outweighing material planning considerations in its favour. Furthermore, the development would not be in accord with national guidance within the NPPF and is contrary to extant local planning policies including Policy 29 and Policy 31 of the adopted County Durham Plan 2020.
- Loss of view over wooded area and valley.
- Concerns regarding what precedent may be set by allowing this development.
- Loss of privacy and amenity to neighbouring properties.
- Excessive scale and bulk of the development.
- Not in keeping with properties locally.
- Disruption during the construction period.
- Access onto the estate by large commercial vehicles.
- Restricting working hours of the build and timescale of the build.
- Hamsterley Mill estate is a wooded housing estate with properties sympathetically located on sizeable plots amongst trees. This proposal in its current form is not consistent with the aesthetic and ethos of the estate since the proposed property would dominate the plot and its setting due to its design, height and scale. The planned redevelopment of this property is not in keeping with the character of the estate. To permit this development in its current form would also set an unhealthy and adverse precedent to the Hamsterley Mill estate residents for the inappropriate and over development of existing property footprints.
- Not in keeping with the nature and ethos of Hamsterley Mill estate. The original houses were all of stone or old brick and were absorbed into the countryside. This proposal would make the existing property much too large and tall for the site and be very invasive for neighbouring properties.

APPLICANTS STATEMENT:

21. The applicant has made the following comments in support of the proposal: -

- Access for builders will be via our usual entrance from a private lane off Tollgate Road. There is more than ample parking within the property, so neighbours will not incur any disruption. Most materials will arrive with the relevant tradesmen so delivery vehicles will be minimal, limited to one or two per week at most and certainly no more than four or five throughout the project.

- The existing stone base is being retained, however the existing part of the gable comprised of part stone slip/part artificial stone is being replaced to improve aesthetics. This area is largely obscured from public view by a large mature beech hedge in any case. There are more than a few properties on Hamsterley Mill estate that are devoid of stonework, being either brick, render or a combination of both. To suggest our improvements would be out of character is a fallacy.
- The existing building referred to as a "dog kennel" does not require planning permission as it has already attained it. I am not sure how the objector is unaware of this, as they objected to that planning application too.
- The location plan does not include trees because none are affected by this application.

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=Q8ICQSGDGV100>

PLANNING CONSIDERATIONS AND ASSESSMENT

The Principle of the Development

22. Having regard to the requirements of Section 38(6) of the Planning and Compulsory Purchase Act 2004 the relevant Development Plan policies, relevant guidance and all other material planning considerations, including representations received, it is considered that the main planning issues in this instance relate to the impact upon the character and the appearance of the surrounding area, residential amenity and privacy, trees and Highway safety.

Impact on the character and appearance of the area:

23. Part 12 of the NPPF and Policy 29 of the County Durham Plan seek to ensure good design in new developments which contribute positively to an areas character. The Residential Amenity Standards SPD gives design advice on residential extensions which are designed to safeguard amenity and to respect the character and appearance of the dwelling and locality. The host property benefits from having a large plot and is relatively well screened from neighbours and the surrounding area due to the mature trees and planting within the curtilage of the host property and within the surrounding area.
24. The host property benefits from having a large plot and is relatively well screened from neighbours and the surrounding area due to the mature trees and planting within the curtilage of the host property and within the surrounding area.
25. Comments have been raised from objectors stating that the proposals are not in keeping with properties within the estate, that the development is not consistent with the aesthetics of the estate, is overly dominant in its setting, is inappropriate and adversely affects the character and appearance of the area. Hamsterley Mill Estate is characterised by a wide mix of housing types, styles and materials throughout the estate, each house is unique, no two properties are the same within the estate. Each

property is seen in their own specific context and therefore no precedent has been set regarding design or materials.

26. The development increases the size of the host property to a 4 bedroomed property, it includes raising the roof height from 4.8 metres to 7.25 metres, however it proposed to be a large dormer style bungalow and not a two-storey property. The dormer windows are well proportioned and designed with pitched roofs. The gutter heights remain the same height as they are currently and although it incorporates a relatively steep pitched roof, it is not considered to adversely affect the host property or the surrounding area and is therefore in accordance with Policy 29 of the County Durham Plan.
27. The property is currently a dated bungalow incorporating flat roofs to the garage and link extension, the proposals would introduce pitched roofs to these areas and are considered to be an enhancement to the current property, would be of a reasonable scale and form in relation to the host property and its curtilage and would not appear incongruous within the wider street scene, where many of the properties have been altered and extended.
28. The alterations to the garage include a pitched roof with a total height of 5.24 metres, the garage is currently 2.7 metres high and attached by a link extension to the host property. The link extension will be demolished as part of the scheme with the garage will then become detached from the main property. Amendments were received during the process of the planning application to reduce the height of the garage and remove a dormer window which was proposed which overlooked a neighbouring property. The alterations to the garage are considered to not detract from the character or appearance of the area due to the mixture of development within the Hamsterley Mill Estate.
29. The orangery extension to the rear of the property is considered an acceptable addition, it incorporates a flat roof with roof lantern and is a common addition to domestic properties.
30. Overall, there is no objection to the scheme with the proposals considered to satisfy the provisions of Parts 2, 4 and 12 of the NPPF, Policy 29 of the County Durham Plan. The proposed extensions and alterations would be of a reasonable scale and form in relation to the property and its curtilage and would not appear incongruous within the wider street scene, where many of the properties of Hamsterley Mill have both been altered and extended.

Privacy / Amenity

31. Policy 31 of the County Durham Plan seeks to ensure that new developments provide satisfactory amenity and privacy for new and existing adjacent dwellings. The Council's Residential Amenity Standards SPD offers advice in relation to the minimum privacy distances required to ensure that the privacy and amenity to neighbours is respected.
32. Concerns have been raised from neighbours regarding over-looking and the loss of privacy. The SPD states that 21 metres is the minimum privacy distance required between two storey dwellings which contain windows serving habitable rooms, the proposed development is in excess of 21 metres from the nearest neighbouring properties. It is therefore considered to be fully compliant regarding the required privacy distances to neighbours and it is considered that the scheme would not have an adverse impact upon the amenity or privacy of the neighbours. The proposed development is considered to satisfy the provisions of Policy 31 of the County Durham

Plan and the Residential Amenity Standards SPD in respect to residential amenity considerations.

Arboricultural impact

33. Policy 40 of the County Durham Plan seeks to prevent development that would result in the loss of or damage to trees of high landscape, amenity or biodiversity value. Furthermore, proposals for new development are expected to retain existing trees where they make a positive contribution to the locality or to the development.
34. The trees within Hamsterley Mill Estate are protected under Tree Preservation Order DER-066. There are no tree works proposed as part of the proposals, however, concerns were raised from neighbours regarding the protection of the trees during the construction period. The Councils Tree Officer has commented stating that the application does not require arboricultural information, however, it would be prudent that the proposed development should comply with NHBC Guidelines chapter 4.2 building near trees with regard to foundation depths, an appropriate condition has been imposed.

Highways

35. Policy 21 of the County Durham Plan requires development to have safe and secure access to the adopted highway network in keeping with the proposed use of the development in question.
36. The Council's Highway Authority have been consulted on the proposal and have raised no objections to the proposed development.
37. Neighbour concerns have been raised regarding the access during the construction period by large commercial vehicles. Although the road within the estate and the access road to the host property is narrow, there have been several recent development schemes/extensions within this estate in recent years and one large new build property within the estate, it is considered that the delivering of materials may have been problematic, however clearly possible, therefore no concerns are raised.

Other matters:

38. Objectors have stated that there will be a loss of a view over a wooded area and valley, however, the right to a view is not a material planning consideration when assessing the acceptability of development and the development is not considered to result in an overbearing impact on neighbouring properties.

CONCLUSION

39. The proposals concern the raising of the roof height and the installation of dormer windows to create a two-storey property and detached garage, a two-storey extension to the front is proposed and a single storey orangery extension to the rear. Consideration has been given to the scale and design of the proposed development, it is considered that the proposed development would not appear over dominant or incongruous in this residential setting, where there are a large variety of large properties within this housing estate.
40. Taking all relevant planning matters into account it is considered that the proposals are acceptable given that they accord with both national and local policy.

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 29 of the County Durham Plan.

3. The proposed development should comply with NHBC Guidelines chapter 4.2 building near trees with regard to foundation depths.

Reason - To comply with the Town and Country Planning (Tree Preservation) (England) Regulations 2012, Policy 40 and the Tree Management Policy Document of the County Durham Plan.

4. The detached garage shall be used for purposes incidental to the enjoyment of the dwelling house only and shall not be used for any trade or business purposes or for the repair or maintenance of any vehicles used for commercial purposes.

Reason - In the interests of residential amenity and to comply with Policy 29 of the County Durham Plan.

STATEMENT OF PROACTIVE ENGAGEMENT

41. In accordance with Article 35(2) of the Town and Country Planning (Development Management Procedure) (England) Order 2015, the Local Planning Authority 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.

BACKGROUND PAPERS

The National Planning Policy Framework (2019)
National Planning Practice Guidance Notes
Durham County Plan 2020
Statutory, internal and public consultation responses
Submitted forms, plans and supporting documents



Planning Services

DM/21/00690/FPA

Raising of roof height and installation of dormer windows to create a two-storey dormer bungalow and garage, two-storey extension to front and single storey orangery extension to rear.

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

Comments

Date 15th June 2021

Scale NTS