



## Area Planning Committee (South and West)

**Date** Thursday 17 February 2022  
**Time** 9.30 am  
**Venue** Council Chamber, County Hall, Durham

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### Business

#### Part A

1. Apologies for Absence
2. Substitute Members
3. Declarations of Interest (if any)
4. The Minutes of the Meeting held on 20 January 2022 (Pages 3 - 8)
5. Applications to be determined
  - a) DM/20/01351/OUT - Land To The East Of Sedgefield Community College, Hawthorn Road, Sedgefield (Pages 9 - 32)  
Outline planning application for the erection of up to 14 dwellings, including means of access (all other matters reserved)
  - b) DM/19/01136/OUT - Land to the west of Stobart Terrace, Fishburn (Pages 33 - 58)  
Outline application for residential development of up to 30no. units (22no. shown on submitted plans) – all matters reserved
  - c) DM/21/03498/FPA - Land north of Tintern Road, St Helen Auckland (Pages 59 - 80)  
21no. 2 bed and 2no. 3 bed wheelchair adaptable dormer bungalows with parking and associated landscaping
  - d) DM/21/03713/FPA - Land South Of Village Gate, Howden-le-Wear (Pages 81 - 94)  
Proposed detached dwelling

- e) DM/21/02707/FPA - 47 Newgate Street, Bishop Auckland  
(Pages 95 - 112)

Conversion from ground floor retail (class E) to 2 residential holiday lets short-term lets and on upper levels 8 one and two bedroom apartments for mixed use holiday lets and C3 residential, proposed 3 storey rear extension, balconies to rear, external alterations and partial demolition.

- f) DM/21/02963/FPA - 16 Delaware Avenue, Evenwood,  
Bishop Auckland (Pages 113 - 122)

Detached domestic garage

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  
9 February 2022

To: **The Members of the Area Planning Committee (South and West)**

Councillor G Richardson (Chair)  
Councillor A Savory (Vice-Chair)

Councillors E Adam, J Atkinson, V Andrews, D Boyes, J Cairns,  
L Brown, M McKeon, D Oliver, S Quinn, I Roberts, M Stead,  
A Sterling and S Zair

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**Contact: Kirsty Charlton**

**Tel: 03000 269705**

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**DURHAM COUNTY COUNCIL**

At a Meeting of **Area Planning Committee (South and West)** held in **Council Chamber, County Hall, Durham** on **Thursday 20 January 2022** at **9.30 am**

**Present:**

**Councillor G Richardson (Chair)**

**Members of the Committee:**

Councillors A Savory (Vice-Chair), E Adam, J Atkinson, D Boyes, L Brown, M McKeon, D Oliver, S Quinn, I Roberts and A Sterling

**1 Apologies**

Apologies for absence were received from Councillors J Cairns and M Stead.

**2 Substitute Members**

There were no substitute Members in attendance.

**3 Declarations of Interest**

Councillor Savory declared a non-prejudicial interest in item no. 5a) as a Member of Wolsingham Parish Council and Councillor Quinn declared a non-prejudicial interest in item no. 5c) as the item was within Shildon and Dene Valley's ward boundary, of which she was the elected Member.

**4 Minutes**

The minutes of the meeting held on 16 December 2021 were agreed as a correct record and signed by the Chair.

**5 DM/21/01832/FPA - Land West Of 1 Durham Road, Wolsingham**

The Committee considered a report of the Principal Planning Officer which provided details of an application for the Construction of 20 affordable homes and associated works at Land West Of 1 Durham Road, Wolsingham (for copy see file of minutes).

The Principal Planning Officer provided a detailed presentation of the report and included site location plans, aerial photographs and photographs of the site.

Ms H Heward from Believe Housing spoke in support of the application, reiterating the Principle Planning Officers presentation and endorsing the positives findings. In

summary, the application provided social, environmental and economical benefits and would deliver 100% affordable housing, with the inclusion of two bungalows.

A number of electric vehicle charging points had been included which were over and what was required by policy, as well as various other improvements. The design was to a high standard and quality finish, which was in-keeping with the local area and the site had footpath links to the rest of the community. The development complied with all policy.

Councillor Boyes noted Believe Housings reputation as one of the biggest social housing providers in the north east and strong proven record. This was an area that desperately needed affordable housing and he strongly supported the recommendation and moved approval for the reasons outlined in the report.

Councillor Adam advised that he was also minded to support the recommendation for similar reasons to Councillor Boyes however he was disappointed that despite the Council trying to reduce CO2 emissions, the development did not seem to recognise that and the only recommendation was with regards to sustainable design. With the recent rise in energy costs, he wondered why the developer had not considered any renewable energy that would save the customer money.

Ms Heward advised that whilst she appreciated Councillor Adam's comments, discussions with officers had taken place but the decision had ultimately come down to the financial viability of the site. The developer had made an effort with a fabric first approach by reducing carbon emissions through insulation and increased energy efficiency, with some other aspects such as the provision of electronic vehicle charging points.

Councillor Brown advised that was also going to bring up Policy 29 however she recognised that Wolsingham was short of affordable housing and seconded the recommendation for approval.

Councillor Brown required further details on the rent to buy scheme and the Planning & Development Solicitor advised that although the schemes did vary, properties were initially rented and often the rent was used as deposit to purchase the property at end of certain period. The money that was generated from the sale of the property had to be invested in more properties.

Mr T Winter from Believe Housing confirmed that their rent to buy scheme gave the tenant the opportunity to rent the property at 80% of the market rent for five years but the onus was on the buyer to save the other 20% in order to purchase the property at the end of the scheme. If the tenant did not wish to purchase at the end of the five year period they were able to continue to rent the property.

In response to a further question from Councillor Brown, Mr Winter advised that the money from the sale of their properties had to be used for future affordable housing provision, but there was no requirement to build in the same area.

Councillor Oliver commented on the number of struggling businesses in this area and agreed that it needed affordable housing. In summary he advised that the

location was good, it was within walking distance from the centre of Wolsingham and he supported the application.

Councillor Savory confirmed that she lived near to the site and welcomed the development. Affordable housing was always in great demand in the area and there had been no objection from the Parish Council, nor local residents or businesses which indicated that the local area also welcomed the development.

Councillor Atkinson confirmed that he also supported the scheme.

Councillor S Quinn had arrived during the debate and therefore did not take part in the discussion or decision making with regards to this item.

### **Resolved**

That the application be APPROVED subject to the following s106 agreements and the conditions outlined in the report:-

- 20 Affordable Housing units
- £16,950 offsite footpath improvement works
- £49,662 education contribution
- £34,782 Open Space, Sport and Play Provision contribution
- £3700 Habitat Mitigation

## **6 DM/21/03473/FPA - Land west of Durhamgate Development Centre, Hay Lane, Spennymoor**

The Committee considered a report of the Senior Planning Officer which provided details of an application for Erection of 3 storey 66no. bed residential care home for the elderly with associated works on Land west of Durhamgate Development Centre, Hay Lane, Spennymoor (for copy see file of minutes).

The Senior Planning Officer provided a detailed presentation of the report and included site location plans, aerial photographs and photographs of the site.

Ms T Spencer, Agent, addressed the Committee with regards to the concerns raised by Adult and Health Services about the need for a care home. The vacancies quoted were across the County but the needs assessment that had been conducted by the Applicant was over a 3 mile radius. There were another five care homes in the area with 1 or 2 vacancies, but from the analysis of population in the catchment area and the number of homes in the area, a further 66 beds had been identified.

The company specialised in building care homes which had given them a wealth of experience

From the research that had been done they had indicated that this was a suitable area for a care home and would provide an additional choice of accommodation to meet the needs of the growing elderly population.

Ms Spencer advised that there were other benefits that the development would bring to the area such as the provision of 50-60 jobs.

The Senior Planning Officer reminded Members that competition between care providers and viability was not a material planning consideration, so although the comments made were accepted, they could not be considered when determining the application.

Councillor Boyes referred to comments in the report from Children and Adult Services that referred to the occupancy of 'existing DCC care homes' as he was under the impression that there weren't any.

The Planning and Development Solicitor advised that in terms of the Committee's assessment of the application, Members should not have regard to the comments that were not associated with a material planning consideration.

Councillor Boyes questioned whether the comment should be in the report and the Planning Development Solicitor advised that it was not an issue that would prevent the Committee from determining the application.

In response to a question from Councillor Atkinson, Ms Taylor advised that from the analysis of the area, there had been a number of different age brackets identified and a standard national industry formula used to determine the number of beds, and then a figure was generated based on the need within the area.

Councillor Atkinson confirmed his support for the application.

Councillor Brown advised that the development included the installation of solar panels and ground pumps and commented that the application was supporting the aging population of County Durham and seconded the proposal.

### **Resolved**

That the application be APPROVED subject to the completion of a unilateral undertaking pursuant to S106 to secure a £7700.00 financial contribution and the conditions outlined in the report.

## **7 DM/21/03180/FPA - 9-16 Fir Tree and 22-28 Maple Avenue, Shildon**

The Committee considered a report of the Senior Planning Officer which provided details of an application for Demolition of 24no. apartments and garages and erection of 15no. bungalows at 9-16 Fir Tree and 22-28 Maple Avenue, Shildon, Co Durham (for copy see file of minutes).

The Senior Planning Officer provided a detailed presentation of the report and included site location plans, aerial photographs and photographs of the site.

Councillor Quinn confirmed that she knew the area well and there had been several problems with the flats, which housed predominantly elderly people on the ground

floor with younger people above, which was a mix that did not work. There were some problem areas, prevalent anti-social behaviour and as the Applicant had relocated some of them, the flats remained empty and became difficult to let. They had been boarded up and increased vandalism. The decision to build bungalows was the best way forward in her opinion and she welcomed the site. It was a good location for the bus service, had two local shops and she believed the properties would be more desirable.

Councillor Atkinson had no objections and moved the recommendation for approval as per the Officers report.

Councillor Brown referred to the reference to comply with Policy 29 as the Council were trying to minimise greenhouse gas but agreed that converting flats to bungalows was a better option and seconded the proposal.

The Applicant responded to confirm that the homes would be built to emerging building regulations and would have 38% carbon reduction which was an improvement on the current standards. In addition they would all be installed with low carbon heaters and as the Applicant was aware that the cost of electric was higher than gas, solar panels would be installed to offset the additional cost. The Applicant was also hoping to make two properties zero carbon and include battery storage from solar panels.

Councillor Roberts agreed that the development would enhance the area and provide housing for elderly. She was also aware of the anti-social behaviour in the area and therefore supported the application.

As a former Director of a housing board, Councillor Boyes, was aware of how tight budgets were and although it would be more desirable to build 100% green properties, developers had to go with what they could afford. He also supported the application.

Councillor Oliver confirmed his support for the application which would be an improvement in comparison to the existing housing and he welcomed the provision of bungalows.

### **Resolved**

The application be APPROVED subject to the completion of a Section 106 Obligation to secure the following, and the conditions outlined in the report;

- Provision of 10% affordable housing on site in perpetuity

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# COMMITTEE REPORT

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## APPLICATION DETAILS

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<b>APPLICATION No:</b>	<b>DM/20/01351/OUT</b>
<b>FULL APPLICATION DESCRIPTION:</b>	<b>Outline planning application for the erection of up to 14 dwellings, including means of access (all other matters reserved)</b>
<b>NAME OF APPLICANT:</b>	<b>Durham County Council</b>
<b>ADDRESS:</b>	<b>Land To The East Of Sedgefield Community College Hawthorn Road Sedgefield</b>
<b>ELECTORAL DIVISION:</b>	<b>Sedgefield</b>
<b>CASE OFFICER:</b>	<b>Barry Gavillet Senior Planning Officer 03000 261958 <a href="mailto:barry.gavillet@durham.gov.uk">barry.gavillet@durham.gov.uk</a></b>

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## DESCRIPTION OF THE SITE AND PROPOSALS

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Site:

1. This site is surplus to requirements of the County Council and is located to the south of Sedgefield Community College, off Butterwick Road. It covers an area of open grazing land of approximately 1.1ha. To the west of the site is the Community College, to the north and east are agricultural fields whilst to the south and south west are existing residential properties.
2. The site is in a desirable location within a strong housing market area. The existing site has been used as a spoil store when the new community college was built. This has had the effect of the site being at a higher level than the adjacent Butterwick Road. Due to topography and access requirements the developable site area has been reduced to 0.8ha. Access is currently achieved from the south west, off Butterwick Road. This area also provides the main access for buses and delivery vehicles associated with the College. The site has been assessed as being suitable for residential purposes through the Strategic Housing Land Availability Assessment (SHLAA). The site has good accessibility to Durham City (c.5.5km) and community facilities within Sedgefield itself. The edges of the site feature mature and semimature trees and hedges which help to integrate it into the surrounding landscape. The site boundaries currently comprise metal and wooden fencing in the north, wooden fencing and mature trees in the east, an open grassy boundary in the south and metal fencing on the western boundary.

Proposal:

3. Outline planning permission is sought for the erection of 14 no. dwellings with all matters reserved apart from access. The indicative drawings show dwellings would be

detached, two storeys, with gardens and garaging and associated parking. Access would be taken from Butterwick Road, at the south western end of the site. A SUDS pond would be located to the south west of the site. At present the application is in outline form only so the final detail of the design and scale of the properties would be assessed at reserved matters stage should this application be approved.

4. It is proposed to retain the majority of hedgerows and boundary trees to the southern boundary and protect these during the course of the development although some would need to be removed to achieve the visibility splay for the highways access point.
5. The application is being reported to committee as it constitutes a major development and at the request of Sedgefield Town Council.

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## **PLANNING HISTORY**

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6. DM/19/02831/OUT - 12 Dwellings (outline with details of access only). Application withdrawn

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## **PLANNING POLICY**

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### **NATIONAL POLICY:**

7. A revised National Planning Policy Framework (NPPF) was published in July 2021. The overriding message continues to be that new development that is sustainable should go ahead without delay. 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.
8. In accordance with Paragraph 219 of the National Planning Policy Framework, existing policies should not be considered out-of-date simply because they were adopted or made prior to the publication of this Framework. Due weight should be given to them, according to their degree of consistency with the Framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given). The relevance of this issue is discussed, where appropriate, in the assessment section of the report. The following elements of the NPPF are considered relevant to this proposal.
9. *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 decisionmaking is outlined.
10. *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. Decisionmakers at every level should seek to approve applications for sustainable development where possible.

11. *NPPF Part 5 – Delivering a wide choice of high quality homes.* The Government advises Local Planning Authority's to deliver a wide choice of high quality homes, widen opportunities for home ownership and create sustainable, inclusive and mixed communities.
11. *NPPF Part 6 – Building a strong, competitive economy.* The Government is committed to ensuring the planning system does everything it can to support sustainable economic growth. Planning should operate to encourage and not act as an impediment to sustainable growth. Therefore, significant weight should be placed on the need to support economic growth through the planning system.
12. *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.
13. *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.
14. *NPPF Part 11 Making Effective Use of Land.* Planning policies and decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions. Strategic policies should set out a clear strategy for accommodating objectively assessed needs, in a way that makes as much use as possible of previously-developed or 'brownfield' land.
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 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.
17. *NPPF Part 15 - Conserving and enhancing the natural environment.* Planning policies and decisions should contribute to and enhance the natural and local environment.
18. *NPPF Part 16 - Conserving and Enhancing the Historic Environment.* Heritage assets range from sites and buildings of local historic value to those of the highest significance, such as World Heritage Sites which are internationally recognised to be of Outstanding Universal Value. These assets are an irreplaceable resource and should be conserved in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of existing and future generations.

## NATIONAL PLANNING PRACTICE GUIDANCE:

19. The Government has consolidated a number of planning practice guidance notes, circulars and other guidance documents into a single Planning Practice Guidance Suite. This document provides planning guidance on a wide range of matters. Of particular relevance to this application is the practice guidance with regards to; air quality; historic environment; design process and tools; determining a planning application; flood risk; healthy and safe communities; land affected by contamination; housing and economic development needs assessments; housing and economic land availability assessment; light pollution; natural environment; neighbourhood planning; noise; open space, sports and recreation facilities, public rights of way and local green space; planning obligations; travel plans, transport assessments and statements; use of planning conditions; and; water supply, wastewater and water quality.

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

## LOCAL PLAN POLICY:

### The County Durham Plan

20. *Policy 6 Development on Unallocated Sites* - states that the development of sites within the built up area that are not allocated in the plan or in a neighbourhood plan will be permitted provided they accord with all relevant development plan policies and meet specific criteria in relation to existing permitted uses, coalescence of settlements, loss of land with identified value such as in relation to ecology or recreation, is appropriate, is not prejudicial to highway safety, has good access to sustainable modes of transport to relevant services and facilities, does not result in the loss of the settlements last community building, minimises vulnerability and provides resilience to impacts resulting from climate change, maximises the effective of previously developed land and where appropriate reflects priorities for urban regeneration.
21. *Policy 10 Development in the Countryside* - Development in the countryside will not be permitted unless allowed for by specific policies in the Plan, relevant policies within an adopted neighbourhood plan relating to the application site or where the proposal relates to one or more of the following exceptions; economic development, infrastructure development or the development of existing buildings. New development in the countryside must accord with all other relevant development plan policies and general design principles.
22. *Policy 15 Addressing Housing Need* - notes the need to increase the range and quality of housing provision within the County and with regard to meeting the needs of older people and people with disabilities states that 66% of dwellings on sites of 5 dwellings or more must be built to Building Regulations M4(2) (accessible and adoptable dwellings) standard.
23. *Policy 19 Type and Mix of Housing* - Advises that on new housing developments the council will seek to secure an appropriate mix of dwelling types and sizes, taking account of existing imbalances in the housing stock, site characteristics, viability, economic and market considerations and the opportunity to facilitate self build or custom build schemes.
24. *Policy 21 Delivering Sustainable Transport* - states that all development shall deliver sustainable transport by (in part) ensuring that any vehicular traffic generated by new development, following the implementation of sustainable transport measures, can be safely accommodated on the local and strategic highway network and does not cause

an unacceptable increase in congestions or air pollution and that severe congestion can be overcome by appropriate transport improvements.

25. *Policy 25 Developer Contributions* - Advises that any mitigation necessary to make the development acceptable in planning terms will be secured through appropriate planning conditions or planning obligations. Planning conditions will be imposed where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects. Planning obligations must be directly related to the development and fairly and reasonably related in scale and kind to the development.
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. 34.
27. *Policy 29 Sustainable Design* - details general design principles for all development stating that new development should contribute positively to an area's character, identity, heritage significance, townscape and landscape features, helping to create and reinforce locally distinctive and sustainable communities.
28. *Policy 31 - Amenity and Pollution* - states that new development will be permitted where it can be demonstrated that there will be no unacceptable impact, either individually or cumulatively, on health, living or working conditions or the natural environment and should be integrated effectively with any existing business and community facilities.
29. *Policy 32 Despoiled, Degraded, Derelict, Contaminated and Unstable Land* - states [in part] that development will not be permitted unless the developer can demonstrate that the site is suitable for the proposed use, and does not result in unacceptable risks which would adversely impact on the environment, human health and the amenity of local communities.
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 be permitted where they would not cause unacceptable harm to the character, quality or distinctiveness of the landscape, or to important features or views and that development affecting valued landscapes will only be permitted where it conserves, and where appropriate enhances, the special qualities of the landscape, unless the benefits of the development in that location clearly outweigh the harm.

33. *Policy 40 Trees, Woodlands and Hedges* - states that proposals will be expected to retain existing trees where they can make a positive contribution to the locality or to the development, maintain adequate standoff distances between them and new land-uses, including root protection areas where necessary, to avoid future conflicts, and integrate them fully into the design having regard to their future management requirements and growth potential.
34. *Policy 41 Biodiversity and Geodiversity* - states that proposal for new development will not be permitted if significant harm to biodiversity or geodiversity resulting from the development cannot be avoided, or appropriately mitigated, or as a last resort, compensated for.
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.
36. *Policy 44 Historic Environment* - Seeks to ensure that developments should contribute positively to the built and historic environment and seek opportunities to enhance and, where appropriate, better reveal the significance and understanding of heritage assets. The policy advises on when harm or total loss of the significance of heritage assets can be accepted and the circumstances/levels of public benefit which must apply in those instances.

## **NEIGHBOURHOOD PLAN:**

### Sedgefield Neighbourhood Plan 2019

37. *Policy G1a - Development within the Built-up Area Boundary.* For the purposes of this policy the term development includes new build, changes of use and extensions but not householder development. Development within the Built-up Area Boundary will be supported providing it accords with national and local planning policies.
38. *Policy H1 - Older persons housing.* To enable the needs of the ageing population to be met, at least 10% of private or intermediate housing on sites of 10 units or more shall, in relation to design and house type, increase the housing options of older people.
39. *Policy H2 - Design, Style and Density of Housing.* All development proposals must: Demonstrate good design principles that respond to local character and distinctiveness; deliver a density of housing that is appropriate for the local setting and historic character but where these issues are not predominant makes effective use of land; and utilise appropriate materials.
40. *Policy E1 - Visual & Spatial Impact.* Development should enhance the visual and spatial characteristics of the plan area. In particular development should respect significant views of designated and non-designated heritage assets and views referred to in the Sedgefield Conservation Area Appraisal. These views should be protected

from significant intrusive development which has a demonstrable impact on the character of the heritage asset or area.

*The above represents a summary of those policies considered relevant. The full text, criteria, and justifications can be accessed at: <http://www.durham.gov.uk/article/3266/Development-Plan-for-County-Durham> (Adopted County Durham Plan) and <https://www.durham.gov.uk/media/9008/Sedgefield-neighbourhood-plan-draft-submission/pdf/SedgefieldNeighbourhoodPlan-DraftSubmission.pdf?m=636860985008770000> (Adopted Sedgefield Neighbourhood Plan)*

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## **CONSULTATION AND PUBLICITY RESPONSES**

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### **STATUTORY RESPONSES:**

41. *Sedgefield Town Council* – object to the planning application. They state that the planning application has no regard for the policies relating to type of housing, density of housing and quality of housing as contained in the Town's formally adopted neighbourhood plan and there is a high likelihood that there could be four and five bedroom homes on this site together with a potential rise in associated vehicles.
42. Sedgefield Town Council does not agree that the increase of traffic from this development will not have a severe impact on highway capacity and safety. There are at least 11 coaches, including single and double deck, as well as private hire taxis and private vehicles travelling to and from the school twice a day, and when this happens there is no room for any form of emergency vehicle to access properties along St Edmunds Green. They state it is very clear that this application would generate considerable additional traffic which would exacerbate further an already significant problem with traffic along Butterwick Road, and increase the emissions from traffic along Butterwick Road leading to St Edmunds Green, and the Community College, and also the feeder roads of The Lane, and East End. They go on to state that it is also important to take into account the recent planning approval for Sedgefield Community College which will generate increased visitors to the school, some of whom will inevitably access the College via East End, even though they are being directed to use the alternative entrance on Hawthorn Road suggesting they may use The Lane for access. East End is already extremely congested and almost all residents have to park their vehicles on this road, outside of their properties, adding to the congestion problem. They also have concerns about air pollution stating that the Durham County Council Air Quality Annual Status Report acknowledges the seriousness of air pollution from traffic, however, there is no evidence that such an impact assessment has been carried out on the development now being proposed in this planning application and the Town Council questions why this has been overlooked.
43. It is also noted that within this planning application there is no indication as to how footpaths and access to the Town's centre would be effectively achieved in ways other than via vehicular traffic, in particular safe cycling to encourage other modes of transport to and from school.
44. The Town Council also query where the financial contributions toward education would be allocated and that the application should be determined by the planning committee.
45. *Highway Authority* –have commented that the applicant has supplied speed survey data which confirms that the visibility splays are acceptable and that the applicant has

also provided the additional features requested. On this basis they have no objection to the proposals.

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

46. Archaeology - Investigations in recent years have shown that Sedgefield and surrounding areas were an area of intense settlement in the Iron Age and Roman periods. Consequently, it is recommended that conditions are applied so that investigations are conducted to determine the archaeological potential of the proposed development site and the form of any mitigation works required subsequently.
47. *Landscape and trees* - The submitted proposals would result in the loss of a couple of trees for the new estate access road. These trees are small in stature and are not significant in the landscape and their loss would have no significant impact on local amenity. Any loss of existing trees should be mitigated through a robust tree planting scheme. They further comment that the proposed access and associated sightlines would require removal of some established - mostly hedgerow – vegetation although the effects of this would not be significant. The vegetation could be replaced with trees on a grass bank planted with spring bulbs as it is further along the road. This would be the most appropriate treatment where the development would face onto existing houses and gardens giving it an urban character whilst encouraging lower vehicle speeds, with denser vegetation to maintain a rural character to the east.
48. *Environment, Health and Consumer Protection (Nuisance)* – Raise no objections subject to a condition requiring submission of a Construction Management Plan. In addition to this, a noise report has been submitted which demonstrates the tonality was identified at 4000 kHz at around 29dB. It is not known what is attributable to this sound. Given what maybe regarded a low level of the sound, it is envisage façade of the buildings and windows will provide sufficient noise attenuation to bring it within reasonable parameters. Therefore officers would expect a condition be affixed requiring as suitable noise mitigation scheme be provided to be discharged at reserved matters stage. Finally in terms of light, based on the school switching off the flood lighting before 2300 hrs, which is believed to be the operation procedure, the submitted lighting assessment identifies light levels to fall below 10 lux for pre-curfew level which is acceptable.
49. *Drainage* - The proposal complies with National Standards and Council Policies in providing sustainable surface water management solutions and ensuring the prevention of flood risk to and from the proposed development. They confirm that the Lead Local Flood Authority have no objections subject to the proposed development being implemented in accordance with the Flood Risk Assessment and Drainage Strategy.
50. *Environment, Health and Consumer Protection (Contaminated Land)* – Officers have commented that topsoil samples are not considered sufficient to demonstrate the soils on site are suitable for re-use in garden areas given the number of properties proposed. As a result further testing is required either in-situ or in stockpile or testing of any imported soils to site is required and therefore conditions are required. In addition, given gas protection measures are required a remediation strategy including details of the gas protection system and a verification plans are required prior to commencement of the development.
51. *Ecology* – no objections subject to a financial contribution to contribute to biodiversity improvements in the locality.
52. *Northumbrian Water* – Do not object, but comment that the planning application does not provide sufficient detail with regards to the management of foul and surface water

from the development for Northumbrian Water to be able to assess their capacity to treat the flows from the development and have therefore requested a condition which should provide further detail of foul and surface water drainage before commencement.

53. *Design and Conservation* – Officers confirm that the applicant has now included an assessment of local character within the design code, identifying the positive elements of the local vernacular and recent contemporary development which sets a precedent for future development in the area. Any development of the site should reference local character when developing detailed designs at reserved matters stage.
54. *Affordable Housing* – Officers agree that 20% affordable housing is required as the site is within a higher value area, this could be in the form of on or off-site provision.
55. *Education* – A contribution is required of £88,218 for additional accommodation in primary schools and £49,662 for secondary schools. These funds would be directed to Sedgefield Community College, Sedgefield Primary and Hardwick Primary Schools.

#### **PUBLIC RESPONSES:**

56. The application was advertised in the local press, by site notice and by direct notification to neighbouring properties.
57. *NHS* – The NHS have responded and commented that in this case, the increase in resident population should not have a material effect on the local GP surgeries and their abilities to provide care.
58. 7 letters of objection have been received from surrounding residents. Residents raise concerns regarding an increase in traffic and state that the access is dangerous. There is also concern about the construction traffic whilst the development is ongoing along with general highway safety concerns and request that a speed survey is carried out. Other concerns are that affordable housing is needed in the area and that there is pressure on local amenities. Finally, there are concerns about the levels and that drainage would be an issue on and near to the site. These concerns are addressed later in the report and have been assessed by officers.

*The above is not intended to repeat every point made and represents a summary of the comments received on this application. The full written text is available for inspection on the application file which can be viewed at:*

<https://publicaccess.durham.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=QVX97IGDH3O00>

#### **APPLICANTS STATEMENT:**

59. This is an opportunity to unlock a 1.05ha brownfield site at Butterwick Lane, Sedgefield for a small scale housing development that could deliver up to 14 homes. Proposals that explore custom and self build delivery models on the site would be welcomed.
60. The edge of village location is in a residential area adjacent to the village secondary school, Sedgefield Community College. The site presents a sustainable location with good walking routes to the village centre and all its services including retail and employment. The site is well connected by road, near to the A689 and A177, and with frequent bus services to neighbouring settlements and employment centres including Durham city, Stockton and Tees Valley.
61. The former site was part of the Sedgefield Community College before its redevelopment in 2011. Since then it has remained undeveloped, with a SUDs for the school to its

western boundary. By securing outline planning for housing, with a design code to ensure any development will be in keeping with the village design vernacular, the visual amenity of the site will be maximised whilst continuing to support the diverse housing mix within the village and further stimulating the economic growth of Sedgfield.

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## **PLANNING CONSIDERATIONS AND ASSESSMENT**

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62. 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 as an outline application with all matters reserved apart from access raised relate to the principle of development, highways, design and layout of the development, landscape, drainage, ecology and other matters including representations received.

### Principle of the Development

63. Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The NPPF is a material planning consideration. The County Durham Plan (CDP) is the statutory development plan and the starting point for determining applications as set out in the Planning Act and reinforced at Paragraph 12 of the NPPF. The CDP was adopted in October 2020 and provides the policy framework for the County up until 2035. Paragraph 11 of the NPPF establishes a presumption in favour of sustainable development.

64. For decision taking this means:-

c) approving development proposals that accord with an up to date development plan without delay; or

d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:

i) the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or,

ii) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

65. The site is located within the Built-up Area Boundary which is designated under Policy G1a of the Sedgfield Neighbourhood Plan (SNP). This informs that development will be supported providing it accords with national and local planning policies. As the site is not allocated in the CDP, the principle is therefore assessed against Policy 6 of the CDP in the first instance. This includes a range of criteria that proposals must align with. Proposals must also satisfy a range of further policy requirements set down in the SNP and the CDP. SNP Policies H1, H2 and E1 are of relevance. Within the CDP, Policies 15, 21, 25, 26, 27, 29, 31, 32, 35, 36, 40, 41 and 56 are engaged as a minimum for considering residential development proposals, both in outline and for more detailed schemes.

66. In relation to Policy 6 it sets out the following criteria:

67. The development of sites which are not allocated in the Plan or in a Neighbourhood Plan which are either (i) within the built-up area; or (ii) outside the built-up area (except where a settlement boundary has been defined in a neighbourhood plan) but well related to a settlement, will be permitted provided the proposal accords with all relevant development plan policies and:
- a. is compatible with, and is not prejudicial to, any existing, allocated or permitted use of adjacent land;
  - b. does not contribute to coalescence with neighbouring settlements, would not result in ribbon development, or inappropriate backland development;
  - c. does not result in the loss of open land that has recreational, ecological or heritage value, or contributes to the character of the locality which cannot be adequately mitigated or compensated for;
  - d. is appropriate in terms of scale, design, layout, and location to the character, function, form and setting of, the settlement;
  - e. will not be prejudicial to highway safety or have a severe residual cumulative impact on network capacity;
  - f. has good access by sustainable modes of transport to relevant services and facilities and reflects the size of the settlement and the level of service provision within that settlement;
  - g. does not result in the loss of a settlement's or neighbourhood's valued facilities or services unless it has been demonstrated that they are no longer viable;
  - h. minimises vulnerability and provides resilience to impacts arising from climate change, including but not limited to, flooding;
  - i. where relevant, makes as much use as possible of previously developed (brownfield) land; and
  - j. where appropriate, it reflects priorities for urban regeneration.
68. In terms of townscape and landscape implications the key considerations are the relationship to the settlement pattern and form, as development would extend the settlement eastwards toward the open countryside, so the issue is whether the development of the site would be a natural extension to the settlement or whether it would unacceptably affect the landscape character of the countryside. It is also necessary to appraise the merits of this proposal against considerations such as the proximity to services and facilities, other buildings and built up areas as well as other judgements such as its sustainability in terms of location in the countryside and access to sustainable transport options.
69. It is considered that the development of the application site would not be in conflict with Policy 6 as it is well-related to the settlement, close to the existing college and housing to the south and west, it would not significantly affect the landscape character and is an acceptable distance to local community facilities, services and sustainable transport links.
70. CDP Policy 10 relates to development in the countryside and advises that development will not be permitted unless allowed for by specific policies in the Plan.

The proposed development is considered to be one of these forms of development as it is allowed for by policy 6.

#### Five-year housing land supply

71. It was established under the adoption of the CDP that the Council can demonstrate in excess of 5 years housing land supply (6.33 years). In accordance with paragraph 74 of the NPPF, a five-year supply of deliverable housing sites, with the appropriate buffer can be demonstrated and therefore delivery of houses in this location is not considered a significant benefit.
72. In summary, the proposals are considered to be in accordance with Policies 6 and 10 of the CDP and the aims of the NPPF and are therefore acceptable in principle.

#### Addressing Housing Need

73. Policy 15 of the CDP states that affordable housing will be sought on sites of 10 or more units, for up to 25% of units in the highest value areas to 10% in the lowest. On sites of 10 or more units, 10% of the homes provided should be for affordable home ownership (starter homes, discount market sale housing and other affordable routes to home ownership). Any contribution above 10% should be provided as affordable housing for rent. As this site is within a higher value area, this development would require 20% affordable housing in the form of affordable home ownership and affordable rent. The applicant has agreed to provide the requisite provision of affordable housing. However, as the council are both the applicant and the local planning authority, a S106 legal agreement cannot be used as the mechanism to secure the affordable housing. Therefore, legal officers have previously advised that as the Council as landowner can control delivery, an appropriate mechanism to secure the affordable housing would be the land sale documentation when the Council sells the land to a developer. Accordingly, the financial contribution equivalent of 20% affordable housing can be extracted and secured in this way, although slightly less weight can be given to this than would be the case if secured by S106 obligation. These monies can then be utilised to provide the 20% affordable housing either on site or offsite.
74. Policy 15 of the CDP and policy H1 of the Sedgefield Neighbourhood Plan (SP) also aim to meet the needs of older people and people with disabilities. On sites of 10 units or more, a minimum of 10% of the total number of dwellings on the site are required to be of a design and type that will increase the housing options of older people. Policy 15 also requires that 66% of housing meets the building regulations M4(2) accessible and adaptable homes standard. These would be secured through condition.

#### Minerals Safeguarding

75. The Spatial Policy Team have considered the proposal and would not wish to raise an objection on the grounds of CDP Policy 56. While the application site is underlain by deposits of glacial sand and gravel its close proximity to Sedgefield Community College and nearby dwellings in effect means that it would not be ever be suitable for minerals extraction.

#### Highway Safety and Access

76. The Highway Authority have assessed the application and consider that there would be no significant or severe impact on the highway network. The applicant has supplied speed survey data which confirms that the visibility splays are acceptable. The applicant has also provided the additional features requested including footway

improvements. The results of the speed survey are noted and the visibility splays of 2.4 x 43 metres are acceptable and on this basis offer no objection from a highways perspective.

77. It is considered that the development would not be prejudicial to highway safety or have a severe cumulative impact on network capacity as advised by highway officers. In addition, it is considered that the location of the development is broadly sustainable and would have good and improved pedestrian links and access to public transport enabling links to local services and facilities. Whilst it is noted that objectors are particularly concerned about the application in relation to highways impacts the Highway Authority considers that an objection on highway safety grounds could not be sustained and as such offers no objection to the application subject to the inclusion of planning conditions to ensure the access accords with the submitted and accepted proposals and cycle and EV parking provision. Therefore, the proposals would comply with policies 6 and 21 of the CDP and part 9 of the NPPF.

#### Layout, Design and Scale

78. This application seeks outline planning permission for a residential development of up to 14 units. The appearance, scale and layout of the development are reserved matters which would be assessed in detail should it progress to that stage. However, the applicant has submitted indicative drawings showing the proposed layout of the development.
79. Policy 29 of the CDP outlines that development proposals should contribute positively to an area's character, identity, heritage significance, townscape and landscape features, helping to create and reinforce locally distinctive and sustainable communities. Parts 12 and 15 of the NPPF also seek to promote good design, while protecting and enhancing local environments. Paragraph 130 of the NPPF also states that planning decisions should aim to ensure developments function well and add to the overall quality of the area and establish a strong sense of place, using streetscapes and buildings to create attractive and comfortable places to live, work and visit. Policy H2 of the SP is a housing design policy and amongst its advice requires housing to be of good design, responding to local character and distinctiveness. As the application is in outline, this application would not approve the final layout, design, appearance of landscaping of the scheme. Those matters would be addressed in detail at the reserved matters stage. The application is accompanied by an indicative layout and Design Code seeking to establish design principles and parameters which the reserved matters would be expected to take forward in the final detailed design. Should the development progress to a detailed stage, the applicant should ensure the principles are taken forward and adhere to the assessment of the characteristics of the area which has been provided, ensuring proposals respond to the positive elements of the local vernacular, resulting in development which is of locally inspired or otherwise distinctive design. In addition, parking should be well-integrated with buildings, so it does not dominate the street scene or impact on the ability of the street to function as a social space.
80. With regards to separation distances, it is considered that the minimum requirements stated in the Council's Residential Design Supplementary Planning Document could be achieved, and that residential amenity for future occupiers would be sufficient as indicated in the design guide and indicative layout plan. This would be assessed in detail should the application progress to reserved matters stage.
81. Overall, it is considered that the indicative proposals are acceptable in terms of appearance, layout, scale and landscaping and would result in a good quality development with no adverse impacts on existing occupiers. The proposals are

considered to be in accordance with the relevant National and Local Plan policies along with the adopted Supplementary Planning Document, policies 6 and 29 of the CDP, policy H2 of the SNP and part 12 of the NPPF.

## Drainage

82. Policies 35 and 36 of the CDP relate to flood water management and infrastructure. Policy 35 requires development proposals to consider the effects of the scheme on flood risk and ensure that it incorporates a Sustainable Drainage System (SuDs) to manage surface water drainage. Development should not have an adverse impact on water quality. Policy 36 seeks to ensure that suitable arrangements are made for the disposal of foul water.
83. The submitted Flood Risk Assessment confirms that the development lies in Flood Risk Zone 1 and at the lowest potential risk from flooding. The submitted drainage strategy has been reviewed by the Lead Local Flood Authority who consider that it meets the principles of the requirements of Policy 35 in terms of disposal and treatment of surface water run-off from the site. They request that the strategy and detailed design is conditioned as part any approval to ensure that the development adheres to these principles. Northumbrian Water have previously requested that a condition is imposed on any planning permission to ensure the submission of details of the foul water drainage.
84. It is considered that the development would not result in an unacceptable flood risk and development is therefore compliant with Policies 35 and 36 of the CDP and Part 14 of the NPPF.

## Landscape and Heritage

85. Landscape officers consider that the indicative housing layout would appear to have capacity to accommodate a fully integrated Landscape Scheme which should be conditioned.
86. The submitted proposals would result in the loss of a couple of trees for the new estate access road. These trees are small in stature and are not significant in the landscape and their loss would have no significant impact on local amenity. Any loss of existing trees should be mitigated through a robust tree planting scheme. Landscape officers further comment that the proposed access and associated sightlines would require removal of some established, mostly hedgerow vegetation although the effects of this would not be significant. The vegetation could be replaced with trees on a grass bank planted with spring bulbs as it is further along the road. This would be the most appropriate treatment where the development would face onto existing houses and gardens giving it an urban character whilst encouraging lower vehicle speeds, with denser vegetation to maintain a rural character to the east.
87. In terms of policy 6 of the CDP the following criteria would need to be met;  
  
that the proposals:  
  - b. does not contribute to coalescence with neighbouring settlements, would not result in ribbon development, or inappropriate backland development;
  - c. does not result in the loss of open land that has recreational, ecological or heritage value, or contributes to the character of the locality which cannot be adequately mitigated or compensated for;

d. is appropriate in terms of scale, design, layout, and location to the character, function, form and setting of, the settlement;

88. Policy 39 of the County Durham Plan states proposals for new development will 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 would be expected to incorporate appropriate measures to mitigate adverse landscape and visual effects. Policy 40 seeks to avoid the loss of existing trees and hedgerows unless suitable replacement planting is provided.
89. Policy E1 of the SP relates to visual and spatial impact and amongst its advice states that development should enhance the visual and spatial characteristics of the plan area.
90. It is considered that the proposals with appropriate conditions would be in accordance with the above criteria as they do not contribute to coalescence, result in ribbon or backland development; the character and locality is not significantly affected and forms a logical extension to the existing built form of development and it is appropriate to the form and setting of the settlement subject to conditions. Therefore, the proposals are considered to be in accordance with policies 6, 29, 39 and 40 of the CDP, policy E1 of the SP and parts 12 and 15 of the NPPF.
91. Policy 44 of the CDP expects development to sustain the significance of designated and non-designated heritage assets, including any contribution made by their setting. It requires development proposals to contribute positively to the built and historic environment and should seek opportunities to enhance and, where appropriate, better reveal the significance and understanding of heritage assets whilst improving access where appropriate. Development which leads to less than substantial harm to a designated heritage asset will be weighed against the public benefits of the proposal. Development which leads to substantial harm to, or total loss of, the significance of a designated heritage asset will only be acceptable where it can be demonstrated that it is necessary to achieve substantial public benefits that outweigh that harm or loss, or where number of criteria set out in the policy all apply. Policies E1 and E4 of the SNP provide similar advice in respect to protecting heritage assets and both the CDP and SNP advice is reflective of Part 16 of the NPPF.
92. The site does not contain nor is immediately adjacent to any designated heritage assets. On approaches in Sedgefield from Butterwick Road some views of the Grade I listed Church of St Edmund within Sedgefield Conservation Area are available. However, with landscape features on the site edges being predominantly retained it is considered that no impact of any significance nor any harm upon the Church of St Edmund or conservation Area would occur. With no harm caused to the Conservation Area or listed buildings no conflict is considered to occur with the statutory duties under the Planning (Listed Buildings and Conservation Areas) Act 1990 to pay special attention to the desirability of preserving or enhancing the character and appearance of a conservation area and to have special regard to the desirability of preserving listed buildings or their setting or any features of special architectural or historic interest that they possess. Conditions would be attached to any approval in respect to archaeological matters.

## Ecology

93. Part 15 of the NPPF seeks to ensure that developments protect and mitigate harm to biodiversity interests, and where possible, improve them. In particular paragraph 175 requires the planning system to achieve measurable net gains for biodiversity. Policy 41 displays a broad level of accordance with approach stating that new development

will be expected to minimise impacts on biodiversity by retaining and enhancing existing biodiversity assets and features and providing net gains for biodiversity including by establishing coherent ecological networks. CDP Policy 43 seeks to protect designated ecological sites and minimise impacts upon protected species.

94. Ecology Officers have reviewed the Ecological Assessment and are satisfied with the results and conclusions. It is recommended that the Mitigation and Enhancement detailed in Section 7 of the report be conditioned, including but not restricted to sensitive timing of vegetation clearance to avoid impacts on breeding birds, a detailed lighting scheme to be agreed with the LPA prior to any works commencing on site, and securing the required financial contribution of £5044.76 to offset the losses in biodiversity as a result of the proposals.
95. The development is considered to accord with the aims of policies 41 and 43 of the CDP and paragraph 175 of the NPPF.

#### Other Financial Contributions

##### *Education*

96. Officers in education have confirmed that they will require £88,218 for additional accommodation in primary schools and £49,662 for secondary school places. As stated previously, these contributions would be directed to Sedgefield Community College, Sedgefield Primary School and Hardwick Primary School. As per the affordable housing referenced earlier in this report and again below the Council cannot enter into a S106 agreement on applications that it is the applicant. The necessary monies can be ring fenced for the necessary education purposes.

##### *Affordable Housing*

97. As noted earlier in the report, the applicant has agreed to provide the requisite provision of affordable housing. However, as the council are both the applicant and the local planning authority, a S106 legal agreement cannot be used as the mechanism to secure the affordable housing. Therefore, legal officers have previously advised that as the Council as landowner can control delivery, an appropriate mechanism to secure the affordable housing would be the land sale documentation when the Council sells the land to a developer. Accordingly, the financial contribution equivalent of 20% affordable housing can be extracted and secured in this way, although slightly less weight can be given to this than would be the case if secured by S106 obligation. These monies can then potentially be utilised to provide the 20% affordable housing either on site or potentially offsite.

##### *Healthcare provision*

98. The NHS have commented that local surgeries are part of CCG wide plans to improve GP access and would be the likely beneficiaries of any funds secured through planning approvals. Local GP Practices are keen to maintain/improve their access, and an increase in patient numbers may require adjustments to existing premises/access methods. In this case, they have confirmed that the increase in resident population should not have a material effect on the local GP surgeries and their abilities to provide care.

##### *Open Space Provision*

99. Policy 26 (Green Infrastructure) of the CDP requires that proposals for new residential development are required to make provision for open space, to meet the needs of

future residents having regard to the standards of open space provision set out in the Open Space Needs Assessment (OSNA).

100. Given the scale of the proposed development, in accordance with OSNA requirements, there would be no express requirement to provide functional open space within the site envelope. Instead, financial contributions would normally be required (secured through planning obligations) in support of the provision of new open space, or the improvement of existing open space, elsewhere in the locality.
101. The OSNA sets out the most up to date position in respect to open space provision across the county and provides a formula for calculating requirements on a site-specific basis. A scheme of 14 units would likely generate a population of around 31 people based on 2011 census data of 2.2 persons per household. Financial contributions would be required to fund improvements and provision within existing open space areas, which would amount to £24,505 and again ring fenced for this purpose in the absence of a S106 agreement.

#### Objections received

102. The Town Council and members of the public have raised concerns relating to highway safety and traffic congestion. In terms of traffic congestion and highway safety it is set out earlier in the report that highway officers consider that the proposals would not be prejudicial to highway safety or have a severe cumulative impact on network capacity. The speed survey carried out shows data which confirms that the visibility splays are acceptable and that the access arrangements would not warrant refusal of planning permission.
103. Residents have also raised concerns that the scheme would provide additional burdens to the infrastructure and local amenities in the town which would lead to greater demand. Education officers have been consulted as part of the application process and have confirmed that there would be contributions required in both primary and secondary schools in order to mitigate the proposed development. As noted above the NHS have confirmed that the proposals would not place a burden on existing healthcare services. In terms of drainage, the Council's drainage officers have agreed that the submitted scheme is acceptable whilst the proportion of affordable housing has been agreed and would be secured with a mechanism in the land sale to any future developer. Overall, the concerns of objectors have been taken into account and addressed either during the application process or in this report. It is not considered that the proposals would lead to any significant loss of amenity to nearby residents that would warrant refusal of planning permission. With regard to affordable housing, flooding and highways concerns, the appropriate specialist officers dealing with these issues raise no objections.

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## **CONCLUSION**

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104. Section 38(6) of the Planning and Compulsory Purchase Act 2004 sets out that planning applications be determined in accordance with the development plan unless material considerations indicate otherwise.
105. In summary, it is acknowledged that this proposal is not an allocated housing site under policy 4 of the CDP. However, policy 6 of the CDP allows for unallocated sites on the basis that specific criteria are met. In this instance, and for the reasons set out in this report, it is considered that on balance the proposed development complies with the criteria of policy 6 and Policy G1a of the Sedgefield Neighbourhood Plan allowing development in built up areas. The development is considered to comply with relevant

Development Plan policies in regards to the other material planning considerations discussed above with no unacceptable impacts identified. Paragraph 11 of the NPPF states that development proposals accord with an up to date development plan, should be approved without delay. Approval is therefore recommended.

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## **RECOMMENDATION**

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That the application is **APPROVED** subject to the completion of an internal transfer of funds to secure the following;

- £24,505 toward open space provision within the electoral division.
- £5044.76 towards biodiversity enhancement.
- £137,880 toward education provision.
  
- And subject to a financial contribution the equivalent of 20% affordable housing provision to be secured through the sale documentation for the site/at the point of sale of the land

and subject to the following conditions:

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

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

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

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

3. The development hereby approved shall be carried out in strict accordance with the following approved documents and plans:

Design and Access Statement rev A containing design principles  
Vehicular and Pedestrian Access A-200-03 REV A  
Indicative site plan A-200-01

*Reason:* To define the consent and ensure that a satisfactory form of development is obtained in accordance with Policies 6, 21, 26, 29 and 39 of the County Durham Plan and Parts 9, 12 and 15 of the NPPF.

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

1. A Dust Action Plan including measures to control the emission of dust and dirt during construction.

2. Details of methods and means of noise reduction/suppression.
3. Where construction involves penetrative piling, details of methods for piling of foundations including measures to suppress any associated noise and vibration.
4. Details of measures to prevent mud and other such material migrating onto the highway from all vehicles entering and leaving the site.
5. Designation, layout and design of construction access and egress points.
6. Details for the provision of directional signage (on and off site).
7. Details of contractors' compounds, materials storage and other storage arrangements, including cranes and plant, equipment and related temporary infrastructure.
8. Details of provision for all site operatives for the loading and unloading of plant, machinery and materials.
9. Details of provision for all site operatives, including visitors and construction vehicles for parking and turning within the site during the construction period.
10. Routing agreements for construction traffic.
11. Details of the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate.
12. Waste audit and scheme for waste minimisation and recycling/disposing of waste resulting from demolition and construction works.
13. Management measures for the control of pest species as a result of demolition and/or construction works.
14. Detail of measures for liaison with the local community and procedures to deal with any complaints received.

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

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

*Reason: To protect the residential amenity of existing and future residents from the development in accordance with Policy 31 of the County Durham Plan and Part 15 of the National Planning Policy Framework. Required to be pre commencement to ensure that the whole construction phase is undertaken in an acceptable way.*

5. No development works (including demolition) shall be undertaken outside the hours of 8am and 6pm Monday to Friday and 8am and 1pm on a Saturday with no works to take place on a Sunday or Bank Holiday.

*Reason: In the interests of residential amenity having regards to policy 31 of the County Durham Plan.*

6. The development hereby approved shall be provided with electric vehicle charging points in accordance with a scheme to be submitted and agreed in writing with the Local Planning Authority. The agreed scheme of charging points must be installed and available for use before occupation of each dwelling.

*Reason: In the interests of sustainable construction and in accordance with Policy 29 of the County Durham Local Plan and Part 14 of the National Planning Policy Framework.*

7. All of the dwellings hereby approved shall be provided with private bike storage and said storage must be installed and available for use before occupation of each dwelling.

*Reason: To encourage sustainable transport modes of travel having regard to CDP Policy 21 and Part 9 of the NPPF.*

8. No dwelling shall be occupied until a scheme of sound attenuation measures has been completed in relation to the boundary between the development site and the existing community college adjacent to the development and said scheme must have first been submitted to and approved in writing by the local planning authority. The scheme of attenuation measures shall be agreed in writing and implanted before occupation of any dwellings.

*Reason: To protect the residential amenity of residents in accordance with Policy 31 of the County Durham Plan and Part 15 of the National Planning Policy Framework.*

9. Prior to commencement of the development hereby approved a written scheme of investigation setting out a programme of archaeological work in accordance with 'Standards for All Archaeological Work in County Durham and Darlington' shall be submitted to the Local Planning Authority for approval. The programme of archaeological work will then be carried out in accordance with the approved scheme of works. Development shall thereafter take place in accordance with the agreed details.

*Reason: To comply with Paragraph 199 of the NPPF, which requires the developer to record and advance understanding of the significance of heritage assets, and to ensure information gathered becomes publicly accessible*

10. The development shall not be occupied until the post investigation assessment has been completed in accordance with the approved Written Scheme of Investigation. The provision made for analysis, publication and dissemination of results, and archive deposition, should be confirmed in writing to, and approved by, the Local Planning Authority.

*Reason: To comply with Paragraph 199 of the NPPF, which requires the developer to record and advance understanding of the significance of heritage assets, and to ensure information gathered becomes publicly accessible.*

11. No development shall commence until a land contamination scheme has been submitted to and approved in writing by the Local Planning Authority. The submitted scheme shall be compliant with the YALPAG guidance and include a Phase 2 site investigation and Phase 3 remediation strategy, which shall include details of the gas protection measures and method of verification.

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

12. 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 Part 15 of the National Planning Policy Framework.*

13. Development shall not commence until a detailed scheme for the disposal of foul and surface water from the development hereby approved has been submitted to and approved in writing by the Local Planning Authority in consultation with Northumbrian Water and the Lead Local Flood Authority. Thereafter the development shall take place in accordance with the approved details. The final surface water management scheme shall be devised in accordance the surface water management scheme for the proposed development contained in the Flood Risk Assessment and Drainage Strategy – Issue 7/09/2021.

*Reason: To prevent the increased risk of flooding from any sources in accordance with Policy 35 of the CDP and Part 14 of the NPPF.*

14. No development shall commence until a scheme to detail how 66% (rounded up or down to nearest whole number) of the dwellings comply with Building Regulations M4(2) Accessible and Adaptable Dwellings has been submitted and agreed by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

*Reason: In order to address housing need requirements in accordance with policy 15 of the CDP. Required to be pre-commencement as no development can occur until it is known how the M4(2) dwellings are incorporated into the development.*

15. Application(s) for reserved matters must be accompanied by details of the provision of 10% older persons housing to comprise of either level access flats, level access bungalows or housing products which meet the specific needs of a multi-generational family.

*Reason: To meet the housing needs of older people and people with disabilities in accordance with Policy 15 of the County Durham Plan and Part 5 of the NPPF.*

16. Application(s) for reserved matters must be accompanied by details of a C02 emission reduction scheme which will achieve a reduction in C02 emissions of 10% below the Dwelling Emission Rate against the Target Emission Rate based upon the 2013 edition of the 2010 Building Regulations. Thereafter the development must be completed in accordance with the approved details.

*Reason: To ensure that the development contributes to the reduction of C02 emissions in accordance with County Durham Plan Policy 29 and Part 14 of the NPPF.*

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## **STATEMENT OF PROACTIVE ENGAGEMENT**

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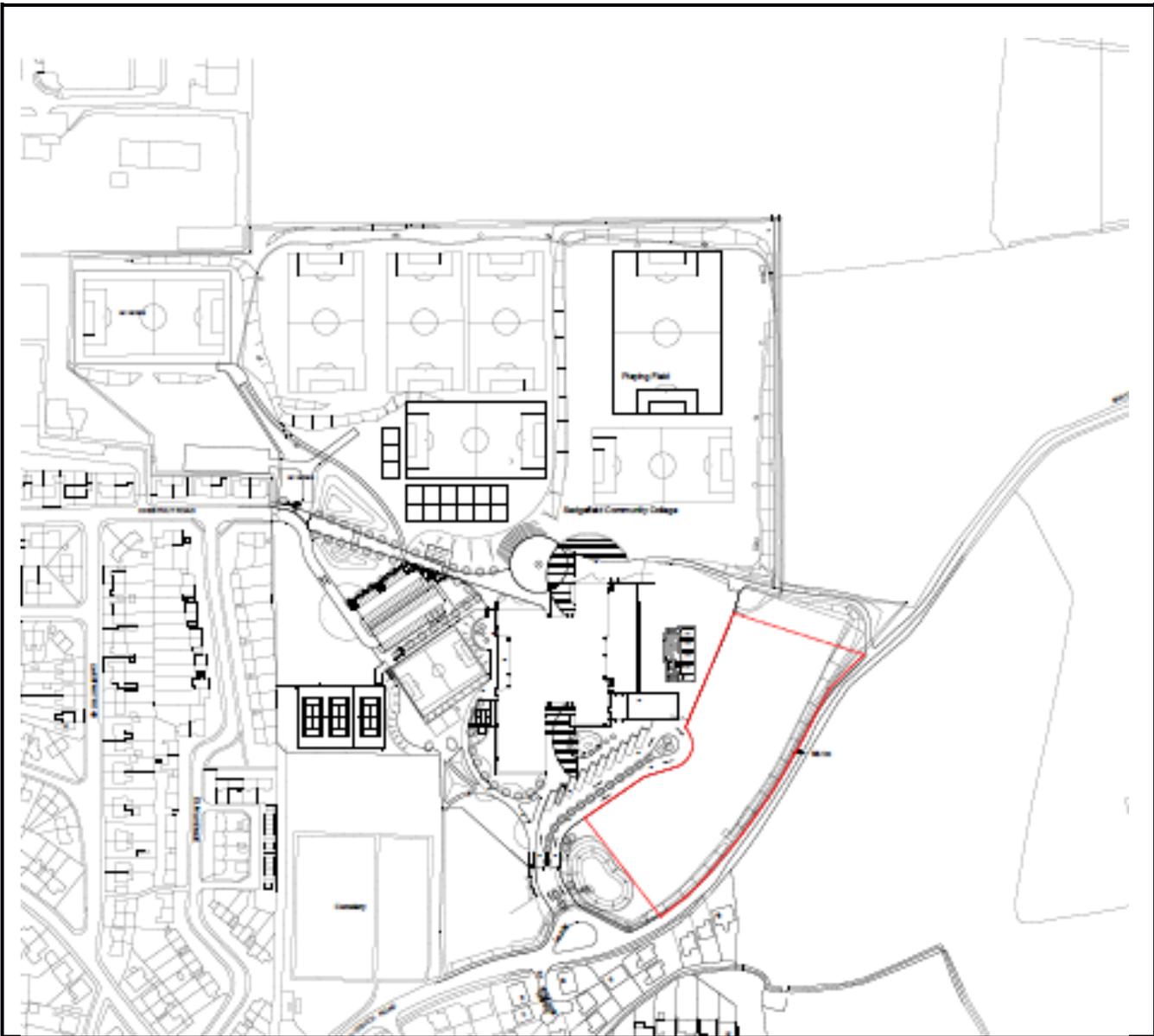
In accordance with Article 35(2) of the Town and Country Planning (Development Management Procedure) (England) Order 2015, the Local Planning Authority has, without prejudice to a fair and objective assessment of the proposals, issues raised and representations received, sought to work with the applicant in a positive and proactive manner with the objective of delivering high quality sustainable development to improve the economic, social and environmental conditions on the area in accordance with the NPPF.

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## **BACKGROUND PAPERS**

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- Submitted application form, plans supporting documents and subsequent information provided by the applicant.
- The National Planning Policy Framework (2021)
- National Planning Practice Guidance notes
- County Durham Plan
- Sedgefield Neighbourhood Plan
- Statutory, internal and public consultation responses



**Planning Services**

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**Outline planning application for the erection of up to 14 dwellings, including means of access (all other matters reserved)**

**DM/20/01351/OUT**

**Date February 2022**

**Scale** Not to Scale

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# COMMITTEE REPORT

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## APPLICATION DETAILS

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<b>APPLICATION No:</b>	DM/19/01136/OUT
<b>FULL APPLICATION DESCRIPTION:</b>	Outline application for residential development of up to 30no. units (22no. shown on submitted plans) – all matters reserved
<b>NAME OF APPLICANT:</b>	Mr Gordon Hirst
<b>ADDRESS:</b>	Land to the west of Stobart Terrace, Fishburn, Co Durham
<b>ELECTORAL DIVISION:</b>	Sedgefield
<b>CASE OFFICER:</b>	Mark O’Sullivan, Senior Planning Officer, 03000 261056, mark.o’sullivan@durham.gov.uk

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## DESCRIPTION OF THE SITE AND PROPOSALS

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1. The application relates to a parcel of undeveloped arable land of approximately 1.8Ha. The site is bounded by mature trees and hedgerow, and located to the west of Stobart Terrace, that marks the western extent of the Fishburn settlement. The site borders agricultural land extending to the north and west. To the south is the C26 highway with further open countryside beyond. Public rights of way (Fishburn 12 and 13) edge the site to the north and west respectively. To the north east (north of Stobart Terrace) lies a separate arable field where a now lapsed outline permission was granted in August 2018 for the erection of up to 70no. dwellings.
2. The current application seeks outline consent (all matters reserved) for up to 30no. dwellings, with associated landscaping, SuDS and access. The application is accompanied by a concept masterplan showing an indicative site layout for only 22no. detached units. Amenity open space would be provided primarily along the western spine of the site including a SuDs area to the south western corner, with existing hedgerow to the southern and eastern boundary of the site to be retained where possible. Existing Public Rights of Way to the north and west of the site are to be retained and incorporated into landscaped corridors surrounding the proposed development area. Access to the site would be secured via 2no. new access points onto Stobart Terrace to the east which links with the C36 to the south.
3. The planning application is being reported to the Planning Committee in accordance with the Council’s Scheme of Delegation as the proposals fall within the definition of major development. It is accepted that this application has been with the planning authority since 2019, albeit initial requests for the applicant to withdraw this application in light of concerns raised early on in the determination process have not been considered by the applicant. Time was therefore given for the applicant to address these concerns, albeit no efforts were made to overcome these. Officers therefore present the current application to committee in its originally submitted form.

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## PLANNING HISTORY

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4. There is no relevant site history relating to the current application site, but outline planning permission was granted in August 2018 for residential development of up to 70no. dwellings on adjacent fields to the north east of the site under planning application ref: DM/16/03151/OUT. This approval was granted subject to a signed S106 agreement, albeit has since expired without the subsequent submission of any reserved matters to the LPA within 3 years. The applicant for this lapsed approval is the same as the current submission.

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## PLANNING POLICY

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### NATIONAL POLICY

5. A revised National Planning Policy Framework (NPPF) was published in July 2021. The overriding message continues to be that new development that is sustainable should go ahead without delay. 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.
6. *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 principles for plan-making and decision-taking is outlined.
7. *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.
8. *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.
9. *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.
10. *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.

11. *NPPF Part 11 – Making effective use of land.* Planning policies and decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions. Strategic policies should set out a clear strategy for accommodating objectively assessed needs, in a way that makes as much use as possible of previously developed or 'brownfield' land.
12. *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.
13. *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.
14. *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.
15. *NPPF Part 16 Conserving and enhancing the historic environment -* Local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this into account when considering the impact of a proposal on a heritage asset, to avoid or minimise any conflict between the heritage asset's conservation and any aspect of the proposal.

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

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

16. The Government has consolidated a number of planning practice guidance notes, circulars and other guidance documents into a single Planning Practice Guidance Suite. This document provides planning guidance on a wide range of matters. Of particular relevance to this application is the practice guidance with regards to; air quality; climate change; design process and tools; determining a planning application; effective use of land; healthy and safe communities; land affected by contamination; natural environment; noise; use of planning conditions; and water supply, wastewater and water quality.

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

## LOCAL PLAN POLICY:

### The County Durham Plan (CDP)

17. *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.
18. *Policy 10 (Development in the Countryside)* states that development will not be permitted unless allowed for by specific policies in the Plan or Neighbourhood Plan or unless it relates to exceptions for development necessary to support economic development, infrastructure development or development of existing buildings. The policy further sets out 9 General Design Principles for all development in the Countryside.
19. *Policy 15 (Addressing housing need)* 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.
20. *Policy 19 (Type and mix of housing)* advises that on new housing developments the council will seek to secure an appropriate mix of dwelling types and sizes, taking account of existing imbalances in the housing stock, site characteristics, viability, economic and market considerations and the opportunity to facilitate self build or custom build schemes.
21. *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.
22. *Policy 25 (Developer contributions)* advises that any mitigation necessary to make the development acceptable in planning terms will be secured through appropriate planning conditions or planning obligations. Planning conditions will be imposed where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects. Planning obligations must be directly related to the development and fairly and reasonably related in scale and kind to the development.
23. *Policy 26 (Green infrastructure)* seeks to resisit development proposals which would result in the loss of open space or harm to green infrastructure assets unless the benefits of the development clearly outweigh that loss or harm and an assessment has been undertaken which has clearly shown the open space or land to be surplus

to requirements. Where valued open spaces or assets are affected, proposals must incorporate suitable mitigation and make appropriate provision of equivalent or greater value in a suitable location. Where appropriate there will be engagement with the local community.

24. *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. Policy 29 also required 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. Also new major residential development is required 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'.
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 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.
27. *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.
28. *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.

29. *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.
30. *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.
31. *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. Development proposals where the primary objective is to conserve or enhance biodiversity or geodiversity will be permitted if they comply with other local plan policy. Development proposals which are likely to result in the loss of deterioration of irreplaceable habitats will not be permitted unless there are wholly exceptional reasons and a suitable compensation strategy exists.
32. *Policy 44 (Historic Environment)* seeks to ensure that developments should contribute positively to the built and historic environment and seek opportunities to enhance and, where appropriate, better reveal the significance and understanding of heritage assets. The policy advises on when harm or total loss of the significance of heritage assets can be accepted and the circumstances/levels of public benefit which must apply in those instances.
33. *Policy 56 (Safeguarding mineral resources)* seeks to restrict planning permission for non-mineral development that would lead to the sterilisation of mineral resources within a Mineral Safeguarding Area, or which will sterilise an identified 'relic' natural building and roofing stone quarry unless specific circumstances apply.
34. Residential Amenity Standards SPD (2020 Adopted version) – Provides guidance on the space/amenity standards that would normally be expected where new dwellings are proposed.

<https://www.durham.gov.uk/cdp>

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## **CONSULTATION AND PUBLICITY RESPONSES**

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### **STATUTORY RESPONSES:**

35. *Sedgefield Town Council* – Request any S106 monies as secured by the Councils Education team to be allocated towards sport and community facilities across the electoral ward.
36. *Fishburn Parish Council* – No observations or comments.

37. *NWL* - The planning application does not provide sufficient detail with regards to the management of foul and surface water from the development for Northumbrian Water to be able to assess its capacity to treat the flows from the development. If approved, such detail must be conditioned so as to prevent the increased risk of flooding from any sources in accordance with the NPPF.
38. *Highway Authority* – Whilst all matters are reserved, it is requested that if approved, a planning condition should be attached controlling details of the improved vehicular egress onto the C26. Consideration should also be given to parking standards at reserved matters
39. *The Ramblers* – No comments received.
40. *Natural England* – No comments.

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

41. *Spatial Policy* – The proposal should be assessed against Policy 6 of the CDP which now comprises the development plan. For this proposal to be acceptable, the impacts in terms of landscape, townscape and integration with settlement form and access to services and facilities would need to be within acceptable parameters.
42. *Landscape* – The principal landscape objection to this proposal is that it is development in the open countryside. There are also problems with the level of detail provided with the application.
43. *Arboriculture* – The applicant should provide a tree protection plan that includes all trees inside and outside the site that are likely to be impacted by the development. A landscape plan should also be submitted to specify the trees and hedges proposed in the concept masterplan.
44. *Environmental Health and Consumer Protection (Noise)* – The information submitted demonstrates that the application complies with the thresholds stated within the TANS. This would indicate that the development will not lead to an adverse impact. The development is noise sensitive, however, is not located in proximity to any significant noise sources. Subject to suggested conditions which would be sufficient to mitigate the potential of a statutory nuisance during the development phase, no objections are raised.
45. *Environmental Health and Consumer Protection (Contaminated Land)* – No objections, subject to a contaminated land condition.
46. *Affordable Housing* – No information has been provided detailing the type and location of houses that will be delivered as affordable housing.
47. *Archaeology* – Given the identification of possible archaeological remains so close to this site, officers would recommend that a geophysical survey report is submitted up front, and in support of this outline application as per paragraph 189 of the NPPF.
48. *Police Architectural Liaison Officer* – 22no. units would be preferred to 30no. so as to reduce potential disputes over parking. The only lighting will run down the middle of the estate with the public footpath to the rear of the properties appearing to be unlit presenting a public safety concern. This will need to be addressed.

49. *PROW* – Fishburn Footpaths 12 and 13 are located on the northern and western fringe of this site respectively and look be incorporated within the site. A rerouting is mentioned within supporting documentation which will require a path diversion order.
50. NHS – Skerne practice in Sedgefield is struggling for space and has, in the past, discussed extending their premises. Therefore, there is a strong case for pursuing S106 monies for this application. A contribution of £14,490.00 would be requested to be paid via S106.
51. *Ecology* – Insufficient information has been provided to demonstrate that the proposals will achieve net gain as required by the NPPF.
52. *Education* – There will be sufficient space to accommodate the pupils generated by the development in primary schools and no further mitigation is required in this instance. With regard to secondary schools, there will not be sufficient accommodation for the 4no. pupils likely to be produced from this development. A contribution of £66,216 is therefore required for additional teaching accommodation.
53. *Drainage* - The proposed design demonstrates compliance with National Standards and Council Policies in providing sustainable solutions to surface water management and ensuring the prevention of flood risk to and from the proposed development.

#### **PUBLIC RESPONSES:**

54. The application has been publicised by way of site notice and neighbour notification letters to neighbouring residents. 2no. letters of objection were received expressing concerns over the perceived increase in traffic volume and resulting highway safety concerns. In addition, the need for more housing in the village and notable lack of community facilities, with proposed hedgerow planting and landscaping unlikely to mask the issues currently faced by this village. Questions were raised over why one application was not presented for 100no. dwellings rather than 2no. separate applications.
55. *Council for the Protection of Rural England (CPRE Durham)* – Objections raised over encroachment into open countryside beyond the existing residential framework of Fishburn, lack of housing need and deliverability. The weight that this site is given as a material planning consideration to make an adjacent approved housing site deliverable should be questioned, with concerns also expressed over the perceived impact of the development on 2no. public footpaths adjacent to the site.

#### **APPLICANTS STATEMENT:**

56. The case in favour of this application is two-fold and quite simple. Firstly, without this approval, the adjoining site which was approved for residential development cannot be implemented - for financial reasons. The figures just do not stack up due to the length of the access road required to the first site. The applicant has tried for years to get the funding or a housebuilder interested - however without this additional site, nothing can happen.
57. Secondly, the applicant agrees to the various financial contributions that are now demanded for this scheme, so approving this scheme is a win-win. More houses, more income for the County, more contributions paid, more revenue in through Council Tax, more jobs. All on a very low-grade agricultural site on the edge of the settlement, where a development has been approved on an adjoining site; albeit that now has lapsed - so this up to 30 unit scheme could be considered to replace the 70

unit scheme - which would have to be assessed again under a new submission, later.

58. The applicant apologises for this second application, but it was forced on him due to the figures for the first scheme becoming untenable - as costs and prices obviously change over time. The access road eventually made the 70 unit scheme unviable, hence this second scheme for 30 units (a whole 100 scheme would have seen an astronomical application and associated documents fee - and the 30 unit scheme fitted next to the 70 unit scheme back in 2019 when this was submitted). Now the 70 unit scheme has lapsed - so this scheme can be decided on its own merits, and is more viable as tighter to the access road. This 30 unit scheme could now be seen to replace the lapsed 70 unit scheme, and the new houses will help shops and facilities in this, and nearby, villages in these uncertain times and provide new homes and construction jobs.

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## **PLANNING CONSIDERATIONS AND ASSESSMENT**

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59. 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 relate to the principle of development, deliverability/achievability, landscape/visual impact, impact on amenity, highways ecology, contaminated land, ecology, flooding and drainage and planning obligations.

### The Principle of the Development

60. The application is to be determined in accordance with relevant policies set out within the NPPF and CDP. Paragraph 11c of the NPPF requires applications for development proposals that accord with an up to date development plan to be approved without delay.
61. The application site is not allocated for housing within Policy 4 of the CDP and for the purposes of the application, the site is located within the open countryside. CDP Policy 10 seeks to resist proposals for new development in the open countryside unless allowed for by certain policies in the plan, or where certain exceptions apply. None of the exceptions specified in Policy 10 apply in this instance.
62. The NPPF seeks to boost significantly the supply of housing, as well as using land that is physically well related to existing settlements. Part 11 (Making effective use of land) seeks to promote an effective use of land in meeting the need for homes, with particular emphasis on previously developed/brownfield development and underutilised land/buildings. Part 5 (Delivering a sufficient supply of homes) clarifies the Government's objective of significantly boosting the supply of homes, and that the needs of groups with specific housing requirements are addressed.
63. Policy 19 of the CDP seeks to ensure that on all new housing developments, the Council will secure an appropriate mix of dwelling types and sizes, taking account of existing imbalances in the housing stock, site characteristics, viability, economic and market considerations and the opportunity to facilitate self-build or custom build schemes.
64. Given the proximity to the adjacent settlement, the application also falls to be considered against CDP Policy 6. Policy 6 supports the development of sites which are not allocated in the plan or a Neighbourhood Plan which are either within a built

up area or outside the built-up area (except where a settlement boundary has been defined in a neighbourhood plan) but well-related to a settlement which accord with all relevant development plan policies, and which:

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

65. As explained, the application concerns new development in the open countryside on previously undeveloped agricultural land. Although a planning application for 70no. dwellings on adjacent land to the northeast was approved in August 2018 and submitted by the same applicant, this adjacent site had been previously assessed through the Council's SHLAA process and given a green rating as suitable for potential residential development (SHLAA ref: 7/FB/146). The current application site was not included as part of the SHLAA process.

66. With regards Criteria c), the development of the site would involve the loss of arable/greenfield land which has landscape and ecological value, and which contributes significantly to the character of the locality, which cannot be adequately mitigated or compensated for. Whilst some mitigation could be evidently achieved as part of the development through the retention of existing hedgerows and provision of amenity space, this does not overcome the significant harm which would result from the loss of open countryside, with notable adverse ecological impacts to result.

67. The above concerns indicate that the outline proposals as submitted would conflict with CDP Policies 6 and 10, and that the granting of planning permission should therefore be resisted in the context of Paragraph 11C of the NPPF. The determination of the application would also be subject to the following material planning considerations.

## Deliverability/achievability

68. Paragraph 74 of the NPPF maintains the requirement for LPA's to identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of five years' worth of housing against their housing requirement set out in adopted strategic policies, or against their local housing need where the strategic policies are more than five years old. Annex 2 of the NPPF sets out that to be considered deliverable, sites for housing should be available now and have a realistic prospect that housing will be delivered within 5 years. In particular where a site has planning permission for major development it should only be considered deliverable where there is clear evidence that housing completions will begin on site within five years.
69. It was established under the adoption of the CDP that the Council can demonstrate in excess of 5 years housing land supply (6.33 years). The CDP was adopted in October 2020 and therefore, in accordance with paragraph 74 of the NPPF, a five-year supply of deliverable housing sites, with the appropriate buffer can be demonstrated.
70. The Government published its Housing Delivery Test (HDT) results in February 2019. The HDT outcome for the Council indicates that housing delivery has been above the requirement over the last three years, which is evidence that delivery of housing on the ground is on track and exceeding DCC housing targets.
71. In the context of Paragraph 60 of the NPPF which seeks to boost significantly the supply of housing, the current application contains no clear evidence that there is a realistic prospect that housing will be delivered on this current site. Particular regard is given to the aforementioned outline approval for 70no. dwellings on adjacent land to the north east (submitted by the applicant), which was approved by the committee in August 2018 subject to S106. In arriving at a favourable recommendation, the applicant stated that the site was both viable and deliverable, with significant weight given to this statement at the time.
72. This outline approval has subsequently expired, with no reserved matters submission coming forward for approval. Section 8 of the applicant's Planning Statement relating to the current outline submission states that this is due to economic reasons with phase 1 (for the approved development of 70no. units) requiring a long access road with no frontage development. The remoteness of the dwellings from the main road frontage would therefore have a detrimental effect on the marketability of houses in this location and as such the scheme would not be viable in current and foreseeable market conditions. In order for a scheme to be viable in this location it is argued a minimum of an additional 30no. units making use of the long access road in the phase 1 proposal would be required. However, even then this scheme would not be viable unless S106 contributions are limited to £1000 per unit.
73. Having regard to the above there is concern over these latest claims that the current scheme would be both viable and deliverable. Given the speculative, outline nature of the current application, there remains no clear evidence that there is a realistic prospect that housing will be delivered on this site within a 5 year period, delivering a maximum 30no. proposed units or indeed securing developer interest.
74. Concerns are also raised regarding the development costs arising from the significant financial commitments associated with the on-site open space provision, biodiversity mitigation requirements, NHS and Education contributions, potential off site highway improvement works, extensive SUDS works, and how this would impact on the viability and attractiveness of the site in a challenging housing market area. All

of these costs for a 30no. unit scheme would far exceed the applicants claims that a maximum contribution of only £1000 per unit by way of S106 is realistically achievable. Officers note that the applicant has agreed to the relevant S106 contributions as highlighted later in this report, albeit it is questioned how these can be so easily agreed when the applicant wishes to limit contributions to £1000 per unit.

75. It is therefore considered that the proposed development would not meet the NPPF deliverable definition in the absence of any clear evidence to suggest otherwise, and the site would not make any meaningful contribution to boosting the supply of homes. This is an outline application, submitted on a speculative basis, with no clear evidence that housing completions will begin on site within 5 years, delivering all proposed units or indeed securing firm developer interest

#### Landscape/Visual Impact

76. Part 12 of the NPPF, and CDP policy 29 seek to ensure good design in new developments. New development should be appropriate in terms of scale, design, layout, and location to the character, function, form and setting of the settlement. It should contribute positively to an area's character, identity, heritage significance, townscape and landscape features, helping to create and reinforce locally distinctive and sustainable communities; and also create buildings and spaces that are adaptable to changing social, technological, economic and environmental conditions and include appropriate and proportionate measures to reduce vulnerability, increase resilience and ensure public safety and security.
77. Meanwhile Part 15 of the NPPF requires the Planning System to contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes.
78. CDP Policy 39 requires new development to be permitted where it would not cause unacceptable harm to the character, quality or distinctiveness of the landscape, or to important features or views. Proposals will be expected to incorporate appropriate measures to mitigate adverse landscape and visual effects. Development proposals should have regard to the County Durham Landscape Character Assessment and County Durham Landscape Strategy and contribute, where possible, to the conservation or enhancement of the local landscape.
79. CDP Policy 40 concerns trees and hedgerows. 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. Where development would involve the loss of ancient or veteran trees it will be refused unless there are wholly exceptional reasons and a suitable compensation strategy exists.
80. The key policy consideration in this case is whether the site is read as an appropriate natural extension to Fishburn Village or as an incursion into the open countryside, and whether it represents good design.
81. The application site is located on the western edge of the Fishburn settlement within the open countryside. There is presently a clear demarcation between the existing built form of the settlement which has a strongly defined western boundary, and the adjacent field subject of the application, separated by an estate road and established boundary hedgerow.

82. Although the site is not situated within a locally or nationally designated landscape, it is viewed as attractive open countryside which skirts the boundary of the Fishburn settlement, and which makes an important contribution to the character and appearance of the countryside at the western approach to the settlement. This land is visible from roads to the south and east, and from the public footpaths which bypass the site to the north and west providing public views across the open fields and beyond. Presently these footpaths cut through open fields and are entirely rural in character.
83. It is accepted that outline permission granted in 2018 for a scheme of upto 70no. dwellings on fields to the north east of this site was considered at the time to represent a consolidation of the existing settlement form, effectively squaring off an undeveloped corner of Fishburn, resulting in some localised adverse landscape and visual effects. However this adjacent development would be seen in close association with the existing settlement edge and appear relatively well contained.
84. With regards the current proposals, this would not be the case. The site is located in the open countryside for planning purposes and if developed would form a visible and highly noticeable extension to the western extent of Fishburn, representing a prominent incursion into the countryside. Although physically attached to the west of the settlement, such 'bolt on' development would appear fragmented and disjointed appearing as an intrusive and incongruous block projecting from the west of the existing settlement limits yet surrounded to the north and south by open countryside. The visual impacts of such development would be classed as significant and detrimental, relating poorly to the existing settlement form and character.
85. Whilst the current scheme is outline in nature, with the site layout, scale, massing and design of the dwellings and any boundary treatments not to be fully assessed at this time, the proposed development would nevertheless introduce a significant and relatively densely packed built form into the otherwise open landscape that would have a detrimental effect on the character and appearance of the area. The proposal would also have an unacceptable impact on the existing setting and framing of the village, particularly when approached from the west.
86. Although the site is effectively screened by mature hedgerow to the south (where adjacent to the public highway) and the east, only short distance views of the site would be screened when bypassing the site on the road to the immediate south, with medium to long distance views taken from the approach to the settlement to the west and from the aforementioned public rights of way far more damaging. Views from these footpaths would clearly be affected and the rural character of the area removed.
87. Furthermore, there are concerns over the level of detail provided with the application. The relationship to the existing western edge of the settlement is not clear, as is the need for two access roads cutting through the vegetation on the eastern edge of the site (as detailed on indicative plans). Whilst the tree protection plan supplied with the application covers all the trees on and immediately adjacent to the site boundary and appears to allow for adequate protection, it does not cover the vegetation outside the site that is likely to be impacted by the creation of the 2no. separate access roads into the site which would punch two wide holes into this established eastern boundary. Trees and hedgerow along this boundary are considered to contribute positively to the character of the local area and their loss is not supported. To help address this matter, the applicant would be expected to provide a tree protection plan which includes all trees inside and outside the site that are likely to be impacted by the development so that the true impacts of the development can be assessed.

88. Although layout and appearance of the proposed development is not under consideration at this stage, further clarification is also required relating to the potential for up to 30no. units and the resulting landscape impact. Whilst the indicative layout shows a reasonably generous level of landscaping at the western and southern edges of the site, this is based on 22no. dwellings, rather than the 30no. potential dwellings referred to. Whilst the applicant's statement that they may choose to subdivide some of the detached units to create semi-detached pairs is noted (thereby increasing the quantum of development to up to 30no. units.) there is no guarantee that this would occur, and it would also be possible to seek to introduce 30no. detached units across a more densely developed site area if the outline scheme was approved.
89. Based on the indicative plan, landscape support cannot be given for a scheme of up to 30no. units which could result in a denser development form and encroach further into the landscape scheme provided. In view of the lack of detail to sufficiently overcome landscape concerns, objections are raised, and a layout should be provided that explores the availability of public open space if 30no. units are to be constructed.
90. In summary, therefore the proposed development is considered to have significant, negative, landscape and visual impacts. Development in this location would not form a natural extension to the settlement of Fishburn but represent a significant incursion into an attractive and prominent landscape on its western approach. It would introduce an urban element which is largely missing at present given the strongly defined settlement edge further to the east. Proposals would therefore conflict with Parts 12 and 15 of the NPPF and CDP Policies 29, 39 and 40.

#### Impact on amenity

91. Parts 12 and 15 of the NPPF, require that a good standard of amenity for existing and future users be ensured, whilst seeking to prevent both new and existing development from contributing to, or being put at unacceptable risk from unacceptable levels of pollution.
92. Policy 31 of the CDP seeks to support proposals only 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. The proposal will also need to demonstrate that future occupiers of the proposed development will have acceptable living and/or working conditions. Proposals which will have an unacceptable impact such as through overlooking, visual intrusion, visual dominance or loss of light, noise or privacy will not be permitted unless satisfactory mitigation measures can be demonstrated whilst ensuring that any existing business and/or community facilities do not have any unreasonable restrictions placed upon them as a result.
93. The Councils Residential Amenity Standards SPD (2020) provides guidance on the space/amenity standards that would normally be expected where new dwellings are proposed. All new development, including new dwellings, will have some bearing on neighbouring properties and it is important to ensure that the impact does not result in a significant loss of privacy, outlook or light for occupiers of new dwellings and existing dwellings. The design and layout of new development 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. Spacing between the windows of buildings/dwellings should achieve

suitable distances for privacy and light, whilst also preventing cramped and congested layouts.

94. The following minimum standards will be applied to new residential developments:

Main facing elevation to main facing elevation containing window/s serving a habitable room:

- 21 metres between two storey buildings
- 18 metres between bungalows

Main facing elevation to gable wall which does not contain a window serving a habitable room:

- 13 metres to two storey gable
- 10 metres to single storey gable

95. In addition, new developments should incorporate usable, attractively laid out and private garden space conveniently located in relation to the property or properties it serves. It should be of an appropriate size, having regard to the size of the dwelling and character of the area. The length of gardens will generally be dictated by the minimum distancing standards but should be no less than 9m unless site specific circumstances allow for a reduction in size.
96. The application is outline in nature with all matters reserved. Indicative layout plans provided by the applicant demonstrate that 22no. units could be achieved on the site as shown whilst maintaining satisfactory levels of separation in excess of the aforementioned minimum spacing requirements between all existing and proposed new dwellings. It is understood that there could be scope to subdivide some of the larger units to create semi-detached pairs which could potentially increase the total number of units developed to 30no. Such matters would need to be clarified through reserved matters although for the purposes of the outline submission, the LPA would be satisfied that a maximum 30no. units could comfortably be accommodated in amenity terms providing this involves subdivision only. Should additional units be proposed, such matters would need to be carefully reassessed.
97. The final positioning of dwellings (to be confirmed through reserved matters) could ensure that there would be no overlooking windows or unreasonable overshadowing of neighbouring property. Furthermore, satisfactory levels of enclosed private amenity space can be provided, with areas of public open space to be created to the southern and western extents of the site. Details of landscaping would be submitted through reserved matters alongside a finalised site layout.
98. The views of the EHO have been sought who considers that the application complies with the thresholds stated within the TANS. This would indicate that the development will not lead to an adverse impact. The development is noise sensitive, however is not located in proximity to any significant noise sources. Notwithstanding this, the granting of planning permission for the development may potentially result in a statutory nuisance being created. The development is large and as such likely to take some time to complete. It is located in close proximity to existing residential properties to the east and considering the lack of other noise sources is likely to lead to a significant impact.
99. With regards to the demolition and construction phases, it is inevitable that some level of disturbance to neighbouring residents would result from site operations. Construction details and the submission of a construction management plan could be appropriately controlled by condition and would be sufficient to mitigate the potential of a statutory nuisance. Subject to the above, proposals would satisfy the

provisions of Parts 12 and 15 of the NPPF and CDP Policy 31 with respect an outline planning application all matters reserved.

## Highways

100. NPPF Part 9 seeks to ensure that development only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe. CDP Policy 21 seeks to ensure that any vehicular traffic generated by new development, following the implementation of sustainable transport measures, can be safely accommodated on the local and strategic highway network and does not cause an unacceptable increase in congestion or air pollution and that severe congestion can be overcome by appropriate transport improvements. New developments should provide for appropriate, well designed, permeable and direct routes for walking, cycling and bus access, so that new developments clearly link to existing services and facilities together with existing routes for the convenience of all users.
101. The application is outline in nature, with all matters reserved, including access. As such, specific access details would be expected at the reserved matters stage. Indicative plans detail access to the 22-30no. dwellings could be achieved from the new roadway to be constructed to the east of the site (approved under separate outline consent DM/16/03151/OUT), which links with the C36 carriageway through Fishburn to the south. This separate approval has now lapsed. Specific details of access to the adjacent site were controlled by condition 2 of the lapsed consent and Highways officers raise no objection to the principle of approving an additional 22-30no. dwellings on the current site subject to a repeat of this condition. On-site residents and visitor parking provision must comply with the minimum requirements as outlined in the County Durham Parking and Accessibility Standards with consideration to be given to EV provision. To this extent, the number of bedrooms per dwelling would need to be confirmed at reserved matters for the LPA to be able to undertake an accurate car parking assessment. Any approval must also be subject to a condition ensuring the new vehicular egress onto the C26 is constructed in accordance with relevant standards.
102. Subject to the above, there would be no highways objections to the proposals which would satisfy the provisions of Part 9 of the NPPF and CDP Policy 21. It is not expected that any increase in traffic movements to and from the site would give rise to severe residual cumulative impact or highway safety concerns.

## Ecology

103. Part 15 of the NPPF seeks to ensure that when determining planning applications, Local Planning Authorities seek to conserve and enhance biodiversity. Policy 41 of the CDP seeks to resist proposals for new development which would otherwise result in significant harm to biodiversity or geodiversity, which cannot be avoided, or appropriately mitigated, or, as a last resort, compensated for. Proposals for new development will be expected to minimise impacts on biodiversity by retaining and enhancing existing biodiversity assets and features and providing net gains for biodiversity including by establishing coherent ecological networks. CDP Policy 25 seeks to ensure that new development is only approved where any mitigation necessary to make the development acceptable in planning terms are secured through appropriate planning conditions or planning obligations.
104. The application is accompanied by a Preliminary Ecological Appraisal (Valley Environmental), albeit no assessment of the likely impacts in biodiversity by the proposals has been undertaken, as required by the updated NPPF. In this regard,

the LPA have recommended the use of the Warwickshire Biodiversity Impact Assessment calculator in providing an objective assessment of likely losses/gains by the development proposed.

105. Whilst the application is outline in nature, with all matters reserved, the LPA requires this information from the applicant up front to be confident that the net gains proposed in the metric submitted are achievable and likely to be delivered, and the proposed habitat types are not downgraded at a later date. Any required offset must be understood and where compensation/mitigation to address this is required onsite, this will enable an informed view on the number of houses that may be achieved.
106. Clarity is also required regarding the number of houses proposed (up to 30), with the indicative masterplan showing only 22. This questions the amount of open space that will be available to deliver the proposed net gains, and whether the proposals are indeed achievable for up to 30no. units.
107. No detailed assessment of the likely biodiversity impacts has been undertaken as part of the current application as required by the updated NPPF and an ecological objection is raised in the context of Part 15 of the NPPF and CDP Policy 41.

#### Contaminated land

108. Part 15 of the NPPF seeks to prevent unacceptable risks from pollution and land stability. Where a site is affected by contamination or where land stability issues arise, responsibility for securing a safe development rests with the developer and/or landowner. CDP Policy 32 seeks to resist development where the developer is unable to demonstrate that:
  - a. any existing despoiled, degraded, derelict, contaminated or unstable land issues can be satisfactorily addressed by appropriate mitigation measures prior to the construction or occupation of the proposed development;
  - b. the site is suitable for the proposed use, and does not result in unacceptable risks which would adversely impact on the environment, human health and the amenity of local communities; and
  - c. all investigations and risk assessments have been undertaken by an appropriately qualified person.
109. EHO's have assessed the available information and historical maps with respect to land contamination including the following report:

Valley Environmental Consulting Ltd (March 2019) Land West of Stobart Terrace, Fishburn, Land Contamination Preliminary Assessment
110. The report has identified the potential sources of land contamination and the requirement for a site investigation to include a ground gas risk assessment. EHO's agree with the findings of the report, and offer no objections to the application, subject to the imposition of relevant contaminated land conditions. Subject to the above, the application would be considered to satisfy the provisions of Part 15 of the NPPF and CDP Policy 32.

#### Archaeology

111. Paragraph 205 of the NPPF requires developers to record and advance understanding of the significance of any heritage assets to be lost (wholly or in part)

by a development in a manner proportionate to their importance and the impact, and to make this evidence (and any archive generated) publicly accessible. The ability to record evidence should not be a factor in deciding whether such loss should be permitted.

112. CDP Policy 44 seeks to ensure new developments sustain the significance of designated and non-designated heritage assets, including any contribution made by their setting. Such assets should be conserved in a manner appropriate to their significance, irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance
113. The application is submitted alongside an archaeology statement which details how any further site evaluation works could be carried out at the reserved matters stage as was the case on the adjacent site subject to planning approval ref: DM/16/03151/OUT. Given a conditional approval was deemed reasonable on the adjacent site with respect to archaeology, the applicant argues that it would be unreasonable and unnecessary for the LPA to insist on desk top surveys or intrusive site works as part of the current outline submission.
114. In response, Archaeology officers advise that the application for the adjacent site was supported by additional information in the form of a geophysical survey report which identified a possible archaeological resource. Given the identification of possible archaeological remains so close to the current application site, officers are presently unable to support the applicant's considerations and recommend that a geophysical survey report is submitted up front, in support of this outline application. In the absence of such information, Archaeology concerns are raised over the level of information provided which raises questions over the impacts of development on archaeological assets which cannot be left to reserved matters determination. Officers are unable to ensure a comparable level assessment prior to the outline application being determined with proposals conflicting with the principles of Part 16 of the NPPF and Policy 44 of the CDP.

## Flooding and Drainage

115. Part 14 of the NPPF seeks to resist inappropriate development in areas at risk of flooding, whilst ensuring that new development does not give rise to increased flood risk elsewhere. CDP policies 35 and 36 concern water management.
116. All development proposals will be required 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. This includes completion of a Flood Risk Assessment (FRA) where appropriate. For major developments, the management of water must be an intrinsic part of the overall development, and there must be no net increase in surface water runoff for the lifetime of the development. Where greenfield sites are to be developed (as would be the case here), the runoff rates must not exceed and where possible should reduce the existing greenfield runoff rates.
117. Given the scale of the development, the proposed development falls into the major development classification where proposals should incorporate SuDS unless there is clear evidence that it would be inappropriate. An approved SuDS system should take account of advice from the Lead Local Flood Authority (LLFA), have appropriate proposed minimum operational standards, have maintenance arrangements in place to ensure an acceptable standard of operation for the lifetime of the development; and where possible, provide multifunctional benefits.

118. The application is supported by a Flood Risk and Drainage Assessment (April 2019) which confirms the proposed development area is at low risk of flooding from most sources except for overland flows resulting from exceedance of surface water that could result in ponding of water to the south west corner of the site. The concept masterplan (indicative only) requires minimal adjustment to ensure compatibility of proposed development with existing flood risk by moving properties slightly further away from the western boundary to ensure the existing pathway for overland runoff is maintained. The site is therefore considered suitable, in terms of flood risk for the type of development proposed with the concept masterplan identifying the south western corner of the site to accommodate the proposed SuDS area.
119. For the purposes of the outline application, the proposed design demonstrates compliance with National Standards and Council Policies in providing sustainable solutions to surface water management and ensuring the prevention of flood risk to and from the proposed development. The proposal confirms that there will be as a minimum, SuDS features such as permeable paving to all private drives and shared surfaces, swales to transmit surface water through the site, an attenuation basin prior to the outfall leaving the site, and the discharge rate will be limited to QBAR Rural rate. This commitment can now be brought forward to be designed and detailed at reserved matters or full planning application stage. Only at this time can the final layout including confirmation of the outfall being suitable be assessed by the LLFA for compliance. In the event of approval, a condition should be imposed requiring the applicant to progress their proposals in accordance with the submitted Flood Risk & Drainage Assessment (Ref: 186D41-FRDA/01), received 24 April 2019.
120. Subject to the above, outline proposals would be considered to satisfy the provisions of Part 14 of the NPPF and CDP Policies 35 and 36.

#### Planning obligations

121. Policy 25 of the CDP seeks to ensure that new development is only approved where any mitigation necessary to make the development acceptable in planning terms are secured through appropriate planning conditions or planning obligations. Developers will be required to enter into Planning Obligations which are directly related to the development and fairly and reasonably related in scale and kind to the development

#### *Affordable Housing*

122. Paragraph 65 of the NPPF requires major development proposals to include at least 10% of the homes provided to be made available for affordable home ownership. Policy 15 of the CDP requires applications for 10no. or more units to provide a percentage of Affordable Housing provision which is accessible, affordable and meets the needs of those residents unable to access the open housing market. As the proposed development is for upto 30no. dwellings, it exceeds this size threshold.
123. The Strategic Housing Market Assessment (SHMA) (2019) identifies the need for affordable housing within County Durham which it defines as one housing market area. The % of affordable housing required is set out in Policy 15 of the CDP, which based on viability evidence confirms that 10% is appropriate within this part of the County (which is regarded as a low value area). In low value areas, on sites of 10no. or more units. 10% of the homes provided should be for affordable home ownership (starter homes, discount market sale housing and other affordable routes to home ownership). Any contribution above 10% should be provided as affordable housing for rent.

124. For the purposes of this application a total contribution of 3no. affordable units (10%) would be required for affordable home ownership. Such requirement would need to be secured via S106 legal agreement.
125. Based on the information provided, concerns are raised over the lack of detail on the affordable housing provision that will be provided on site. There is no affordable housing statement which would outline the location, type and product the affordable housing would provide. In the absence of this information, proposals would conflict with Paragraph 65 of the NPPF and CDP Policy 15. Notwithstanding this, the applicant has agreed to the provision of the necessary affordable housing numbers and tenures. Should the applicant progress to appeal, it would be expected that such detail is agreed between parties beforehand through an agreed heads of terms document.

#### *Educational provision*

126. Paragraph 95 of NPPF confirms that the government places great importance to ensure that sufficient choice of school places is available to meet the needs of existing and new communities and requires LPAs to seek this. Based on the methodology set out in the Councils adopted Securing Developer Contributions towards Education Provision in County Durham, the proposed development of 30no. dwellings would produce 9no. pupils of primary school age and 4no. pupils of Secondary age.
127. Based on the projected rolls of the schools, taking into account the likely implementation of the development, build out rates and other relevant committed development it is anticipated that there will be sufficient space to accommodate the pupils generated by the development in primary schools. With regard to secondary schools, there will not be sufficient accommodation for the 4no. pupils likely to be produced from this development and a contribution of £66,216 is therefore required for additional teaching accommodation. The applicant has agreed to enter into an agreement to secure this contribution which is to be paid in a single installation upon first occupation of the dwellings.

#### *Healthcare*

128. Local surgeries are part of CCG wide plans to improve GP access and would be the likely beneficiaries of any S106 funds secured. Local GP Practices are keen to maintain/improve their access, and an increase in patient numbers may require adjustments to existing premises/access methods. The NHS advise that the increase in resident population arising from an additional 30no. dwellings would have a material effect on the local GP surgeries and their abilities to provide care, with a subsequent requirement for NHS contribution in this case. A calculated fee of £14,490.00 would be applicable, payable through S106 agreement should approval be granted. This detail has been agreed with the applicant.

#### *Open Space contributions*

129. CDP Policy 26 requires proposals for new residential development to make provision for open space to meet the needs of future residents having regard to the standards of open space provision set out in the Open Space Needs Assessment (OSNA). The OSNA sets out the most up to date position in respect to open space provision across the county and provides a formula for calculating requirements on a site-specific basis.

130. A scheme of 30no. units would generate at least 66no. people based on 2011 census data of 2.2 persons per household requiring an expectation of amenity open space to be provided on-site, and an off-site contribution for the other typologies of open space. A minimum 990m<sup>2</sup> of on site amenity space would be required as part of the development.
131. The application is outline in nature with indicative layout plans suggesting an expanse of public amenity space to the south and west of the site including a SuDS area, likely in excess of the minimum area specified, thereby meeting the requirement for on-site open space provision. Taking this into consideration, an off-site financial contribution of £47,223.00 would be required, to be paid in a single instalment upon first occupation of the dwellings. This would be on the condition that a minimum 990m<sup>2</sup> of on site open space is progressed into the final site layout proposals. The applicant is agreeable to enter into an agreement to secure this contribution.

#### Other matters

##### *Design Review*

132. Although plans are only indicative in nature, with specific details of scale, design and layout to be determined through any subsequent reserved matters, the application has been considered through the authority's Internal Design Review Process (April 2019). This process assessed the proposals against the 12 urban design criteria promoted through 'Building for Life'. The application was assessed against outline application criteria and resulted in 2no. red scores, 1no. amber score, 0 green scores and 3no. 'unknown'. Red scores were given in the 'Principle of development' and 'Creating well defined streets and spaces' categories.
133. As alluded to in paragraph 3 of the report, the applicant was advised in November 2019 that the application as submitted could not be supported. This was in light of the red scores, with the development to represent a notable and unacceptable incursion into the open countryside, and with only limited information provided to demonstrate that the streets and spaces will be well defined. In the absence of any subsequent information to overcome these concerns, the LPA maintain its objections to the scheme, with the application having failed the authority's design review process.

##### *Accessible and adaptable homes*

134. CDP Policy 15 includes a requirement for sites for 5 or more dwellings to ensure 66% of the dwellings proposed are built to Building Regulations Requirement M4(2) (accessible and adaptable dwellings) standard. Furthermore, on sites of 10 units or more, a minimum of 10% of the total number of dwellings on the site should be of a design and type that will increase the housing options of older people. These properties should be built to M4(2) standard and would contribute to meeting the 66% requirement set out above. They should be situated in the most appropriate location within the site for older people. Appropriate house types considered to meet this requirement include:
- level access flats;
  - level access bungalows; or
  - housing products that can be shown to meet the specific needs of a multi-generational family.

135. Given the application is outline in nature, with details of scale, design and layout reserved matters, such detail would be confirmed through the reserved matters process.

#### *Nationally Described Space Standards (NDSS)*

136. CDP Policy 29 requires new development proposals to comply with the Nationally Described Space Standards (NDSS). The current application is outline in nature with specific details of scale, design and layout to be determined through reserved matters. Based on the indicative details provided, there would be no reason to assume these minimum standards cannot be satisfactorily achieved should the development progress through the outline approval stage.

#### *Sustainability*

137. CDP Policy 29 requires new development proposals to minimise greenhouse gas emissions, by seeking to achieve zero carbon buildings and providing renewable and low carbon energy generation. As above, specific details of the dwellings in relation to scale/design and notably in-built sustainability measures would be addressed through reserved matters.

#### *Public Rights of Way*

138. Fishburn Footpaths 12 and 13 are located along the northern and western boundaries of the application site respectively, both of which would be incorporated within the overall site layout. Although outline in nature with all matters reserved, within supporting documentation it is explained how a rerouting of the paths is required which would entail a path diversion order should the scheme progress. PROW officers advise that if approved, that these paths are incorporated within open space, to aid crime prevention, especially if there is no intention to have the paths adopted, which will mean that they will be unlit. Notwithstanding this, locating wetland landscape areas and SUDs up to/adjacent to these footpaths is not advisable given the potential for water to affect the path surface. Should the proposals progress to reserved matters, such considerations must be taken into account.

#### *PALO concerns*

139. As explained, the PALO has raised concern over the lack of lighting to the rear of properties within the open space amenity areas, which could present a public safety concern. Such matters would need to be addressed through reserved matters.

#### *Safeguarding mineral resources*

140. CDP Policy 56 seeks to safeguard mineral resources. Although a non-mineral development is proposed, the application site does not fall within a mineral safeguarding areas.

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## **CONCLUSIONS**

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141. Outline permission (all matters reserved) is sought for the construction of up to 30no. dwellings on arable land to the west of the Fishburn settlement. This development would represent an extension to a lapsed consent for 70no. residential units on land to the immediate north east (approved under separate planning approval ref:

DM/16/03151/OUT) which the applicant now claims could not be made viable without approval of the current application.

142. The application is to be determined in accordance with relevant policies set out within the NPPF and CDP. Paragraph 11c of the NPPF requires applications for development proposals that accord with an up to date development plan to be approved without delay. Consideration is given to the principle of developing this edge of settlement site, deliverability/achievability, landscape/visual impact, impact on neighbouring amenities, highways, ecology, contaminated land, archaeology, flooding/drainage and planning obligations.
143. Current proposals would result in notable landscape and unidentified ecological harm (which would have a transformative and negative impact), whilst resulting in a significant incursion into an attractive and prominent landscape on the western approach to the village. The applicant has failed to provide sufficient mitigation in this respect and the LPA are unable to accurately assess the ecological harm which would result.
144. Concerns are also raised over the absence of archaeological information necessary to demonstrate that there would be no resulting harm to identified archaeological assets in the area.
145. Local objections and representations where raised are covered in the report where necessary.
146. Proposals would conflict with Parts 2, 11, 15 and 16 of the NPPF and Policies 6, 10, 26, 29, 39, 40 41 and 44 of the County Durham Plan. There are no material considerations which outweigh the conflict with the development plan and the application is recommended for refusal.

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## **RECOMMENDATION**

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That the application be **REFUSED** for the following reasons:

1. The Local Planning Authority considers that the proposed development would represent an incursion into attractive and prominent open countryside on the western approach to the Fishburn settlement that would result in significant adverse harm to the character of the local landscape in conflict with Parts 12 and 15 of the NPPF and policies 10, 29, 39 and 40 of the County Durham Plan.
2. The Local Planning Authority considers that insufficient information has been provided to demonstrate the true landscape impacts of the development in terms of the potential impacts of up to 30no. residential units across the site and the impact of site access on an existing and established landscape buffer forming the western Fishburn settlement edge. In the absence of such information the LPA is unable to assess accurately the impacts of the development in the context of Parts 12 and 15 of the NPPF and policies 29, 39 and 40 of the County Durham Plan.
3. The Local Planning Authority considers that insufficient information has been provided to demonstrate that there would be no resulting harm to identified archaeological assets in the area, contrary to Part 16 of the NPPF and Policy 44 of the County Durham Plan.

4. The Local Planning Authority considers that insufficient information has been provided to demonstrate appropriate levels of ecological mitigation necessary to minimise impacts on biodiversity contrary to Part 15 of the NPPF and Policies 25 and 41 of the County Durham Plan.

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## **STATEMENT OF PROACTIVE ENGAGEMENT**

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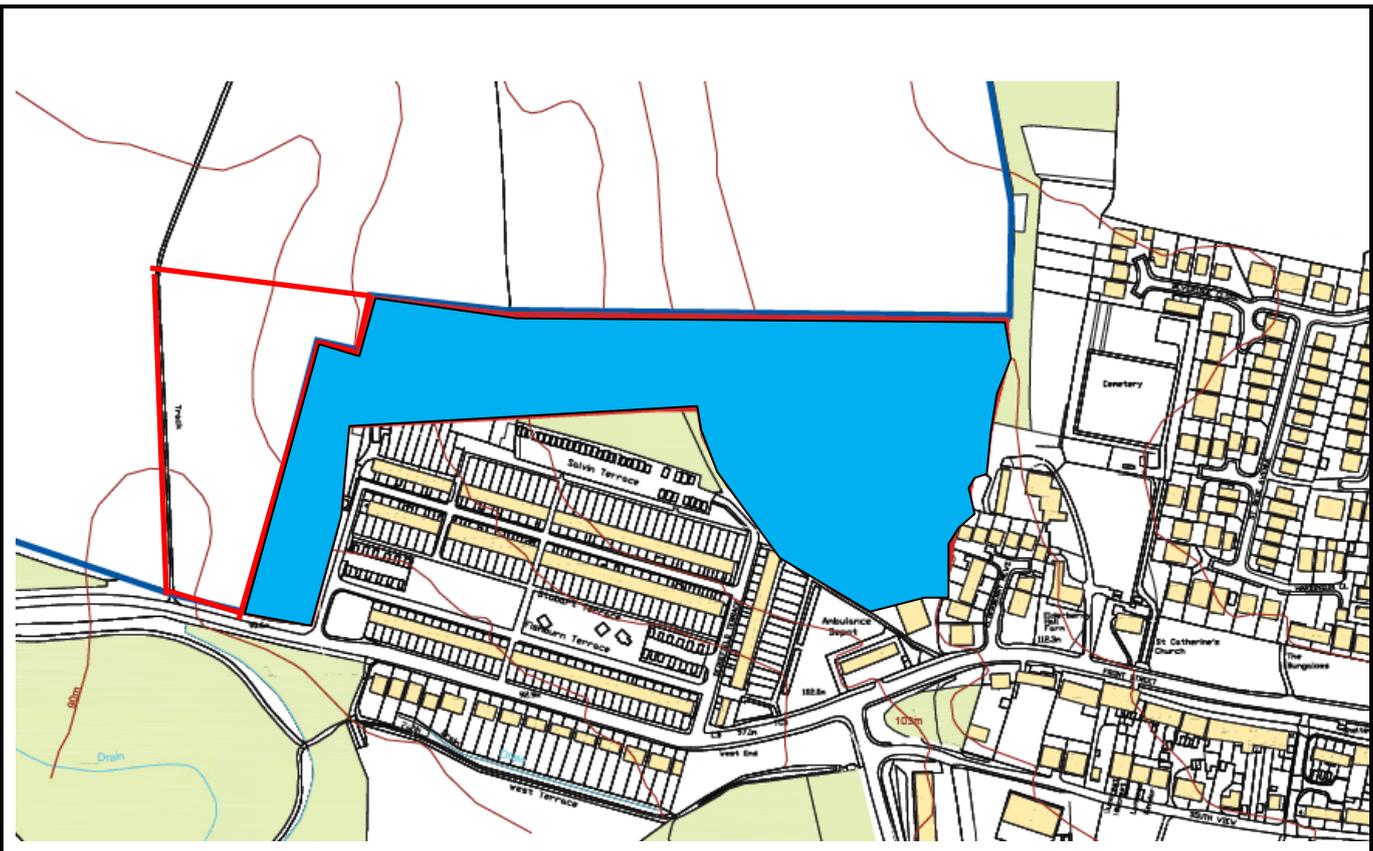
The Local Planning Authority in arriving at its decision to refuse the application has, without prejudice to a fair and objective assessment of the proposals, issues raised and representations received, sought to work with the applicant in a positive and proactive manner with the objective of delivering high quality sustainable development to improve the economic, social and environmental conditions of the area in accordance with the NPPF. However, this has not been possible in this instance. (Statement in accordance with Article 35(2) of the Town and Country Planning (Development Management Procedure) (England) Order 2015.

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## **BACKGROUND PAPERS**

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Submitted Application Forms, Plans and supporting documents  
National Planning Policy Framework  
The County Durham Plan (CDP)  
Statutory consultation responses  
Internal consultation responses  
External consultation responses



 <p><b>Durham</b> County Council</p> <p><b>Planning Services</b></p>	<p>Outline application for residential development of up to 30no. units (22no. shown on submitted plans) – all matters reserved</p>	
<p>This map is based upon Ordnance Survey material with the permission of Ordnance Survey on behalf of Her Majesty's Stationary Office © Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceeding. Durham County Council Licence No. 100022202 2005</p>	<p><b>Comments</b></p>	
	<p><b>Date 17 February 2022</b></p>	

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## Planning Services

# COMMITTEE REPORT

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### APPLICATION DETAILS

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<b>APPLICATION No:</b>	DM/21/03498/FPA
<b>FULL APPLICATION DESCRIPTION:</b>	21no. 2 bed and 2no. 3 bed wheelchair adaptable dormer bungalows with parking and associated landscaping
<b>NAME OF APPLICANT:</b>	Believe Housing
<b>ADDRESS:</b>	Land north of Tintern Road, St Helen Auckland, Co Durham
<b>ELECTORAL DIVISION:</b>	West Auckland
<b>CASE OFFICER:</b>	Mark O'Sullivan, Senior Planning Officer, 03000 261056, mark.o'sullivan@durham.gov.uk

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### DESCRIPTION OF THE SITE AND PROPOSALS

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1. The application relates to a rectangular grassed area (some 0.8Ha) located to the north of Tintern Road, St Helen Auckland. Melrose Drive is located to the east and Leazes Lane to the west, with the wider setting predominately residential in character comprising terraces of two storey dwellings. The site was previously occupied by residential properties, demolished sometime between 1980 and 1994, with the land having been left to grass since this time. The site presently forms amenity grassland as reflected within the Councils open space needs assessment.
2. Planning permission is sought for the provision of 23no. wheelchair adaptable bungalows. 21no. of these would be 2-bed, 3 person bungalows, and the other 2no. 3-bed, 5 person dormer bungalows. The proposals include associated off street parking and landscaping. An existing substation within the site is to be retained, with an existing public footpath which crosses through the site to be relocated.
3. The application is submitted by Believe Housing (a registered provider of social housing) in response to a recent assessment of housing need and demand in St Helen Auckland for affordable wheelchair adaptable bungalows. The survey established demand for both general need family and elderly/disabled dwellings. All dwellings would be provided for affordable rent.
4. The application is being reported to the Planning Committee in accordance with the Council's Scheme of Delegation as it falls within the definition of major development.

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### PLANNING HISTORY

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5. Consent was previously for the demolition of 50no. dwellings and 9no. garage blocks on land at Tintern Road with the area subsequently cleared.

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## PLANNING POLICY

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### NATIONAL POLICY

6. A revised National Planning Policy Framework (NPPF) was published in July 2021. The overriding message continues to be that new development that is sustainable should go ahead without delay. 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.
7. *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.
8. *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.
9. *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.
10. *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.
11. *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.
12. *NPPF Part 11 Making Effective Use of Land* - Planning policies and decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions. Strategic policies should set out a clear strategy for accommodating objectively assessed needs, in a way that makes as much use as possible of previously-developed or 'brownfield' land.

13. *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.
14. *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.
15. *NPPF Part 15 Conserving and Enhancing the Natural Environment* - 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 Page 73 pollution and land stability and remediating contaminated or other degraded land where appropriate.

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

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

16. The Government has consolidated a number of planning practice guidance notes, circulars and other guidance documents into a single Planning Practice Guidance Suite. This document provides planning guidance on a wide range of matters. Of particular relevance to this application is the practice guidance with regards to; air quality; climate change; design process and tools; determining a planning application; effective use of land; healthy and safe communities; land affected by contamination; natural environment; noise; use of planning conditions; and water supply, wastewater and water quality.

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

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

The County Durham Plan (CDP)

17. *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.
18. *Policy 15 (Addressing housing need)* 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.

19. *Policy 19 (Type and mix of housing)* advises that on new housing developments the council will seek to secure an appropriate mix of dwelling types and sizes, taking account of existing imbalances in the housing stock, site characteristics, viability, economic and market considerations and the opportunity to facilitate self build or custom build schemes.
20. *Policy 21 (Delivering sustainable transport)* 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 25 (Developer contributions)* advises that any mitigation necessary to make the development acceptable in planning terms will be secured through appropriate planning conditions or planning obligations. Planning conditions will be imposed where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects. Planning obligations must be directly related to the development and fairly and reasonably related in scale and kind to the development.
22. *Policy 26 (Green infrastructure)* seeks to resist development proposals which would result in the loss of open space or harm to green infrastructure assets unless the benefits of the development clearly outweigh that loss or harm and an assessment has been undertaken which has clearly shown the open space or land to be surplus to requirements. Where valued open spaces or assets are affected, proposals must incorporate suitable mitigation and make appropriate provision of equivalent or greater value in a suitable location. Where appropriate there will be engagement with the local community.
23. *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. Policy 29 also required 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. Also new major residential development is required 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'.
24. *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.

25. *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.
26. *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.
27. *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.
28. *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.
29. *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.
30. *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. Development proposals where the primary objective is to conserve or enhance biodiversity or geodiversity will be permitted if they comply with other local plan policy. Development proposals which are likely to result in the loss of

deterioration of irreplaceable habitats will not be permitted unless there are wholly exceptional reasons and a suitable compensation strategy exists.

31. *Policy 56 (Safeguarding mineral resources)* seeks to restrict planning permission for non-mineral development that would lead to the sterilisation of mineral resources within a Mineral Safeguarding Area, or which will sterilise an identified 'relic' natural building and roofing stone quarry unless specific circumstances apply.
32. Residential Amenity Standards SPD (2020 Adopted version) – Provides guidance on the space/amenity standards that would normally be expected where new dwellings are proposed.

<https://www.durham.gov.uk/cdp>

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## **CONSULTATION AND PUBLICITY RESPONSES**

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### **STATUTORY RESPONSES:**

33. *Town Council* – No comments received.
34. *Highway Authority* – The footway reconstruction, relocated footway and new footway link would be subject to a Section 278 of the Highways Act Agreement. Footways will need to be constructed to DCC adoptable standards. The provision of EV spaces within the development should be controlled by condition.
35. *NWL* – No objections, subject to a condition ensuring the approved development is implemented in line with the drainage scheme contained within the submitted document entitled 'Drainage Strategy, 17 September 21'.
36. *The Coal Authority* – No objections, subject to condition.

### **INTERNAL CONSULTEE RESPONSES:**

37. *Spatial Policy* – The site is located within the settlement of Bishop Auckland and formerly contained housing, cleared between 1980-1994, With the site landscaped in the intervening period. Redevelopment of the land parcels can be justified under Policies 6 and 26 of the CDP subject to securing the open space mitigation and local support for the scheme. There are no policy objections to this proposal.
38. *Ecology* – No objections, subject to the conditioning of the recommendations detailed in Section E of the Ecological Impact Assessment report. Habitats to be lost are of low distinctiveness, and the overall results of the metric show a biodiversity small loss.
39. *Contaminated Land* – No objections, subject to conditions with respect land contamination.
40. *Noise* – The information submitted demonstrates that the application complies with the thresholds stated within the TANS. This would indicate that the development will not lead to an adverse impact. No objections raised, subject to condition regarding sensitive construction measures.
41. *Landscape* – No arboricultural or landscape objections are raised, subject to control of hard and soft landscape details by condition.

42. *Education* – Taking into consideration the nature of the dwellings proposed and the intended occupants, no educational contributions would be required in this instance.
43. *Affordable Housing* – No comments received.
44. *Design and Conservation* – No design objections.
45. *Drainage* – No objections. The proposal is acceptable with respect to a sustainable solution to surface water management. Surface water drainage hydraulic calculations should be submitted for approval in digital format together with the Engineering Layout Plan identifying all cover, invert, and finished floor levels prior to commencement.
46. *PRoW* – No objections. There are no public rights of way across the site. There are a number of surfaced and adopted paths on the site, managed by the Highways team.
47. *Sustainability* – No comments received.

#### **NON-STATUTORY RESPONSES:**

48. *NHS* – The increase in resident population arising from an additional 21no. dwellings would have a material effect on the local GP surgeries and their abilities to provide care, with a subsequent requirement for NHS contribution in this case. A calculated fee of £10,143.00 would be applicable, payable through s106 agreement should approval be granted.

#### **PUBLIC RESPONSES:**

49. The application has been publicised by way of site notice, press advertisement and neighbour notification letters. No objections have been received in response to this consultation exercise.

#### **APPLICANTS STATEMENT:**

50. I am writing on behalf of Believe Housing, registered social landlord with over 18,000 properties across west, central and east County Durham. Believe have set an ambitious objective to build 1250 affordable homes over the next 5 years. The proposal is to deliver 23 much needed 2 and 3-bedroom bungalows for affordable rent at Tintern Road, St Helen Auckland. These will be let through the Durham Key Option choice-based lettings system. The provision of much needed housing, which suits the requirement of the County's ageing population will be of a great benefit to the local area.

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## **PLANNING CONSIDERATIONS AND ASSESSMENT**

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51. 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 relate to the principle of development, loss of open space, landscape impact, scale/design, privacy/amenity, highways, flooding and drainage, ecology, land stability and planning obligations.

## The principle of the development

52. The application is to be determined in accordance with relevant policies set out within the CDP. Paragraph 11c of the NPPF requires applications for development proposals that accord with an up to date development plan to be approved without delay.
53. The NPPF seeks to boost significantly the supply of housing, as well as using land that is physically well related to existing settlements. Part 11 (Making effective use of land) seeks to promote an effective use of land in meeting the need for homes. Meanwhile Part 5 clarifies the Government's objective of significantly boosting the supply of homes, and that the needs of groups with specific housing requirements are addressed. Paragraph 61 sets the requirement for the size, type and tenure of housing needed for different groups in the community to be reflected in planning policies.
54. CDP Policy 19 seeks to secure an appropriate mix of dwelling types and sizes, taking account of existing imbalances in the housing stock, site characteristics, viability, economic and market considerations.
55. CDP Policy 6 supports the development of sites which are not allocated in the plan or a Neighbourhood Plan within a built up area which accord with all relevant development plan policies, and which:
  - is compatible with, and is not prejudicial to, any existing, allocated or permitted use of adjacent land;
  - does not contribute to coalescence with neighbouring settlements, would not result in ribbon development, or inappropriate backland development;
  - does not result in the loss of open land that has recreational, ecological or heritage value, or contributes to the character of the locality which cannot be adequately mitigated or compensated for;
  - is appropriate in terms of scale, design, layout, and location to the character, function, form and setting of the settlement;
  - will not be prejudicial to highway safety or have a severe residual cumulative impact on network capacity;
  - has good access by sustainable modes of transport to relevant services and facilities and reflects the size of the settlement and the level of service provision within that settlement;
  - where relevant, makes as much use as possible of previously developed (brownfield) land;
56. Current proposals seek consent for the erection of 23no. affordable, wheelchair adaptable bungalows comprising 21no. 2-bed, 3 person bungalows, and 2no. 3-bed, 5 person dormer bungalows, with associated off street parking and landscaping. Such mix would support the principles of CDP Policy 19.
57. The site is located within a residential setting on land which historically contained houses, as shown on historic mapping (circa 1980 – 1994). Following clearance of

the site, the land was left to grass over and has since become an established area of open amenity space serving surrounding residential properties. The presence of desire lines across the site indicate that members of the public walk across and use the land, and the site is formally recognised as amenity open space within the Open Space Needs Assessment (OSNA) (ref: OSNA791)

58. Whilst a case could be made that the site can no longer be regarded as previously developed land on account that it was restored following the removal of earlier housing, it would nonetheless represent the efficient use of land in a suitable location which accords with Policy 6 and also the NPPF in terms of suitable location for houses. There would be no objections to the principle of infill residential development in this location with the application site located close to existing residential property and nearby shops and services, as well as public transportation links into nearby West Auckland and Bishop Auckland centres. Infill development of the site would also relate well to the existing settlement form.
59. Annex 2 of the NPPF sets out that to be considered deliverable, sites for housing should be available now and have a realistic prospect that housing will be delivered within 5 years. In particular where a site has planning permission for major development it should only be considered deliverable where there is clear evidence that housing completions will begin on site within five years. Given the scale of the development proposed and the fact the site is already cleared, ready for development to commence, there is no reason to presume why this would not be the case, with it entirely reasonable to assume that the site could be built out in its entirety within the time periods required. The applicant is a social housing provider and there is an identified need for more affordable housing in the area, particularly bungalows. Believe Housing have confirmed that following approval, the scheme would be tendered via a mini tender process, and grant funding requested from Homes England to support deliverability.
60. In accordance with paragraph 11c of the NPPF, there are no policy objections to the principle of developing this site for housing subject to the following material planning considerations.

#### Loss of open space

61. CDP Policy 26 (Green Infrastructure) seeks to resist development proposals which would result in the loss of open space or harm to green infrastructure, unless the benefits of the development clearly outweigh that loss or harm, and an assessment has been undertaken which has clearly shown the open space or land to be surplus to requirements. Where appropriate there will be engagement with the local community.
62. The application site comprises land formerly occupied for residential use. Since its clearance, the site was left to grass and has been used as amenity open space ever since. The site is currently designated as open space within the Open Space Needs Assessment as amenity green space (ref: OSNA791).
63. Having already established that the principle of residential development on this particular site is acceptable, it would be necessary to test how valued the site is to residents of the local community as it has been used as public amenity space in the intervening period since demolition took place. In this respect it is noted that no public objections have been received regarding its future development following the result of neighbour notification letters, press and site notices in varying locations close to the application site. The open space in question is perhaps also not of the best quality, comprising uneven, maintained grassland in an elongated form, with no

features of note and adjacent to a number of estate roads. There are also alternative and more suitable areas of amenity space in close proximity.

64. An existing public footpath which currently crosses the site from north to south is to be stopped up and relocated several metres to the west in-between proposed plots 5 and 6.
65. For this reason, there would be no overriding objections to the loss of this open space for the purposes specified, consistent with the principles of CDP Policy 26. In order to justify residential development in this location, it would be necessary to secure contributions to improve the provision of amenity space within the local area which would help to compensate for the loss. Such considerations are discussed further in the planning obligations section of the report.

#### Landscape impact

66. CDP Policy 39 sets out that proposals for new development will 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 will be expected to incorporate appropriate measures to mitigate adverse landscape and visual effects, showing regard to the County Durham Landscape Character Assessment and County Durham Landscape Strategy, and contribute, where possible, to the conservation or enhancement of the local landscape.
67. CDP Policy 40 states 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. 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, maintain adequate stand-off distances between them and new land-uses, including root protection areas where necessary, to avoid future conflicts, and integrate them fully into the design having regard to their future management requirements and growth potential.
68. No arboricultural or landscape objections are raised. Subject to control of hard and soft landscape details (by condition), the landscape and visual impacts of the development on significant trees and the surrounding area are considered to be negligible. The applicant is to be reminded by informative to pay particular attention to the arrangement of VP spaces to the front of the site ensuring easier of movement for pedestrians with mobility / eyesight issues. Notwithstanding this, the proposed development is considered acceptable in landscape terms, and would be in accordance with CDP Policies 39 and 40.

#### Scale/Design

69. General design guidance is set out in Part 12 of the NPPF and CDP policies 6 and 29 which seek to ensure good design in new developments. New development should be appropriate in terms of scale, design, layout, and location to the character, function, form and setting of the settlement. It should contribute positively to an area's character, identity, heritage significance, townscape and landscape features, helping to create and reinforce locally distinctive and sustainable communities; and also create buildings and spaces that are adaptable to changing social, technological, economic and environmental conditions and include appropriate and proportionate measures to reduce vulnerability, increase resilience and ensure public safety and security;

70. Submitted plans have addressed comments raised at the pre-application stage in relation to the proposed site layout. Dwellings provide an active street frontage to Tintern Road to the south and the applicant has proposed a contemporary approach to character and dwelling design, utilising a brick detail which aligns with the fenestration pattern and creates visual interest. No design objections are raised, with proposals to satisfy the provisions of Part 12 of the NPPF and CDP Policies 6 and 29.

#### Privacy/Amenity

71. Parts 12 and 15 of the NPPF, require that a good standard of amenity for existing and future users be ensured, whilst seeking to prevent both new and existing development from contributing to, or being put at unacceptable risk from unacceptable levels of pollution.
72. Policy 31 of the CDP seeks to support proposals only 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. The proposal will also need to demonstrate that future occupiers of the proposed development will have acceptable living and/or working conditions. Proposals which will have an unacceptable impact such as through overlooking, visual intrusion, visual dominance or loss of light, noise or privacy will not be permitted unless satisfactory mitigation measures can be demonstrated whilst ensuring that any existing business and/or community facilities do not have any unreasonable restrictions placed upon them as a result.
73. CDP Policy 29 requires all new development to comply with Nationally Described Space Standards (NDSS). All proposed dwellings would achieve an internal floor area of 73m<sup>2</sup> (in the case of the 21no. bungalows), or 105m<sup>2</sup> (in the case of the 2no. dormer bungalows). Dwellings would be constructed to current Building Regulations standard and satisfy the current minimum National Described Space Standards of 61m<sup>2</sup> and 93m<sup>2</sup> respectively.
74. The Councils Residential Amenity Standards SPD provides guidance on the space/amenity standards that would normally be expected where new dwellings are proposed. All new development, including new dwellings, will have some bearing on neighbouring properties and it is important to ensure that the impact does not result in a significant loss of privacy, outlook or light for occupiers of new dwellings and existing dwellings. The design and layout of new development 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. Spacing between the windows of buildings/dwellings should achieve suitable distances for privacy and light, whilst also preventing cramped and congested layouts.
75. The following minimum standards will be applied to new residential developments:
- Main facing elevation to main facing elevation containing window/s serving a habitable room:
- 21 metres between two storey buildings
  - 18 metres between bungalows
- Main facing elevation to gable wall which does not contain a window serving a habitable room:
- 13 metres to two storey gable

- 10 metres to single storey gable

76. All 23no. bungalows would be arranged in a linear development form extending east-west across the site, with primary elevations facing north and south. A separation in excess of 21m would be maintained between the proposed front facing elevations and adjacent rear elevations of properties to the south. Likewise, sufficient separation in excess of the minimum would be maintained from properties to the north, east and west. Given the siting of the proposed dwellings in relation to nearest neighbouring dwellings (predominantly to the north of existing dwellings), and the fact that these dwellings would comprise bungalows, no adverse impact would be created in terms of overbearing impact and overshadowing.
77. All dwellings would benefit from private amenity space to the front and rear, with gardens to the north overlooking an area of landscaped open space. Enclosures are not specified and would be controlled via condition in the interests of amenity. Given the spacious site layout, there would be no requirement to remove permitted development rights by condition.
78. EHO's have also considered the proposals. The locality maybe regarded as a semi urban setting with other residential housing being near the site. There are no major road and officers are not aware of any Environmental matters which might impact on the development. Therefore, relevant impacts should be with reasonable parameters and comply with the thresholds, stipulated in the TANS (Technical Advice Notes). Considering, the scale of the development, the construction phase is likely to be relatively brief and assuming works are kept within suitable hours (via an appropriate condition), it is not expected that the impact of this phase likely to lead to a breach of the levels stated in the TANS.
79. The information submitted demonstrates that the application complies with the thresholds stated within the TANS. This would indicate that the development will not lead to an adverse impact. Furthermore, based on the information submitted with the application, the proposed development is unlikely to cause a statutory nuisance. Proposals are considered to satisfy the provisions of Parts 12 and 15 of the NPPF and Policy 31 of the CDP.

## Highways

80. NPPF Part 9 seeks to ensure that development only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe. Policy 21 of the CDP seeks to ensure that any vehicular traffic generated by new development, following the implementation of sustainable transport measures, can be safely accommodated on the local and strategic highway network and does not cause an unacceptable increase in congestion or air pollution and that severe congestion can be overcome by appropriate transport improvements. New developments should provide for appropriate, well designed, permeable and direct routes for walking, cycling and bus access, so that new developments clearly link to existing services and facilities together with existing routes for the convenience of all users.
81. Layout plans detail parking provision in the form of a single space for each of the 2 bed bungalows, and 2 spaces for each of the 3 bed units, along with distributed visitor parking laybys. This provision is in accordance with DCC Parking Standards and no highways objections are raised in this regard. Properties should be provided with charging points for electric vehicles and such detail can be controlled by condition.

82. As explained, an existing adopted public footpath which runs from Tintern Road northwards across the site will require Stopping Up. This footway is indicated on plans to be relocated to the position of the electric sub-station which is to be retained, and run above the underground cable, with the existing footway to be stopped up.
83. An existing footway along the northern side of Tintern Road is intersected by several vehicular crossings which remain from the former housing on the site. A reconstructed footway on this northern side is required adjacent to all parts of the development site and should incorporate the vehicular crossings for the various parking spaces. The footway reconstruction, relocated footway and new footway link would be subject to a Section 278 of the Highways Act Agreement. Footways will need to be constructed to DCC adoptable standards and it will be necessary for the applicant to enter into an agreement under Section 278 of the Highways Act 1980, in order to allow the required works within the existing highway to be carried out.
84. Highways officers have also requested a new connecting footway to be provided on the southern side of Tintern Road, eastward from Leazes Road for 70m to connect to the existing footway and incorporate dropped kerbs where necessary. This stretch of land falls outside of the application site red line boundary and applicants ownership and therefore there are no control mechanisms to effectively implement this request. Whilst the request for the footway as a potential benefit associated with the scheme is acknowledged, this is not considered essential to allow the development to proceed.
85. Subject to the above, proposals would satisfy the provisions of Part 9 of the NPPF and policy 21 of the CDP. It is not considered that the resulting traffic increase serving the site would give rise to a severe cumulative impact on the local road network, with sufficient off-street parking provision to be secured.

#### Flooding and Drainage

86. Part 14 of the NPPF seeks to resist inappropriate development in areas at risk of flooding, directing development away from areas at highest risk (whether existing or future). Where development is necessary in such areas, the development should be made safe for its lifetime without increasing flood risk elsewhere.
87. Policy 35 of the CDP requires 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. Development in flood zones should not be permitted unless in exceptional circumstances. Regarding surface water flood risk, the management of water must be considered intrinsic to the overall development, with runoff rates carefully controlled. Policy 36 of the CDP requires proposals to the disposal of foul water, utilising the hierarchy of foul water.
88. The application is submitted alongside a flood risk statement and drainage strategy. Subject to the submission of necessary hydraulic calculations prior to the commencement of the development, no objections are raised. The submitted information is deemed to be satisfactory with respect to the management of surface water for the development with proposals considered to satisfy the principles of Part 14 of the NPPF and Policies 35 and 36 of the NPPF.

## Ecology

89. Part 15 of the NPPF seeks to ensure that when determining planning applications, Local Planning Authorities seek to conserve and enhance biodiversity. Policy 41 of the CDP seeks to resist proposals for new development which would otherwise result in significant harm to biodiversity or geodiversity, which cannot be avoided, or appropriately mitigated, or, as a last resort, compensated for. Proposals for new development will be expected to minimise impacts on biodiversity by retaining and enhancing existing biodiversity assets and features and providing net gains for biodiversity including by establishing coherent ecological networks. CDP Policy 25 seeks to ensure that new development is only approved where any mitigation necessary to make the development acceptable in planning terms are secured through appropriate planning conditions or planning obligations.
90. The application is submitted alongside an Ecological Impact Assessment report and Biodiversity net gain assessment. The habitats to be lost to the proposals are considered to be of low distinctiveness, and the overall results of the metric show only a small net biodiversity loss resulting from the development, with no requirement for the applicant to secure a license for these works. Considering the habitats to be lost, ecology officers would be content in this instance for the proposed integrated bat and bird boxes, as mentioned in the Impact Assessment to address this minor loss, with such detail shown on submitted plans. No objections are raised on ecological grounds, subject to the conditioning of the recommendations detailed in Section E of the Ecological Impact Assessment report. Proposals would satisfy the provisions of Part 15 of the NPPF and Policies 25 and 41 of the CDP.

## Land stability

91. Part 15 of the NPPF seeks to prevent unacceptable risks from pollution and land instability. Where a site is affected by contamination or land stability issues, responsibility for securing a safe development rests with the developer and/or landowner. Policy 32 of the CDP stipulates that development will not be permitted unless the developer can demonstrate that:
- a. any existing despoiled, degraded, derelict, contaminated or unstable land issues can be satisfactorily addressed by appropriate mitigation measures prior to the construction or occupation of the proposed development;
  - b. the site is suitable for the proposed use, and does not result in unacceptable risks which would adversely impact on the environment, human health and the amenity of local communities; and
  - c. all investigations and risk assessments have been undertaken by an appropriately qualified person.
92. EHO's have assessed the available information and historical maps with respect to land contamination including the following report:
- Solmek (March 2021) Phase 1: Desk Study, Fountain Square, St Helen Auckland
93. Due to the previous developed nature of the site and its location within a coalfield high risk development area There is the potential for Made Ground and contamination on the site. EHO's agree with the findings and recommendations of the report and a contaminated land condition should apply to any permission granted.

94. With respect to Coal Mining legacy, Coal Authority records indicate that within the application site and surrounding area there are coal mining features and hazards which need to be considered in relation to the determination of this planning application. The applicant has submitted a Phase 2: Site Investigation Report (June 2021), prepared by Solmek Ltd which is informed by a preliminary intrusive site investigation.
95. The Coal Authority concurs with the recommendations of the Phase 2 Report, that further intrusive site investigation works should be undertaken prior to development in order to establish the exact situation regarding coal mining legacy issues on the site. Based on this review of existing mining information, the Coal Authority raises no objection, subject to a suitable condition to ensure the investigations and any necessary remedial measures are undertaken. Conditions are required to be pre-commencement 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 183 and 184 of the National Planning Policy Framework. Subject to the above, proposals would satisfy Part 15 of the NPPF and Policy 32 of the CDP.

### Planning Obligations

96. Policy 25 of the CDP seeks to ensure that new development is only approved where any mitigation necessary to make the development acceptable in planning terms are secured through appropriate planning conditions or planning obligations. Developers will be required to enter into Planning Obligations which are directly related to the development and fairly and reasonably related in scale and kind to the development

### *Affordable Housing*

97. Paragraph 64 of the NPPF requires major development proposals to include at least 10% of the homes provided to be made available for affordable home ownership. Meanwhile, the Strategic Housing Market Assessment (SHMA) (2019) identifies the need for affordable housing within County Durham which it defines as one housing market area. The % of affordable housing required is set out in Policy 15 of the CDP, which based on viability evidence confirms that 15% is appropriate within this part of the County (which is regarded as a medium value area).
98. Policy 15 of the CDP requires applications for 10no. or more units to provide a percentage of Affordable Housing provision which is accessible, affordable and meets the needs of those residents unable to access the open housing market. As the proposed development is for more than 10no. dwellings, it exceeds this size threshold.
99. In medium value areas, on sites of 10no. or more units. 10% of the homes provided should be for affordable home ownership (starter homes, discount market sale housing and other affordable routes to home ownership). Any contribution above 10% should be provided as affordable housing for rent. In the case of this application, such provision equates to 3no. affordable units of which 2no. should be affordable home ownership and 1no. affordable rent.
100. The application for 23no. bungalows is submitted by 'Believe Housing' who are a registered provider. An affordable housing statement is provided in support of the application confirming a scheme of 100% affordable rented units. Although the proposed tenure mix is different to what would be required under Policy 15

(Addressing Housing Need) this enables the applicant to make a case, specifying that where it can be evidenced to the Council's satisfaction that this tenure mix would make the required affordable housing contribution unviable or that alternative affordable housing products are required to meet local needs, then proposals for an alternative tenure mix as proposed by the applicant will be considered.

101. The provision of 23no. affordable units for rent in this location is a notable benefit and is welcomed by the Council's Housing Development Team who are satisfied that these proposals would meet the affordable housing needs of the area. The Affordable Housing statement sets out that all units will be let as traditional affordable rented dwellings via Durham Key Options Choice Based Lettings service based on priority need. It is considered that the affordable rented product can be justified based on evidence of local housing need. It is also noted that the scheme will potentially deliver a greater percentage of affordable housing than the 15% required by policy which is a benefit. It is therefore not considered necessary on this occasion to request the applicant to provide a local housing need evidence base to support their proposals, justifying a scheme of 100% affordable rent product. Notwithstanding this, it will still be necessary to secure the requisite policy amount of 15% affordable housing to be retained in perpetuity via s106 so as to ensure that they remain affordable for future eligible households.

#### *Educational provision*

102. Paragraph 95 of NPPF state that the government places great importance on the availability of a sufficient choice of school places to meet the needs of existing and new communities and requires LPAs to seek this. However, taking into consideration the nature of the dwellings proposed and the intended occupants, no educational contributions would be required in this instance.

#### *Healthcare*

103. Local surgeries are part of CCG wide plans to improve GP access and would be the likely beneficiaries of any S106 funds secured. Local GP Practices are keen to maintain/improve their access, and an increase in patient numbers may require adjustments to existing premises/access methods. The NHS advise that the increase in resident population arising from an additional 21no. dwellings would have a material effect on the local GP surgeries and their abilities to provide care, with a subsequent requirement for NHS contribution in this case. A calculated fee of £10,143.00 would be applicable, payable through S106 agreement should approval be granted. The applicant has agreed to enter into a S106 obligation to secure these funds to be paid in a single installment upon first occupation of the dwellings.

#### *Open Space contributions*

104. CDP Policy 26 requires proposals for new residential development to make provision for open space to meet the needs of future residents having regard to the standards of open space provision set out in the Open Space Needs Assessment (OSNA). The OSNA (2010) sets out the most up to date position in respect to open space provision across the county and provides a formula for calculating requirements on a site specific basis. As explained the site is presently classified as designated amenity green space (OSNA ref: OSNA791).

105. Given the scale and nature of the proposals, and the availability of open space surrounding the site, there is a requirement for contributions for off-site provision to offset the loss of open space. Based upon a scheme for 23no. dwellings, (generating a population of 51no. residents taking 2011 census data of 2.2 persons per

household), an off-site open space financial contribution of £40,315.50 is calculated. The applicant has agreed to enter into a S106 obligation to secure these funds to be paid in a single installment upon first occupation of the dwellings.

## Sustainability

106. CDP Policy 29 requires all development proposals to minimise greenhouse gas emissions, by seeking to achieve zero carbon buildings and providing renewable and low carbon energy generation, as well as minimise the use of non-renewable and unsustainable resources. In supporting documentation it is explained how Believe Housing are targeting this scheme as a potential fully electric development utilizing air / ground source heat pumps with improved levels of thermal insulation and airtightness.
107. The applicant confirms that the proposed development would comply or exceed current Building Regulations, specifically Part L and F at the time of construction. The sustainability of the development is a key consideration for Believe, owing in part to the long term commitment the organisation has to the community. Endeavour will be undertaken towards meeting CDP Policy 29, however due to the current economic situation, specifically in relation to the current cost of building materials and labour, these may have implications upon the final design. This proposal would be subject to a cost viability study and therefore commitment to the above can only be made once the scheme has been tendered following receipt of planning permission. Notwithstanding this, all bungalows would incorporate increased levels of thermal insulation to the roof, walls and floor, above building regulations, to improve the thermal insulation and reduce air changes to the bungalows. This will reduce energy usage, CO2 emissions and energy cost for future residents.

## Other matters

### *Accessible and adaptable homes*

108. CDP Policy 15 includes a requirement for sites for 5 or more dwellings to ensure 66% of the dwellings proposed are built to Building Regulations Requirement M4(2) (accessible and adaptable dwellings) standard. In this instance 66% would equate to 15no. of the 23no. proposed dwellings. Furthermore, on sites of 10 units or more, a minimum of 10% of the total number of dwellings on the site should be of a design and type that will increase the housing options of older people. These properties should be built to M4(2) standard and would contribute to meeting the 66% requirement set out above. They should be situated in the most appropriate location within the site for older people. Appropriate house types considered to meet this requirement include:
- level access flats;
  - level access bungalows; or
  - housing products that can be shown to meet the specific needs of a multi-generational family.
109. In supporting documentation it is explained how all wheelchair adaptable bungalows would ensure level access from each in-curtilage disabled parking bay to the principal entrance. Level access would be provided to the main entrance with bungalows to offer internal wheelchair parking and charging areas. All bungalows are designed to comply with Building Regulation Approved Document part M3 wheelchair adaptable dwellings with increased internal door widths and wheelchair accessible wet rooms. Given the nature of the applicant (a social housing provider) and the intended occupant of these units, there is no reason to assume why such

standards cannot be achieved. This will meet and surpass the requirements of this aspect of CDP Policy 15 with no objections raised and will be ensured via condition.

### *Safeguarding mineral resources*

110. CDP Policy 56 seeks to safeguard mineral resources. Significant areas of the county fall into such mineral safeguarding areas, including the application site and wider area. Although a non-mineral development is proposed, it is not considered that the current proposals would sterilise this mineral resource taking into consideration the scale of the site, previous land use and the residential setting. No objections are raised in this regard.

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## **CONCLUSIONS**

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111. Planning permission is sought by Believe Housing for the erection of 23no. wheelchair adaptable bungalows comprising 21no. 2-bed, 3 person bungalows, and 2no. 3-bed, 5 person dormer bungalows, with associated off street parking and landscaping. All dwellings would be provided for affordable rent.

112. Consideration is given to the principle of the works proposed, open space and landscape impact, scale/design, residential amenity, highways, flooding/drainage, ecology, land stability and planning obligations. No objections have been received from consultees or the public, and it is considered that the proposals would satisfy the provisions of Parts 2, 4, 5, 8, 9, 11, 12, 14 and 15 of the NPPF and policies 6, 15, 19, 21, 25, 26, 29, 31, 32, 35, 36, 39, 40, 41 and 56 of the County Durham Plan and the Residential Amenity Standards SPD (2020 Adopted version). The application is recommended for approval subject to the following conditions and completion of a S106 obligation to secure the requisite affordable housing provision, healthcare and off site open space contribution.

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## **RECOMMENDATION**

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That the application be **APPROVED** subject to the completion of a Section 106 Obligation to secure the following:

- Provision of 15% affordable housing on site in perpetuity, equating to 3no. units;
- Financial contribution totalling £40,315.50 towards offsite open space and recreational provision, payable in a single instalment prior to the occupation of the first dwelling;
- Financial contribution totalling £10,143.00 towards improved healthcare provision in the local area, payable in a single instalment prior to the occupation of the first dwelling.

And the following conditions:

### 1. Time limit

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. Approved plans

The development hereby approved shall be carried out in strict accordance with the following approved plans:

2953.10.001A (Location Plan), received 07 October 2021  
2953.10.005E (Site layout), received 02 February 2022  
2953.10.020B (Plots 1, 2, 14, 15 plans/elevations), received 15 December 2021  
2953.10.021A (Plots 3-5, 8-10, 11-13, 16-21 plans/elevations), received 15 December 2021  
2953.10.022B (Plots 22 and 23 plans/elevations), received 15 December 2021  
2953.10.023B (Plots 6 and 7 plans/elevations), received 15 December 2021  
2953.10.024C (Street scene), received 15 December 2021  
Ecological Impact Assessment R02 (E3 Ecology), received 07 October 2021  
Biodiversity net gain assessment R01 (E3 Ecology), received 05 November 2021  
S210306 (Phase 1 Desk Study), received 07 October 2021  
S210306 (Phase 2 Site Investigation), received 07 October 2021  
JK-6400 rev3 (Flood risk assessment – Statement and drainage strategy), received 12 January 2022

*Reason: To define the consent and ensure that a satisfactory form of development is obtained.*

### 3. M4(2) standard

No development other than site clearance or remediation works shall commence until a scheme to detail how at least 15no. of the dwellings comply with Building Regulations M4(2) Accessible and Adaptable Dwellings has been submitted to and agreed in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details.

*Reason: In order to address housing need requirements in accordance with Policy 15 of the County Durham Plan.*

### 4. Materials to be agreed

Notwithstanding any details of materials submitted with the application no development shall be carried out above damp proof course level until details of the make, colour and texture of all walling and roofing materials have been submitted to and approved in writing by the Local Planning Authority. The development shall be constructed in accordance with the approved details.

*Reason: In the interests of the appearance of the area and to comply with Part 12 of the NPPF and policies 6 and 29 of the County Durham Plan.*

### 5. Enclosures

No development shall be carried out above damp proof course level until details of all means of enclosure are submitted to and approved in writing by the Local Planning Authority. The enclosures shall be constructed in accordance with the approved details prior to the occupation of the dwelling to which they relate and retained thereafter.

*Reason: In the interests of the amenity and to comply with policy 31 of the County Durham Plan.*

### 6. EV spaces

Prior to the first occupation of the dwellings hereby approved, written and illustrative details of the number, type and location of Electric vehicle charging points (EVCP) shall be submitted to and approved in writing by the Local Planning Authority. The EVCP shall be installed prior to first occupation of the dwellings in accordance with the approved details, and maintained and kept in good working order thereafter as specified by the manufacturer.

*Reason: As required by the highway authority in accordance with Policy 21 of the County Durham Plan.*

### 7. Landscape details

No development shall be carried out above damp proof course level until a detailed landscaping scheme has been submitted to and approved in writing by the Local Planning Authority. The scheme of landscaping shall include details of hard and soft landscaping, planting species, sizes, layout, densities, numbers, method of planting and maintenance

regime, as well as indications of all existing trees and hedgerows on the land and details of any to be retained, together with measures for their protection in the course of development.

*Reason: In the interests of the visual amenity of the area and to comply with Policy 31 of the County Durham Plan.*

#### 8. Landscape implementation

All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first available planting season following the practical completion of the development, and any trees or plants which within a period of 5 years from the substantial completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

*Reason: In the interests of the visual amenity of the area and to comply with Policy 31 of the County Durham Plan.*

#### 9. Mitigation

No development shall take place unless in accordance with the recommendations detailed within the ecological impact assessment report rev02 (E3 Ecology, September 2021).

*Reason: To conserve protected species and their habitat in accordance with Part 15 of the NPPF and Policy 41 of the County Durham Plan.*

#### 10. SW drainage details

Prior to the commencement of the development hereby approved, surface water drainage hydraulic calculations shall be submitted for written approval by the LPA in digital format, together with the Engineering Layout Plan identifying all cover, invert, and finished floor levels. The development shall thereafter be carried out in accordance with the approved details.

*Reason: To ensure the satisfactory management of surface water for the development in accordance with Part 14 of the NPPF and Policies 35 and 36 of the NPPF.*

#### 11. Drainage strategy

Development shall be undertaken in line with the drainage scheme contained within the submitted document entitled 'Drainage Strategy, 17 September 21'. The drainage scheme shall ensure that foul flows discharge to the foul sewer at manhole 5802 and ensure that surface water discharges to the surface water sewer downstream of manhole 5806. The surface water discharge rate shall not exceed the available capacity of 2.5l/sec that has been identified in this sewer. The final surface water discharge rate shall be agreed by the Lead Local Flood Authority.

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

#### 12. Coal mining

No development shall commence until;

a) further intrusive investigations have 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 undertaken on site in full in order to ensure that the site is 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: In order to ensure the safety and stability of the development, in accordance with paragraphs 178 and 179 of the NPPF.*

#### 13. Coal mining

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: In order to ensure the safety and stability of the development, in accordance with paragraphs 178 and 179 of the NPPF.*

#### 14. Contaminated Land (Phase 2-3)

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

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

#### 15. Contaminated Land (Phase 4)

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 Part 15 of the National Planning Policy Framework.*

#### 16. Construction

No external construction works, works of demolition, deliveries, external running of plant and equipment shall take place other than between the hours of 0730 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 the privacy/amenities of neighbouring occupiers and to comply with Policy 31 of the County Durham Plan.*

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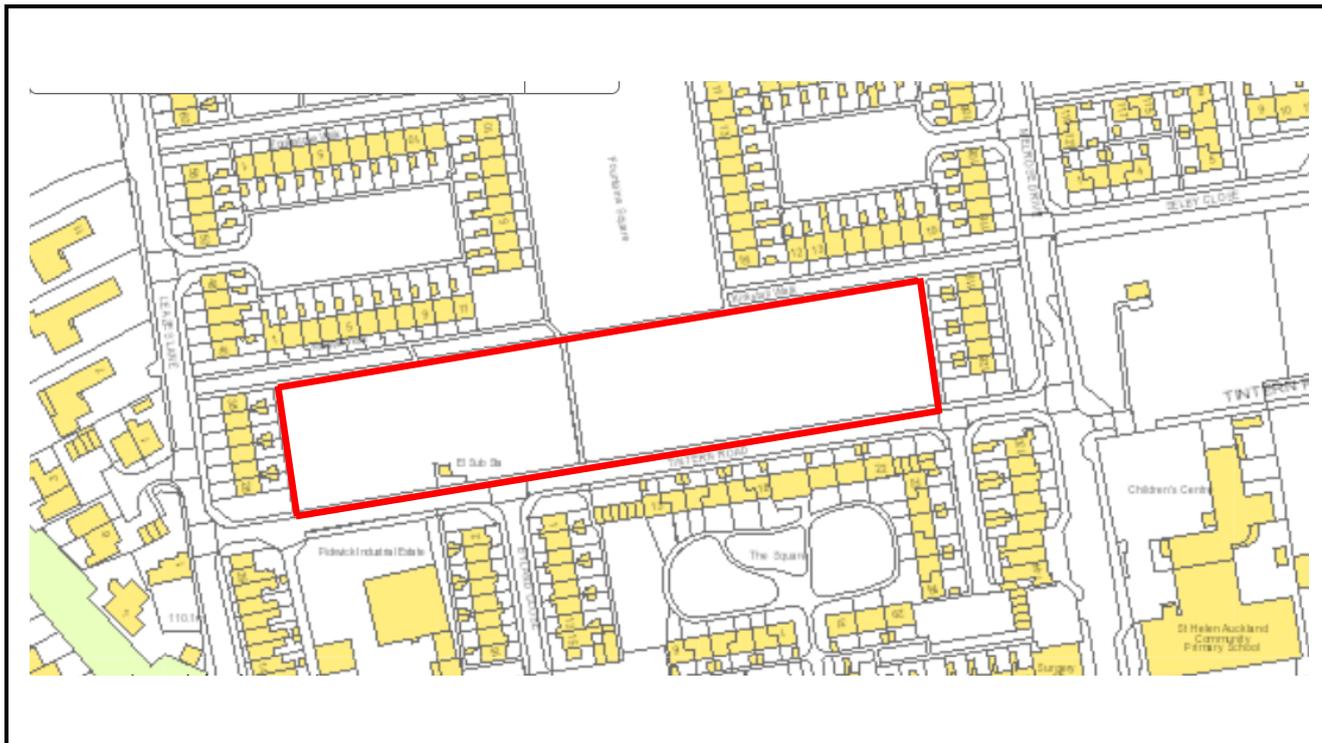
## **STATEMENT OF PROACTIVE ENGAGEMENT**

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The Local Planning Authority in arriving at its decision have, without prejudice to a fair and objective assessment of the proposals, issues raised, and representation received, sought to work with the applicant in a positive and proactive manner. The Local Planning Authority have sought to ensure that this application has been determined within a mutually agreed extended determination period. All pre-commencement conditions have been agreed in advance with the applicant as necessary.

## BACKGROUND PAPERS

Submitted Application Forms, Plans and supporting documents  
 National Planning Policy Framework  
 The County Durham Plan (CDP)  
 Statutory consultation responses  
 Internal consultation responses  
 External consultation responses



**Planning Services**

21no. 2 bed and 2no. 3 bed wheelchair adaptable dormer bungalows with parking and associated landscaping

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**Comments**

**Date 17 February 2022**

## Planning Services

# COMMITTEE REPORT

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### APPLICATION DETAILS

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APPLICATION NO:	DM/21/03713/FPA
FULL APPLICATION DESCRIPTION:	Proposed detached dwelling
NAME OF APPLICANT:	Ms Victoria Gibson
ADDRESS:	Land South Of Village Gate, Howden-le-Wear
ELECTORAL DIVISION:	Crook
CASE OFFICER:	Steven Pilkington, Principal Planning Officer, 03000 263964, <a href="mailto:steven.pilkington@durham.gov.uk">steven.pilkington@durham.gov.uk</a>

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### DESCRIPTION OF THE SITE AND PROPOSALS

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#### The Site

1. The application site relates to an area of open land used for equestrian purposes, located approximately 70m to the south of the residential estate of Village Gate, Howden-le-Wear. The site measures approximately 1000sq metres in area and is made up of grazing land and a menage, which is proposed to be reduced in size. The site is open, however mature trees are located further to the south along with a number of ancillary buildings associated with the equestrian uses of the land. The residential dwellings of Valley Terrace fronting out onto the A689 are located approximately 100m to the east of the site. To the west lies Howden Beck and agricultural land used for grazing.
2. The site is accessed via an unsurfaced track which measures approximately 100m in length, extending from the A689. The application site slopes down to the west, with the site lower than the level of the access road and surrounding fields.
3. A public right of way (No. 181 Crook) follows the line of the access track and passes in front of the proposed dwelling before crossing Howden Burn.
4. There are no designated heritage assets within 1 Km of the application site, nor does the site lie within a designated landscape.

#### Proposal

5. Planning permission is sought for erection of a large 4 bedroom property, providing accommodation across 3 floors. The footprint of the dwelling would measure approximately 18.5m x 8.7m, with a 5m x 4.5m rear projecting serving as a gym/study, a single storey link extension would adjoin a garage measuring 8.2m x 6.8m. Three en-suite bedrooms are proposed on the first floor with a 4<sup>th</sup> bedroom with a dressing

room and en-suite on the roof space. The dwelling would have a gross internal floor area of 367m<sup>2</sup>

6. The submitted plans set out that the lower portion of the dwelling would be faced in local sandstone, while the upper floors would be brick. Timber cladding is proposed to the rear off shoot and garage element. A large glazed atrium feature is proposed on the front elevation with dormer windows in the roof.
7. The application has been called to committee at the request of Councillor Jopling, to allow an assessment of the landscape impact.

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## **PLANNING HISTORY**

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8. No relevant planning history

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## **PLANNING POLICY**

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### **NATIONAL POLICY**

9. A revised National Planning Policy Framework (NPPF) was published in July 2018 (with updates since). The overriding message continues to be that new development that is sustainable should go ahead without delay. 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.
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 9 Promoting Sustainable Transport* - Encouragement should be given to solutions which support reductions in greenhouse gas emissions and reduce congestion. Developments that generate significant movement should be located where the need to travel will be minimised and the use of sustainable transport modes maximised.
15. *NPPF Part 11 Making Effective Use of Land* - Planning policies and decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions. Strategic policies should set out a clear strategy for accommodating objectively assessed needs, in a way that makes as much use as possible of previously-developed or 'brownfield' land.
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* - 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 Page 73 pollution and land stability and remediating contaminated or other degraded land where appropriate.

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

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

19. The Government has consolidated a number of planning practice guidance notes, circulars and other guidance documents into a single Planning Practice Guidance Suite. This document provides planning guidance on a wide range of matters. Of particular relevance to this application is the practice guidance with regards to; design process and tools; determining a planning application; effective use of land; enforcement and post permission matters; flood risk; healthy and safe communities; land affected by contamination; land stability; natural environment; noise; rural housing; use of planning conditions; and; water supply, wastewater and water quality.

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

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

The County Durham Plan (CDP)

20. *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.

21. *Policy 10 (Development in the Countryside)* states that development will not be permitted unless allowed for by specific policies in the Plan or Neighbourhood Plan or unless it relates to exceptions for development necessary to support economic development, infrastructure development or development of existing buildings. The policy further sets out 9 General Design Principles for all development in the Countryside.
22. *Policy 12 (Permanent Rural Workers' Dwellings)* sets out the criteria needed to demonstrate the acceptability of a new permanent agricultural, forestry and other rural workers' dwellings outside the built-up area. These criteria include: details of the nature and demands of the work that demonstrate an essential functional need for a permanent full time worker to live on site; details that the rural business activity has been established for at least three years and is financially sound; the proposed dwelling should not be harmful to the landscape and character of the area; the scale of the dwelling should be commensurate with the functional requirement; the functional need cannot be fulfilled by another existing dwelling in the unit or area. If planning permission is to be granted, it must be subject to an occupancy condition and removal of householder permitted development rights. Further provisions for temporary accommodation and removal of occupancy conditions.
23. *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.
24. *Policy 29 (Sustainable Design)* details general design principles for all development stating that new development should contribute positively to an areas' character, identity, heritage significance, townscape and landscape features, helping to create and reinforce locally distinctive and sustainable communities.
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 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.

27. *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.
28. *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 defense infrastructure will only be permitted where it is demonstrated as being the most sustainable response to the flood threat.
29. *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.
30. *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.
31. *Policy 41 (Biodiversity and Geodiversity)* states that proposal for new development will not be permitted if significant harm to biodiversity or geodiversity resulting from the development cannot be avoided, or appropriately mitigated, or as a last resort, compensated for.

<https://www.durham.gov.uk/cdp>

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## **CONSULTATION AND PUBLICITY RESPONSES**

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### **STATUTORY RESPONSES:**

32. *Highways Authority* - Advise that the application raises no concerns over road safety and the dwelling would be served off a private road and use an existing access to the A689. In the event of any approval the applicant should provide further details of refuse collection given the considerable distance between the proposed dwelling and the nearest adopted highway.

### **INTERNAL CONSULTEE RESPONSES:**

33. *Planning Policy* – Advise that the location of the proposed dwelling would not integrate with existing residential areas and would be sited separate from existing houses. For

this proposal to be acceptable, the impacts in terms of landscape, townscape and integration with the settlement pattern and form and existing properties surrounding the site would need to be within acceptable parameters.

34. *Landscape Section* – Advise that the proposal would be relatively well contained in wider views, screened or assimilated by existing buildings and vegetation, and seen in some views with the backdrop of Village Estate and in the context of the existing equestrian development. However, there would be localised adverse landscape and visual impact when viewed from the PROW (no. 181) that passes immediately to the south, due to the scale, massing and design of the dwelling that does not respect and respond to the local rural context and distinctiveness of the area.
35. *Environmental Health Public Protection (Contaminated Land)* – Advise a conditional approach in relation to contaminated land
36. *Ecology* - Advise that the development is unlikely to impact on any ecological interest given the nature and use of the site. In the event of any approval conditions should be attached to ensure the provision of bat and bird boxes to secure a net biodiversity gain.

#### **PUBLIC RESPONSES:**

37. The application has been advertised by way of a site notice and individual notification letters to neighbouring residents. No letters of objection have been received.

#### **APPLICANTS STATEMENT:**

38. My family acquired the site and the surrounding land in 1999 when it was in a semi derelict state. Since then we have invested considerable amount of time and money in providing a quality equestrian facility which we believe greatly improves the surrounding area. The facility consists of stables, storage, a horse walker, menage and garaging for horseboxes. All built and maintained to a high standard to accommodate the high value stock that occupies the premises. The facilities and stock enable myself to compete in events all around the UK and also provide the necessary support to train and house stock. Although for personal use only the facility would compare very favourably with a professional yard.
39. The access to the site has been in use since we acquired the land. The primary vehicles using the access are large horse boxes, trailers and private cars. There have been no issues with the access in the time we have owned the site.
40. The proposed dwelling is intended to compliment the facility but also make operation much more efficient and reduce the environmental footprint. Currently we visit the site several times a day to provide welfare for the horses and to some extent maintain security of the site. Residing on site will remove the daily visits and improve management and welfare of the horses. My family have lived and worked in the village for over a hundred years and are well known in equestrian circles. For all practical purposes we need to reside on site. The whole aspect of management, animal welfare, security and reduced environmental impact hinges on living on site. Offsite living, regardless of being near or far, does not satisfy the foregoing criteria and in some elements exacerbates these issues.
41. On advice from planning professionals, we believe the siting of the house offers the best solution and satisfies planning policy. Due to the site levels the house is half hidden from all views into the site. It is also located adjacent to the existing buildings which are agricultural and bulky. The existing buildings and site are very much a part

of the village fabric. The site is within walking distance of all village facilities, so it is a particularly sustainable location.

42. We trust you will agree with our view and grant permission.

The above represents a summary of the comments received on this application. The full written text is available for inspection on the application file which can be viewed at <https://publicaccess.durham.gov.uk/online-applications/search.do?action=simple&searchType=Application>

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## **PLANNING CONSIDERATIONS AND ASSESSMENT**

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43. 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 relate to the principle of development, accessibility, landscape/visual impacts, local amenity, ecology, highway safety and other matters.

### Principle of the development

44. Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The NPPF is a material planning consideration. The County Durham Plan (CDP) is the statutory development plan and the starting point for determining applications as set out in the Planning Act. The CDP was adopted in October 2020 and provides the policy framework for the County up until 2035 and is therefore considered up to date. Paragraph 11c of the NPPF requires applications for development proposals that accord with an up to date development plan to be approved without delay.
45. Policy 6 of the CDP recognises that in addition to the development of specifically allocated sites, there will be situations where future opportunities arise for additional new development over and above that identified in the Plan, this includes for employment and economic generating uses. Policy 6 sets out that the development of sites which are not allocated in the Plan which are either (i) in the built up area; or (ii) outside the built up area but well related to a settlement, will be permitted provided the proposal accords with all relevant development plan policies and where specified design criteria are met.
46. The County Durham Plan defines 'the built up area' as land contained within the main body of existing built development of a settlement, or within a settlement boundary defined in a Neighbourhood Plan. Areas falling outside this definition will be regarded as countryside.
47. In this respect there is not a neighbourhood plan in force. Due to the clear physical separation between the site and the rear of the adjacent housing development of Village Gate and also to the terraced properties that line the A689 to the east, the site cannot be considered within the of the built up area and is therefore within the defined countryside. It is also considered that due to this separation the site does not relate well to the built-up area and would not be read as part of the village or as a natural extension, but as remote house as part of the countryside. As such it is considered that the development draws no support from CDP Policy 6.
48. The suitability of the principle of development therefore also needs to be assessed under CDP Policy 10, which relates to development in the countryside and advises that development will not be permitted in the countryside unless allowed for by specific

policies in the Plan (including Policy 12 relating to rural workers dwellings) or where the proposal compromises an exception related to economic development, infrastructure development or the development of existing buildings. Policy 10 also establishes general development principles for development within the countryside, which is considered in detail in later sections of the report.

49. In this respect the proposed development due to its nature does not satisfy the exception criteria related to infrastructure development or the development of existing buildings and would therefore draw no support from CDP Policy 10. No case has been put forward to justify the functional need for a rural worker dwelling in this location as CDP Policy 12 permits in exceptional need. In any event the established equestrian activities on the site are considered recreational in nature and would not justify the siting of a new dwelling in this location
50. Overall, it is considered that the site lies within the defined countryside and is not well related to the existing built environment of Howden Le Wear, without meeting the exceptional tests of a functional need for a rural worker to live in this location. The development would therefore conflict with Policies 6, 10 and 12 the County Durham Plan and Part 6 of the NPPF.

#### Accessibility

51. Policy 10 of the CDP, states that new development in the countryside should not be solely reliant upon, accessibility by unsustainable modes of transport. Policy 21 of the CDP requires new development to deliver sustainable transport, including by providing appropriate, well designed, permeable and direct routes for walking, cycling and bus access, so that new developments clearly link to existing services and facilities together with existing routes for the convenience of all users.
52. Paragraph 103 of the NPPF states that planning should actively manage patterns of growth to support the objectives of sustainable transport, including opportunities to promote public transport, walking and cycling, and focus significant development in locations which are or can be made sustainable.
53. Howden-le-Wear has a rating of 16.9 in the Council's 2017 Settlement Study, placing the settlement 68<sup>th</sup> in the County, reflective of the limited availability of services available within the village. The village is however relatively well connected to the surrounding towns and villages by regular bus service. A bus stop is located approximately 170m away from the proposed dwelling providing links to Crook and Bishop Auckland.
54. Whilst recognising that there are relatively limited facilities within Howden-Le-Wear the siting of a single dwelling does not give rise to accessibility objections. The development would accord with CDP Policies 10 and 21 in this respect.

#### Landscape and Visual Impacts

55. Policy 10 of the CDP seeks to protect townscape qualities, including important vistas and the intrinsic character and beauty of the wider countryside. Policy 12 of the CDP requires that proposed dwellings are not harmful to the rural landscape and character of the area and are well related to the activities required.
56. Policy 39 of the CDP states proposals for new development will 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 would be expected to incorporate appropriate measures to mitigate adverse landscape and visual effects.

Policy 40 of the CDP seeks to avoid the loss of existing trees and hedgerows unless suitable replacement planting is provided.

57. Parts 12 and 15 of the NPPF promotes good design and sets out that the planning system should contribute to and enhance the natural and local environment by (amongst other things) protecting and enhancing valued landscapes and recognising the intrinsic character and beauty of the countryside.
58. The application site is detached from the main body of Howden-Le-Wear which lies to the north and west of the application site. This is due to the undeveloped, open nature of surrounding fields and the clear physical separation from the settlement. There are no other residential development beyond what are considered strong defined settlement lines of Village Gate to the north and the residential dwelling of valley terrace to the east. The site has a distinct rural feel and character and is read a part of a wider rural landscape when viewed from public vantage points.
59. There is a level change from the existing surrounding developments to the site, which is lower by approximately 3m than the surrounding highway. This means that only the upper portions of the existing agricultural style buildings on site are visible, however these are considered commensurate with the rural character of the site and do not create an incongruous feature. To an extent the level changes would offer some screening for the proposed dwelling, however the upper portions of the property would be readily visible and would inherently have a residential appearance.
60. In reviewing the proposals the Council's Landscape Officer advises that the dwelling would be relatively well contained in wider landscape views being screened or assimilated by existing buildings and vegetation, and seen in some views with the backdrop of Village Estate and in the context of the existing equestrian development. However, it is advised that there would be localised adverse landscape and visual impact particularly when viewed from the PROW (no. 181) that passes immediately in front of the proposed dwelling. This is due to the scale, massing and design of the dwelling that does not respect and respond to the local rural context and distinctiveness of the area. Whilst the design of the proposal may relate well in an urban context, it is considered out of keeping with this open countryside setting.
61. Overall whilst it is noted that the landscape does not have a statutory designation it is located within the defined countryside. For the reasons outlined above it is considered that the proposed development would cause harm to the character and appearance of the countryside in this location. The proposal is therefore contrary to Policies 10, 12, 29, and 39 of the County Durham Plan and Parts 12 and 15 of the NPPF.

#### Local Amenity

62. Policy 10 of the CDP sets out that new development in the countryside should not impact adversely upon residential or general amenity. Policy of the CDP requires all development to provide high standards of amenity and privacy and minimise the impact of development upon existing adjacent and nearby properties.
63. Policy 31 of the CDP seeks to support proposals only 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. The policy sets out that developments will also need to demonstrate that future occupiers of the proposed development will have acceptable living and/or working conditions. Proposals which will have an unacceptable impact such as through overlooking, visual intrusion, visual dominance or loss of light, noise or privacy will not be permitted unless satisfactory mitigation measures can be demonstrated whilst ensuring that any existing business

and/or community facilities do not have any unreasonable restrictions placed upon them as a result. Development which has the potential to lead to, or be affected by, unacceptable levels of air quality, inappropriate odours, noise and vibration or other sources of pollution, either individually or cumulatively, will not be permitted including where any identified mitigation cannot reduce the impact on the environment, amenity of people or human health to an acceptable level.

64. Parts 12 and 15 of the NPPF, require that a good standard of amenity for existing and future users be ensured, whilst seeking to prevent both new and existing development from contributing to, or being put at unacceptable risk from unacceptable levels of pollution.
65. The application relates to the introduction of a residential dwelling in close proximity of existing equestrian facilities, on the basis that the applicant, who owns the surrounding facilities would occupy the dwelling, no loss of residential amenity would arise. An occupancy condition could control this matter.
66. The dwelling is located a sufficient distance away from nearby residential dwelling to ensure that minimum separation distances are met.
67. Overall, subject to an occupancy condition, it is considered that the development would not result in a significant reduction in residential amenity and would be compatible with adjacent uses, in accordance with, Policies 10, 29 and 31 of County Durham Plan and Parts 12 and 15 of the NPPF.

#### Ecology

68. Policy 10 of the CDP states that new development in the countryside should not give rise to unacceptable harm to biodiversity either individually or cumulatively which cannot be adequately mitigated or compensated for. Policies 26, 41 and 43 of the CDP seek to secure net gains for biodiversity and coherent ecological networks. Part 15 of the NPPF seeks to ensure that developments protect and mitigate harm to biodiversity interests, and where possible, improve them.
69. In this respect an ecological appraisal has not been submitted in support of the application. However, the Councils' Ecology Section have reviewed the submitted information and given the nature of the site, consisting of well mown grass and a part menage area, it is advised that there would unlikely be any biodiversity interest in the site, particularly relating to protected species. In accordance with Policy 41 of the CDP and paragraphs 174 and 175 of the NPPF net biodiversity gains would need to be delivered. It is advised that this could be in form of bat and bird boxes and could be secured by condition. In this regard the application fails to demonstrate how the scheme would achieve this.
70. The development would conform to Policies 10, 26, 41 and 43 of the CDP and the aims of Part 15 of the NPPF in this respect.

#### Highway Safety

71. Policy 10 of the CDP requires that new development in the countryside should not be prejudicial to highway safety. Policy 21 of the CDP reiterates the requirement of Policy 10 in addition to expecting developments to deliver well designed pedestrian routes and sufficient cycle and car parking provision. Similarly, Policy 29 of the CDP advocates that convenient access is made for all users of the development together with connections to existing cycle and pedestrian routes. Specifically, the NPPF sets out at Paragraph 108 that safe and suitable access should be achieved for all people.

In addition, Paragraph 109 of the NPPF states that development should only be refused on transport grounds where the residual cumulative impacts on development are severe.

72. The dwelling would be accessed off a private unsealed access off the A689. In assessing the application, the Highways Authority advises that the application raises no concerns over road safety. However, in the event of any approval the applicant should provide further details of refuse collection given the considerable distance between the proposed dwelling and the nearest adopted highway. This matter could be dealt with by condition.
73. Overall, subject to conditions, the highway impacts of the proposed development are considered to be acceptable and in accordance with Policies 10, 21 and 29 of the County Durham Plan as well as Part 9 of the NPPF.

#### Other Matters

74. Policies 35 and 36 of the County Durham Plan seeks to ensure that suitable arrangements are made for the disposal of foul water and sets out a hierarchy for foul water disposal. The submitted application forms state that foul drainage would be discharged to the mains sewer, whilst surface water would be discharged to a soakaway. These arrangements are considered acceptable in accordance with Policies 35 and 36 of the County Durham Plan in this respect.

#### Ground Conditions

75. Policy 32 of the County Durham Plan requires sites to be suitable for use taking into account contamination and unstable land issues. Paragraph 178 of the NPPF requires sites to be suitable for their proposed use taking account of ground conditions and any risks arising from land instability and contamination. In respect the Council's Contaminated Land Officer recommends a conditional approach to secure relevant land contamination investigations and remediation if required. The proposal would therefore accord with Policy 32 of the County Durham Plan and Part 15 of the NPPF in this regard.

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## **CONCLUSIONS**

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76. The application seeks permission for the erection of a large, detached dwelling on a parcel of land that is detached from the form of the settlement and is located within the defined countryside. No justification to demonstrate an established functional need of a rural worker in this location has been submitted. It is therefore concluded that the development is contrary to Policies 6, 10 and 12 of the CDP and Part 6 of the NPPF.
77. It is also concluded that due to the separation from existing development and the scale and form the dwelling, the proposal would have an adverse impact on the character and appearance of the open countryside in conflict with Policies 10 and 39 of the CDP and Parts 12 and 15 of the NPPF
78. It is concluded that the development could achieve a satisfactory means of access and would not likely give rise to amenity impacts to adjacent land uses subject to relevant conditions.
79. The policies of the CDP are considered consistent with the NPPF, which seeks to protect the countryside, prevent isolated new housing. Whilst the development would provide limited economic benefits through the construction of the dwelling, these

benefits are not considered to outweigh the conflict with the CDP. There are no material considerations that indicate otherwise and therefore the application is recommended for refusal.

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## **RECOMMENDATION**

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That the application be **REFUSED** for the following reasons:

1. The development by reason of its siting, scale and form in a detached position from the main body of the settlement would cause harm to the character and appearance of the countryside and the surrounding landscape; without meeting relevant exception tests for development in the countryside, contrary to Policies 6, 10, 12, 29 and 39 of the County Durham Plan and Parts 12 and 15 of the NPPF.

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## **STATEMENT OF PROACTIVE ENGAGEMENT**

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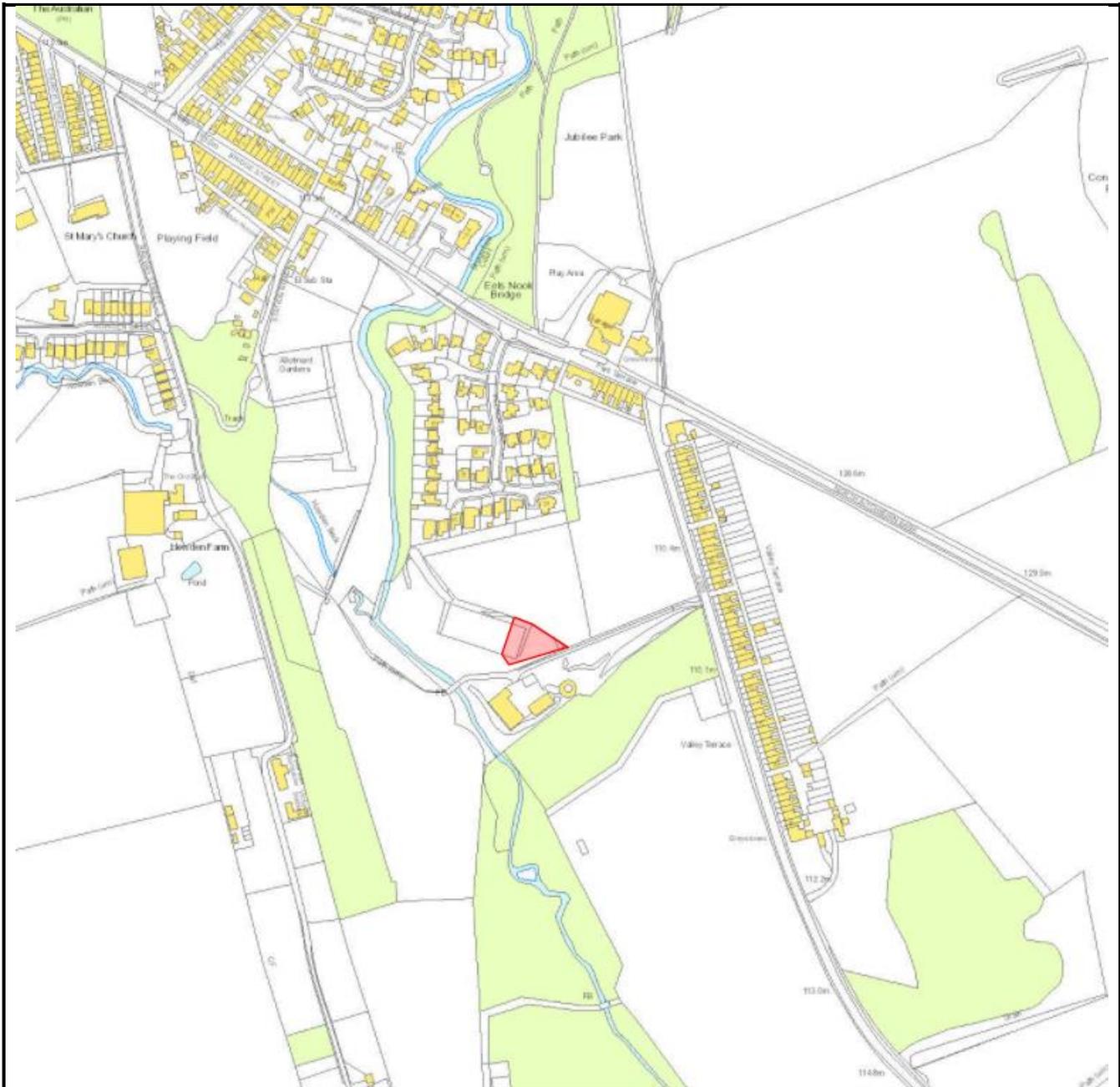
In accordance with Article 35(2) of the Town and Country Planning (Development Management Procedure) (England) Order 2015, the Local Planning Authority has, without prejudice to a fair and objective assessment of the proposals, issues raised and representations received, sought to work with the applicant 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.

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## **BACKGROUND PAPERS**

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Submitted Application Forms, Plans and supporting documents  
National Planning Policy Framework  
The County Durham Plan (CDP)  
Statutory consultation responses  
Internal consultation responses



<p><b>Planning Services</b></p>	<p>Land South Of Village Gate, Howden-le-Wear</p>	
<p>This map is based upon Ordnance Survey material with the permission of Ordnance Survey on behalf of Her majesty's Stationary Office © Crown copyright.          Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceeding.          Durham County Council Licence No. 100022202 2005</p>	<p><b>Comments</b></p>	<p><b>Date February 2022</b></p>

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## Planning Services

# COMMITTEE REPORT

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### APPLICATION DETAILS

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<b>APPLICATION NO:</b>	DM/21/02707/FPA
<b>FULL APPLICATION DESCRIPTION:</b>	Conversion from ground floor retail (class E) to 2 residential holiday lets short-term lets and on upper levels 8 one and two bedroom apartments for mixed use holiday lets and C3 residential, proposed 3 storey rear extension, balconies to rear, external alterations and partial demolition.
<b>NAME OF APPLICANT:</b>	Mr Graham Thomas, BEK Developments
<b>ADDRESS:</b>	47 Newgate Street, Bishop Auckland, DL14 7EW
<b>ELECTORAL DIVISION:</b>	Bishop Auckland Town
<b>CASE OFFICER:</b>	Susan Hyde, Planning Officer, 03000 263961, Susan.Hyde@durham.gov.uk

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### DESCRIPTION OF THE SITE AND PROPOSALS

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#### The Site

1. The application site is located within the commercial centre of Bishop Auckland located on the corner of Newgate Street and Victoria Avenue. The building is a three-storey property of Victorian age, faced in stone to the front and a brick construction to the rear. On the ground floor two retail units are located, the former Burton menswear store which is now vacant, and the Post Office which is also closed. On the first and second floors additional retail, storage and office space associated with these uses is provided.
2. The site is surrounded by commercial uses, including retail and offices. To the rear an informal car park and open/undeveloped land is present. The site is located within the Bishop Auckland Conservation Area, Heritage Action Zone and also within the defined Town Centre.

#### Proposal

3. Planning permission is sought for the change of use of one of the retail units on the ground floor (the post office) to 2 no. residential holiday lets. On the first and second floor 8 no. one and two bedroom serviced apartments are proposed. It is intended that these would have a flexible use either offered as short term lets or holiday lets, falling within the C3 (dwellinghouse) use class.

4. To facilitate the use, external alterations are proposed, this includes alterations to the shopfront of the Post Office to reduce the level of glazing and the formation of access doors to serve the apartments. The former Burton's menswear retail unit to be retained is proposed to be refurbished, while timber sash sliding windows on the first and second floors are also proposed to be replaced. To the rear of the building an existing three storey off shoot would be demolished and replaced with a new three storey extension of a contemporary design. This extension would be in line with an adjacent projection on the neighbouring building and would provide living space for the apartments. Balconies are proposed to all three floors of the new extension, while Juliet balconies are also proposed to the reconfigured rear elevation.
5. This application is being reported to planning committee as it constitutes major development.

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## **PLANNING HISTORY**

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6. Planning permission DM/19/01627/FPA conversion of the first and second floors from retail A1 to seven no. 1 and 2 bedroom flats with external alterations. This permission remains extant.

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## **PLANNING POLICY**

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### **NATIONAL POLICY**

7. A revised National Planning Policy Framework (NPPF) was published in July 2021. The overriding message continues to be that new development that is sustainable should go ahead without delay. 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.
8. *NPPF Part 2 Achieving Sustainable Development* - The purpose of the planning system is to contribute to the achievement of sustainable development and therefore at the heart of the NPPF is a presumption in favour of sustainable development. It defines the role of planning in achieving sustainable development under three overarching objectives - economic, social and environmental, which are interdependent and need to be pursued in mutually supportive ways. The application of the presumption in favour of sustainable development for plan-making and decision-taking is outlined.
9. *NPPF Part 4 Decision-making* - Local planning authorities should approach decisions on proposed development in a positive and creative way. They should use the full range of planning tools available, including brownfield registers and permission in principle, and work proactively with applicants to secure developments that will improve the economic, social and environmental conditions of the area. Decision-makers at every level should seek to approve applications for sustainable development where possible.
10. *NPPF Part 5 Delivering a 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.

11. *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.
12. *NPPF Part 7 Ensuring the vitality of town centres* - Planning policies and decisions should support the role that town centres play at the heart of local communities, by taking a positive approach to their growth, management and adaptation
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 9 Promoting Sustainable Transport* - Encouragement should be given to solutions which support reductions in greenhouse gas emissions and reduce congestion. Developments that generate significant movement should be located where the need to travel will be minimised and the use of sustainable transport modes maximised.
15. *NPPF Part 11 Making Effective Use of Land* - Planning policies and decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions. Strategic policies should set out a clear strategy for accommodating objectively assessed needs, in a way that makes as much use as possible of previously-developed or 'brownfield' land.
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* - 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 Page 73 pollution and land stability and remediating contaminated or other degraded land where appropriate.
19. *NPPF Part 16 - Conserving and enhancing the historic environment.* Heritage assets range from sites and buildings of local historic value to those of the highest significance, such as World Heritage Sites which are internationally recognised to be of Outstanding Universal Value. These assets are an irreplaceable resource, and should be conserved in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of existing and future generations.

## **NATIONAL PLANNING PRACTICE GUIDANCE:**

20. The Government has consolidated a number of planning practice guidance notes, circulars and other guidance documents into a single Planning Practice Guidance Suite. This document provides planning guidance on a wide range of matters. Of particular relevance to this application is the practice guidance with regards to; air quality; climate change; design process and tools; determining a planning application; effective use of land; enforcement and post permission matters; healthy and safe communities; land affected by contamination; natural environment; noise; protecting the viability of town centres; use of planning conditions; and water supply, wastewater and water quality.

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

## **LOCAL PLAN POLICY:**

The County Durham Plan (CDP)

21. *Policy 1 (Quantity of Development)* outlines the levels of employment land and housing delivery considered to be required across the plan period.
22. *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.
23. *Policy 8 (Visitor Accommodation)* states that all new visitor accommodation will be supported where it is appropriate to the scale and character of the area and it is not used for permanent residential occupation. Proposals for visitor accommodation in the countryside will be supported where they are also necessary to need identified visitor need, if it is an extension to existing visitor accommodation and helps to support future business viability or is conversion of an existing building and it respects the character of the countryside and it demonstrates clear opportunities to make its location more sustainable.
24. *Policy 9 (Retail Hierarchy and Town Centre Development)* seeks to protect and enhance the hierarchy of Sub Regional, Large Town, Small Town, District and Local retail centres in the county.
25. *Policy 15 (Addressing housing need)* 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.
26. *Policy 19 (Type and mix of housing)* advises that on new housing developments the council will seek to secure an appropriate mix of dwelling types and sizes, taking

account of existing imbalances in the housing stock, site characteristics, viability, economic and market considerations and the opportunity to facilitate self build or custom build schemes.

27. *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.
28. *Policy 25 (Developer contributions)* advises that any mitigation necessary to make the development acceptable in planning terms will be secured through appropriate planning conditions or planning obligations. Planning conditions will be imposed where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects. Planning obligations must be directly related to the development and fairly and reasonably related in scale and kind to the development.
29. *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.
30. Policy 29 also required 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. Also new major residential development is required 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'.
31. *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.
32. *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.

33. *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.
34. *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.
35. *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.
36. Development proposals where the primary objective is to conserve or enhance biodiversity or geodiversity will be permitted if they comply with other local plan policy. Development proposals which are likely to result in the loss of deterioration of irreplaceable habitats will not be permitted unless there are wholly exceptional reasons and a suitable compensation strategy exists.
37. *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.
38. *Policy 44 (Historic Environment)* seeks to ensure that developments should contribute positively to the built and historic environment and seek opportunities to enhance and, where appropriate, better reveal the significance and understanding of heritage assets. The policy advises on when harm or total loss of the significance of heritage assets can be accepted and the circumstances/levels of public benefit which must apply in those instances.
39. Residential Amenity Standards SPD (2020 Adopted version) – Provides guidance on the space/amenity standards that would normally be expected where new dwellings are proposed.

<https://www.durham.gov.uk/cdp>

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## CONSULTATION AND PUBLICITY RESPONSES

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### STATUTORY RESPONSES:

40. *Bishop Auckland Town Council* – No response received
41. *Highways Authority* – Advise that location is highly sustainable being in the main a historic retail/commercial street in town and within walking distance of bus and rail stations and public car parks. The proposal is for the re-use of unused or underused (described as 'E' planning use category) floorspace. While no off street parking provision is provided this is not untypical of the area/buildings. There are parking restrictions in the immediate vicinity, including loading and disabled bays, and these will remain. In the context of the sustainable location and general support within the NPPF for the proposed change of use, no objection is made.

### INTERNAL CONSULTEE RESPONSES:

42. *Design and Conservation* – Advise that the host building is a prominent corner block which is visible from numerous public vantage points within the surrounding conservation area. It has been empty for some time and the external appearance is currently harmful to the significance of the surrounding area. On the whole this proposal works well with existing fabric and character of the building, retaining and working with the positive features to facilitate the new mixed use. The principle of the rear extension and detail is on balance acceptable, however, success will depend on detailing. On this basis conditions regarding the approval of all external materials, details of all doors and windows, details of the balconies and external finishes are requested. The approval of this proposal will assist in meeting the regeneration objectives of the wider town.
43. *Bishop Auckland Town Centre Manager* – No response received.
44. *Bishop Auckland Heritage Action Zone* - No response received
45. *Drainage* – No objections given that no additional surface water will be discharged from the site.
46. *Ecology* – No objections, subject to the conditioning of adherence to the 'Watching Brief' method statement detailed in the submitted ecology report.
47. *Environmental Health (contaminated land)* – No objection, advising that there is no requirement for a contaminated land condition.
48. *Environmental Health Nuisance* – Advise that the development relates to the introduction of several noise sensitive receptors into a formerly commercial building. As the site is situated within a mixed commercial/residential setting, noise is likely to arise from passing traffic and vocalisation of people, both during the day and night, the town can also have a vibrant nightlife. Therefore in order to mitigate future occupiers against noise it is recommended that a scheme of soundproofing shall be secured by condition.
49. *Spatial Policy* – Advise that the proposal is considered to be a main town centre use as defined by the NPPF and therefore compliant with both the NPPF and CDP, subject to other matters of detail. The proposal would also see a prominent vacant unit within Newgate Street and the town centre being brought back in to use.

50. *Visit County Durham* – No response received.

#### **PUBLIC RESPONSES:**

51. The application has been publicised by way of site notice, press advertisement and individual neighbour notification letters. No letters of representation have been received.

#### **APPLICANTS STATEMENT:**

52. No Statement Submitted

The above represents a summary of the comments received on this application. The full written text is available for inspection on the application file which can be viewed at

<https://publicaccess.durham.gov.uk/online-applications/search.do?action=simple&searchType=Application>

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## **PLANNING CONSIDERATIONS AND ASSESSMENT**

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53. 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 relate to the principle of development, locational sustainability, heritage impact/design, residential Amenity, ecology, highway safety, accessible and adaptive housing and other issues.

#### Principle of the development

54. Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The NPPF is a material planning consideration. The County Durham Plan (CDP) is the statutory development plan and the starting point for determining applications as set out in the Planning Act. The CDP was adopted in October 2020 and provides the policy framework for the County up until 2035 and is therefore considered up to date. Paragraph 11c of the NPPF requires applications for development proposals that accord with an up to date development plan to be approved without delay.

55. Policy 6 of the County Durham Plan states that the development (including change of use) of sites which are not allocated in the Plan and are in the built up area will be permitted provided the proposal accords with all relevant development plan policies and criteria set out in the policy. This includes (relevant to this application) ensuring that development does not prejudice adjacent land uses, highway safety or result in the loss of valued facilities, makes as much use as possible of previously developed land, and it reflects priorities for urban regeneration.

56. Policy 8 of the CDP sets out a framework to support new visitor accommodation, advising that such development will be supported that is appropriate to the scale and character of the area, recognising the benefits of tourism accommodation to the County's economy.

57. Policy 9 of the CDP sets out a retail hierarchy of the County, identifying Bishop Auckland as a Sub Regional Centre reflecting its importance in serving a wide catchment within South Durham. The policy also sets out that support will be given to new town centre development that will improve choice and bring about regeneration and environmental improvements while supporting residential uses in such centres. Policy 9 also identifies primary shopping frontages which seek to promote retail uses

to protect the vitality and viability of centres. The approach of Policy aligns with Part 7 of the NPPF which seeks to support the role that town centres play in communities, by taking a positive approach to their growth, management and adaptation.

58. In assessing the proposal against the above policy context, the scheme would re-use a vacant building within the town centre, returning it to a productive use providing holiday accommodation and short term residential lets. The principal retail unit that turns the corner of Victoria Avenue and Newgate Street would also be retained and refurbished leading to an enhancement of the current frontage and would align with wider urban regeneration priorities for the town.
59. Whilst the proposal would result in the loss of a retail unit, the site is located outside of the primary shopping area, and therefore the loss of this unit would not conflict with Policy 9 of the CDP. It is also recognised that residential/tourism uses in town centres would likely lead to an increase in footfall to the town centre, sustaining their vitality and viability.
60. Overall, in principle, the proposal is considered to accord with Policies 6, 8 and 9 of the County Durham Plan, subject to consideration of the detailed criteria of the policies and other material considerations, as set out below.

#### Locational Sustainability

61. Policy 6 requires that new development has good access by sustainable modes of transport to relevant services and facilities and reflects the size of the settlement and the level of service provision within that settlement. Policy 21 of the CDP requires new development to deliver sustainable transport, including by providing appropriate, well designed, permeable and direct routes for walking, cycling and bus access, so that new developments clearly link to existing services and facilities together with existing routes for the convenience of all users.
62. Paragraph 103 of the NPPF states that planning should actively manage patterns of growth to support the objectives of sustainable transport, including opportunities to promote public transport, walking and cycling, and focus significant development in locations which are or can be made sustainable.
63. In this respect, as set out above the site is located within the defined town centre of Bishop Auckland, within very close proximity to the bus station. There are also a range of other sustainable public transport options that link Bishop Auckland to other settlements, including a train station and direct cycle links.
64. Overall the location is considered to be sustainable for residential/tourism development in accordance with Policies 6 and 21 of the CDP and Part 9 of the NPPF.

#### Design and Heritage Impacts

65. Policy 44 of the CDP relates to heritage and sets out that development will be expected to sustain the significance of designated and non-designated heritage assets, including any contribution made by their setting. Development proposals should contribute positively to the built and historic environment and should seek opportunities to enhance and, where appropriate, better reveal the significance and understanding of heritage assets whilst improving access where appropriate. The policy permits flexibility in decision-making, where harm is found to the heritage assets the circumstances in which this harm can be outweighed by exceptional circumstance and public benefit tests referenced aligned to the advice on heritage which is provided under Part 16 of the NPPF

66. The site is located within the Bishop Auckland Conservation Area, and therefore regard is also to be given to Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, which requires special attention to be paid to the desirability of preserving or enhancing the character or appearance of the conservation area. If harm is found this must be given considerable importance and weight by the decision-maker
67. Policy 6 of the CDP requires that development in terms of scale, design, layout and location to the character, function, form and setting of the settlement. Policy 29 of the CDP outlines that development proposals should contribute positively to an area's character, identity, heritage significance, townscape and landscape features, helping to create and reinforce locally distinctive and sustainable communities. Parts 12 and 15 of the NPPF also seek to promote good design, while protecting and enhancing local environments.
68. The application site relates to a three-storey building on a prominent corner block visible from numerous public vantage points within the surrounding conservation area. The property has been vacant for some time, and due to this and its current condition, the Council's Design and Conservation Officer considers that the external appearance of the property is harmful to the significance of the conservation area.
69. To the front elevation, limited external alterations are proposed, this includes the creation of a doorway to access the apartments utilising an existing opening that has previously been blocked up. An internal bin store would be formed with access doors concealed within the existing retail façade. It is proposed to retain the Post Office shopfront with some modifications to provide access to the ground floor holiday apartments and reduce the amount of glazing to provide some privacy for occupiers.
70. To the rear more significant changes are proposed, including the demolition of an existing three storey off shoot and the erection of a new three storey extension across part of the rear elevation. This would project in line with an existing projection on the adjacent building and would provide additional accommodation. Balconies are proposed to all three floors, while Juliet balconies also proposed to the reconfigured existing rear elevation.
71. In considering the proposed works to the front elevation, the Council's Design and Conservation Officer advises that the that the proposal works well with the existing fabric and character of the building, retaining and working with the positive features to facilitate the new mixed use.
72. In relation to the proposed works to the rear, it is advised that this element is more challenging, especially through the use of metal balconies and contemporary detailing and materials. The rear elevation is less sensitive to change and given that Bishop Auckland is in a period of transitional change, proposals such as this need to be given detailed consideration in design terms. However, on balance although the proposals would introduce a contemporary element the Councils' Design and Conservation Officer advises that principle of the rear extension is considered acceptable, dependent on the detailing of specific elements which could be controlled by condition.
73. Overall, in line with the views of the Council's Design and Conservation Officer, the development would be sympathetic to its surroundings and any harm to the Conservation area through the introduction of a more contemporary rear elevation is considered to be less than substantial and offset by the wider regeneration benefits that would occur in the town. The development is therefore considered to comply with

Policies 6, 29 and 44 of the CDP, Policies 12 and 16 of the NPPF and of the Planning (Listed Buildings and Conservation Areas) Act 1990 in this respect.

## Residential Amenity

74. Policy 6 of the CDP requires that development on unallocated sites is compatible with, and is not prejudicial to, any existing, allocated or permitted use of land. Policy 29 of the CDP requires all development to provide high standards of amenity and privacy and minimize the impact of development upon existing adjacent and nearby properties.
75. Policy 31 of the CDP seeks to support proposals only 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. The policy sets out that developments will also need to demonstrate that future occupiers of the proposed development will have acceptable living and/or working conditions. Proposals which will have an unacceptable impact such as through overlooking, visual intrusion, visual dominance or loss of light, noise or privacy will not be permitted unless satisfactory mitigation measures can be demonstrated whilst ensuring that any existing business and/or community facilities do not have any unreasonable restrictions placed upon them as a result. Development which has the potential to lead to, or be affected by, unacceptable levels of air quality, inappropriate odours, noise and vibration or other sources of pollution, either individually or cumulatively, will not be permitted including where any identified mitigation cannot reduce the impact on the environment, amenity of people or human health to an acceptable level.
76. A Residential Amenity Standards Supplementary Planning Document (SPD) has been adopted by the Council.
77. Parts 12 and 15 of the NPPF, require that a good standard of amenity for existing and future users be ensured, whilst seeking to prevent both new and existing development from contributing to, or being put at unacceptable risk from unacceptable levels of pollution.
78. The development largely proposes a flexible use with 8 of the 10no. apartments proposed to be offered as serviced apartments which could be available on short term lets. However, for assessment purposes they are residential in nature and would result in the introduction of several noise sensitive receptors into a formerly commercially used building. As advised by the Council's Environmental Health Officer the site is situated within a mixed commercial/residential setting where noise is likely to arise from passing traffic and vocalisation of people, both during the day and night. There is also the intention to retain a retail unit on the ground floor and retail storage area in the basement.
79. No detail has been provided in relation to attenuation of noise from external sources, or from adjoining commercial use. However, it is advised that this could be dealt with by condition to ensure that the noise insulation of walls, floors, windows, roofs between the separate and adjoining properties shall be sufficient to prevent excessive ingress, egress of noise.
80. Policy 29 of the County Durham Plan requires that all new residential development will be required to comply with the Nationally Described Space Standards (NDSS). This sets out minimum floor space standards that developments should achieve, including a gross internal area of 50m<sup>2</sup> for one bed units and 70m<sup>2</sup> for two bed units. As well as setting out minimum bedroom sizes (11.5 m<sup>2</sup> and 2.75m in width). In assessing the development against these requirements, the gross internal area of all apartments fall short targets set out in the NDSS, while the sizes of some bedrooms also fall below

minimum recommended standards. In instances the short fall is 1-2m<sup>2</sup>, but in cases this does extend to a 7-8m<sup>2</sup> shortfall.

81. Whilst recognising the nature of the proposed conversion is aimed at creating serviced apartments for holiday/short term rentals, the development would fail to comply with the elements of Policy 29 of the CDP in this respect. Furthermore in reviewing the layouts there does not appear to be easy changes to the floor plans to rectify this matter. While the reduction of units would help, this would bring further complications in terms of viability and likely need for units to be split across floors. It is also recognised that some of the apartments have outdoor space in the form of balcony area and have an open outlook to the south. It is also recognised that this is a similar arrangement to the extant conversion scheme, nonetheless This harm is therefore required to be weighed in the planning balance.
82. Subject to conditions the development would achieve acceptable level of noise transfer between apartments and external noise sources in accordance with Policies 29 and 31 of the CDP. However, the apartments would fail to achieve the national minimal space standards and therefore would conflict with elements of Policy 29 of the CDP.

## Ecology

83. Policy 41 of the CDP states that proposals for new development will not be permitted if significant harm to biodiversity or geodiversity resulting from the development cannot be avoided, or appropriately mitigated, or, as a last resort, compensated for. Proposals for new development will be expected to minimise impacts on biodiversity by retaining and enhancing existing biodiversity assets and features and providing net gains for biodiversity including by establishing coherent ecological.
84. Policy 43 of the CDP states that 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.
85. Part 15 of the NPPF seeks to ensure that proposals show regard to the protection and enhancement of internationally and nationally important sites and species; contributing and enhancing the natural and local environment by ensuring there is no net loss of biodiversity.
86. A Preliminary Roost Assessment for bats and birds has been carried out which highlights that the building has several potential roost features for bats around the wall tops and roof areas of the building with a moderate potential for roosting bats. However, the applicant has clarified that no works are planned in these areas and therefore such features can be left in situ and 'as is'. No works are proposed to the loft void which would mean that if any bat roosts are present in the building they would not be impacted. In relation to the three-storey element of the building to be demolished, a watching brief is proposed, essentially allowing demolition under the supervision of a qualified ecologist.
87. The Council's Ecologist has reviewed the submitted information and raises no objections to this approach, subject to the conditioning of adherence to the 'Watching Brief' method statement detailed in the submitted ecology report.

88. Overall, the proposals would not affect any protected species, in accordance with Policies 41 and 43 of the CDP and Part 15 of the NPPF.

#### Highway Safety

89. Policy 6, of the CDP outlines that development should not be prejudicial to highway safety or have a severe cumulative impact on network capacity. Policy 21 reiterates the requirement of Policy 6 in addition to expecting developments to deliver well designed pedestrian routes and sufficient cycle and car parking provision. Similarly, Policy 29 advocates that convenient access is made for all users of the development together with connections to existing cycle and pedestrian routes. Specifically, the NPPF sets out at Paragraph 108 that safe and suitable access should be achieved for all people. In addition, Paragraph 109 of the NPPF states that development should only be refused on transport grounds where the residual cumulative impacts on development are severe.
90. The Highways Authority advise that that location is highly sustainable being in the main historic retail/commercial street in town and within walking distance of bus and rail stations and public car parks. The proposal is for the re-use of unused or underused (described as 'E' planning use category) floorspace. While no off-street parking provision is provided this is not untypical of the area/buildings. There are parking restrictions in the immediate vicinity, including loading and disabled bays, and these will remain. In the context of the sustainable location and general support within the NPPF for the proposed change of use, no objection is made.
91. The Council's Residential Car Parking Standards sets out that developments of this nature should provide a minimum of 8no covered secure cycle parking spaces. The applicant has advised of the intention to provide secure cycle parking in the lobby area accessing the upstairs apartments. A condition to secure this is recommended.
92. Overall, the highway impacts of the proposed development are considered to be acceptable and in accordance with Policies 6, 21 and 29 of the CDP as well as Part 9 of the NPPF. Subject to conditions the development would meet the councils Parking and Accessibility Standards.

#### Affordable and Accessible/Adapted Housing

93. The Council's most up to date assessment of need is outlined within Policy 15 of the CDP, setting out the required percentage of affordable housing and tenure mix. Paragraph 62 of the NPPF sets out that, where a need has been established, an appropriate level of affordable housing should be provided. The threshold level for the provision of affordable housing in this respect is 10 dwellings. Therefore given that two of the apartments will be utilised for holiday accommodation only (and conditioned to this) the development would not trigger the need for an affordable housing contribution for offsite provision. The development would also fall below the thresholds for seeking contributions for Open Space, Sport and Recreation contributions.
94. Policy 15 of the CDP outlines on sites of 5 units or more 66% of the dwellings (5 in this instance) shall be built to Building Regulations Requirement M4 (2) (accessible and adaptable dwellings) standard unless site specific factors indicate otherwise. In this instance given the nature of the development, a conversion in a relatively constrained building, it is unlikely that the developer could fully achieve M4 (2) standard. However, a condition is recommended to be attached requiring development to aim for M4 (2) standard, this would allow some flexibility while meeting the spirit of the policy.

## Flooding and Drainage

95. The site is located within flood zone 1 and following confirmation that no additional surface water will be discharged from the site the Council's Drainage and Coastal Protection Team offer no objections to the proposals. NWL have not commented on the application. The proposed development is not considered to be at risk of flooding and would not increase flood risk elsewhere, in accordance with Policies 35 and 36 of the CDP and Part 14 of the NPPF

## Conclusion

96. Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. In light of the recent adoption of the CDP, the Council has an up to date development plan. Paragraph 11 of the NPPF establishes a presumption in favour of sustainable development. For decision taking this means approving development proposals that accord with an up-to-date development plan without delay (paragraph 11 c).
97. The proposed development would facilitate the productive re-use of a vacant property in a prominent position within Bishop Auckland Town Centre, bringing additional footfall into the town centre and providing employment opportunities. The development would align with the Council's wider regeneration strategies for the town.
98. The development would result in less than substantial harm to the character and appearance of the Bishop Auckland Town Centre Conservation Area. This harm is considered to be outweighed by the public benefits of the scheme identified above.
99. The scheme would not fully meet National Described Space Standards as required by Policy 29 of the CDP, however recognising the nature of the development this harm and policy conflict is again considered to be outweighed by the benefits of the scheme.
100. No adverse impacts are identified in terms of locational sustainability, design, highway safety, wider residential amenity issues, ecology, drainage, and accessible and adaptable housing, in accordance with relevant policies from the County Durham Plan and the NPPF.
101. The development is considered to accord with the development plan as a whole and there are no material considerations which indicate otherwise. The application is therefore recommended for approval.

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## **RECOMMENDATION**

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

### Time

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.*

### Plans

2. The development hereby approved shall be carried out in strict accordance with the following approved plans:

Proposed Basement Plan	P199	07/10/21
Proposed Ground Floor Plan	P200	07/10/21
Proposed First Floor Plan	P201	07/10/21
Proposed Second Floor Plan	P202	07/10/21
Proposed Roof Plan	P203	07/10/21
Proposed West Elevation	P400	07/10/21
Proposed North Elevation	P401	07/10/21
Proposed South Elevation	P402	07/10/21

*Reason: To define the consent and ensure that a satisfactory form of development is obtained in accordance with Policies 6, 8, 21, 29, 31 and 44 of the County Durham Plan and Parts 2, 4, 9, 12, 15 and 16 of the National Planning Policy Framework.*

#### External Windows

- No external windows or doors shall be installed unless full details including plans at a scale of 1:20, including cross sections, details of colour finish and construction materials of the proposed windows and doors have first been submitted to and approved in writing by the Local Planning Authority. The windows shall thereafter be installed and retained thereafter in accordance with the approved details.

*Reason: In the interests of the appearance of the conservation area and to comply with Policies 29 and 44 of the County Durham Plan and Part 12 of the National Planning Policy Framework.*

#### Shop Front Works

- No works to the existing/proposed shop front shall commence until full details including plans at a scale of 1:20, including cross sections, details of colour finish and construction materials of the works have first been submitted to and approved in writing by the Local Planning Authority. The windows shall thereafter be installed and retained thereafter in accordance with the approved details.

*Reason: In the interests of the appearance of the conservation area and to comply with Policies 29 and 44 of the County Durham Plan and Part 12 of the National Planning Policy Framework.*

#### Materials

- Notwithstanding any details of materials submitted with the application no external development shall commence until details of the make, colour and texture of all construction external materials (including details of balconies and materials to be used in any repairs) 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 conservation area and to comply with Policies 29 and 44 of the County Durham Plan and Part 12 of the National Planning Policy Framework.*

#### Working Hours

- In undertaking the development that is hereby approved:

No external construction works, works of demolition, deliveries, external running of plant and equipment shall take place other than between the hours of 0730 to 1800 on Monday to Friday and 0730 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: To protect the residential amenity of existing and future residents from the development in accordance with Policy 31 of the County Durham Plan and Part 15 of the National Planning Policy Framework.*

#### Ecology

7. The development hereby approved shall be carried out in complete accordance with the Construction Watching Brief (Bats) Version 1 dated 30/11/2021.

*Reason: To ensure there are no adverse impacts to protected species, in accordance with Policies 41 and 43 of the County Durham Plan and Part 15 of the NPPF.*

#### M4 (2)

8. No development other than demolition, site clearance or remediation works shall commence until a scheme to detail how the development will incorporate the principles of Building Regulations M4(2) Accessible and Adaptable Dwellings has been submitted to and agreed in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details.

*Reason: In order to address housing need requirements in accordance with Policy 15 of the County Durham Plan.*

#### Cycle Parking

9. Prior to the first use of the residential element of the development hereby approved secure cycle parking shall be provided in accordance with a scheme to be first submitted to and approved in writing with the Local Planning Authority. The approved cycle parking shall be made available to all residents and retained for the lifetime of the development.

*Reason: To promote sustainable travel options in accordance with Policies 8 and 21 of the County Durham Plan and Parts 9 and 12 of the NPPF.*

#### Noise

10. No internal conversion works shall commence until a scheme of sound proofing measures has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be designed to ensure that the noise insulation of walls, floors, windows, roofs between the separate and adjoining properties shall be sufficient to prevent excessive ingress. The development shall be carried out in accordance with the approved scheme and shall be permanently retained thereafter.

*Reason: In the interest of the amenity of existing and future occupants in accordance with Policy 31 of the County Durham Plan and Part 15 of the National Planning Policy Framework. Required as a pre commencement condition to ensure that an appropriate scheme is agreed and can be implemented.*

#### Holiday units

11. The authorised use of units 1 and 2, as set out on the approved floor plans, is limited to commercial holiday accommodation only and shall not be used as a person's sole or main place of residence, or as a second home. No holiday let shall exceed a continuous period of 31 days, there shall be no return to the let by the same individual until a period of at least 14 days has elapsed between lets. The owners/operator of the development shall maintain an up-to-date record of all holiday let listings and of the names of all occupiers, including their main home addresses and contact details. This information shall be made available upon request to the Local Planning Authority.

*Reason: To ensure that the development is occupied as holiday accommodation only and in order to achieve the benefits of providing holiday accommodation in this location to comply with Policy 8 of the County Durham Plan and Part 6 of the National Planning Policy Framework.*

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## **STATEMENT OF PROACTIVE ENGAGEMENT**

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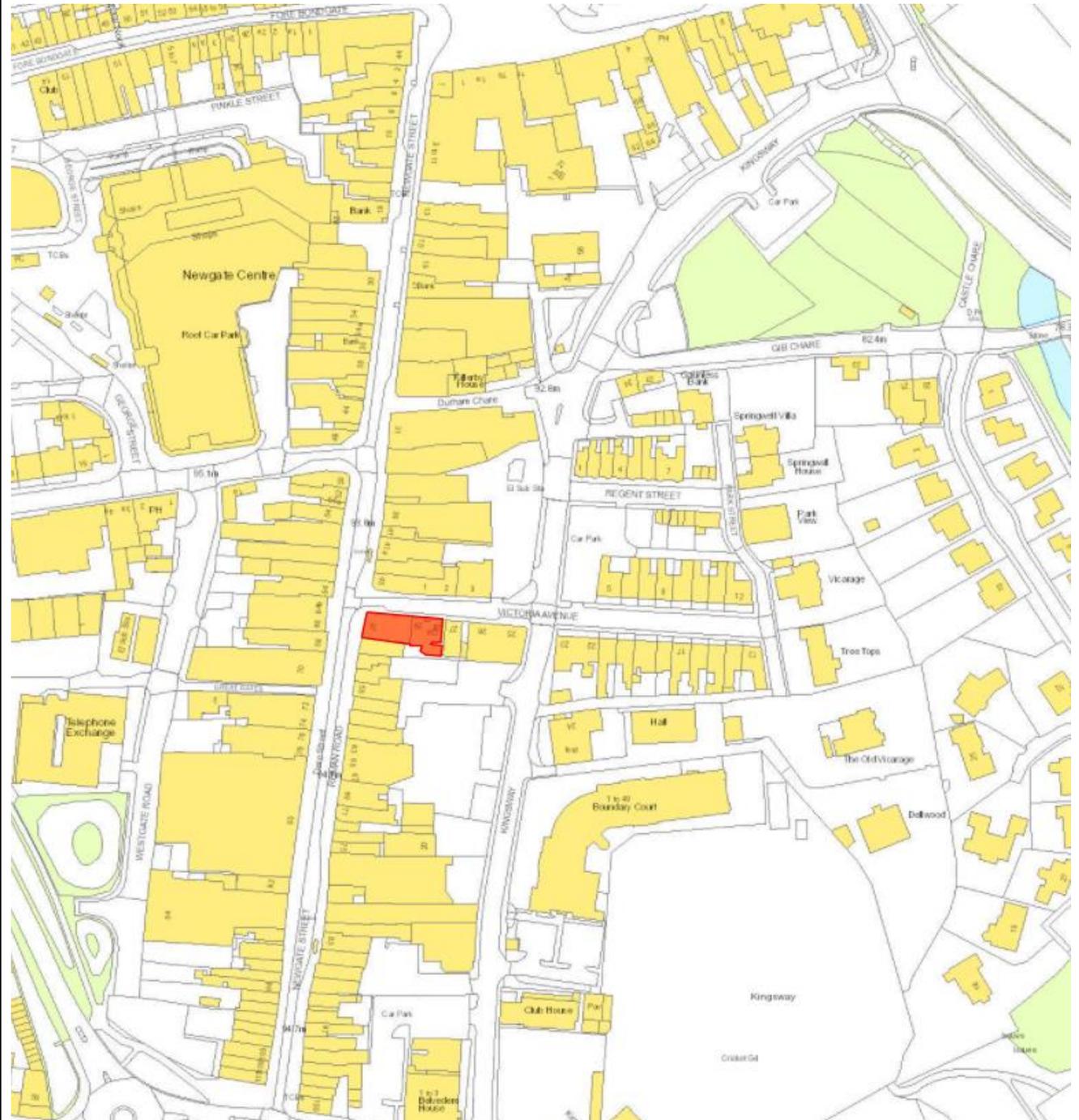
In accordance with Article 35(2) of the Town and Country Planning (Development Management Procedure) (England) Order 2015, the Local Planning Authority has, without prejudice to a fair and objective assessment of the proposals, issues raised and representations received, sought to work with the applicant 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.

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## **BACKGROUND PAPERS**

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Submitted Application Forms, Plans and supporting documents  
National Planning Policy Framework  
The County Durham Plan (CDP)  
Statutory consultation responses  
Internal consultation responses  
External consultation responses



**Planning Services**

47 Newgate Street, Bishop Auckland, DL14 7EW

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**Comments**

**Date February 2022**

## Planning Services

# COMMITTEE REPORT

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### APPLICATION DETAILS

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<b>APPLICATION NO:</b>	DM/21/02963/FPA
<b>FULL APPLICATION DESCRIPTION:</b>	Detached domestic garage
<b>NAME OF APPLICANT:</b>	Mr and Mrs Hutchinson
<b>ADDRESS:</b>	16 Delaware Avenue, Evenwood, Bishop Auckland, DL14 9RR
<b>ELECTORAL DIVISION:</b>	Evenwood
<b>CASE OFFICER:</b>	Chloe Robinson Planning Officer Telephone: 03000 264 960 <a href="mailto:chloe.robinson@durham.gov.uk">chloe.robinson@durham.gov.uk</a>

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### DESCRIPTION OF THE SITE AND PROPOSALS

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#### The Site

1. The application site relates to a parcel of land to rear of the 16 Delaware Avenue a, small residential terrace of 6 properties located in Evenwood, Bishop Auckland. The site lies beyond an access road to the rear of the terrace and is currently used for residential amenity purposes, including the parking of motor vehicles. The application site itself measures approximately 125sqm in area, and forms part of a wider piece of land owned by the applicant measuring 330sqm
2. A concrete hardstanding has been formed on the site, which is utilised for car parking including that of the applicant's motor home. The site is enclosed by a mixture of hedging and fencing and has a vehicular access directly to the west onto a rear lane behind Rochdale Street. Surrounding the site other parcels of land in similar uses surround the site and a number of detached garages and outbuildings are present on these.
3. The site does not lie within a conservation area, while there are no listed buildings within the proximity of the site.

#### The Proposal

4. This application seeks planning permission for the erection a detached domestic garage. The supporting information sets out that the garage would be used for parking the applicant's vehicles, including a large motor home, together with the storage of household/domestic items. The garage would be a steel framed construction, clad in box profile steel sheeting coloured grey with a dark grey roller shutter door. The garage would measure 4.7m in width, 4.25m in height and 18.1m in length.
5. The application is being called to committee by Councillor Potts to allow consideration of the impacts of the garage on residential and visual amenity.

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## PLANNING HISTORY

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6. Planning Permission was granted in 2008 for a detached garage on the site, this has since been demolished.

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## PLANNING POLICY

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### NATIONAL POLICY

7. A revised National Planning Policy Framework (NPPF) was published in July 2021. The overriding message continues to be that new development that is sustainable should go ahead without delay. 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.
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 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.
11. *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.

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

### NATIONAL PLANNING PRACTICE GUIDANCE:

12. The Government has consolidated a number of planning practice guidance notes, circulars and other guidance documents into a single Planning Practice Guidance Suite. This document provides planning guidance on a wide range of matters. Of particular relevance to this application is the practice guidance with regards to; air quality; historic environment; design process and tools; determining a planning application; healthy and safe communities; land affected by contamination; natural

environment; neighbourhood planning; noise; use of planning conditions; and; water supply, wastewater and water quality.

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

## LOCAL PLAN POLICY:

### The County Durham Plan (CDP)

13. *Policy 21 (Delivering Sustainable Transport)* states that all development shall deliver sustainable transport by (in part) ensuring that any vehicular traffic generated by new development, following the implementation of sustainable transport measures, can be safely accommodated on the local and strategic highway network and does not cause an unacceptable increase in congestions or air pollution and that severe congestion can be overcome by appropriate transport improvements.
14. *Policy 29 (Sustainable Design)* requires all development proposals to achieve well designed buildings and places having regard to SPD advice and sets out detailed criteria which sets out that where relevant development is required to meet including; making a positive contribution to an areas character and identity; provide adaptable buildings; minimise greenhouse gas emissions and use of non-renewable resources; providing high standards of amenity and privacy; contributing to healthy neighbourhoods; providing suitable landscape proposals; provide convenient access for all users; adhere to the Nationally Described Space Standards (subject to transition period).
15. *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.
16. *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.
17. *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.
18. Development proposals where the primary objective is to conserve or enhance biodiversity or geodiversity will be permitted if they comply with other local plan policy. Development proposals which are likely to result in the loss of deterioration of

irreplaceable habitats will not be permitted unless there are wholly exceptional reasons and a suitable compensation strategy exists.

19. Residential Amenity Standards SPD (2020 Adopted version) – Provides guidance on the space/amenity standards that would normally be expected where new dwellings, including domestic alterations are proposed.

<https://www.durham.gov.uk/cdp>

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## **CONSULTATION AND PUBLICITY RESPONSES**

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### **STATUTORY RESPONSES:**

20. *Highways:* No objection, it is however recommended that as part of any consent a condition be attached restricting it's use to ancillary domestic.

### **PUBLIC RESPONSES:**

21. The application has been publicised by way of individual neighbour notification letters. One letter of representation has been received as summarised below:-
  - The majority of the South West gable elevation amounting to approximately 15m would appear to be as close to the boundary as possible. This would require the construction of these walls to be firewalls. There are no details of this on the plans.
  - On the plans there are no locations of rainwater pipes, any associated underground drainage or details of any soakaways/drainage channels, concerns are raised regarding the impact of this
  - If any future remedial works need to take place on the guttering, I would not like to say whether any future owner would allow access.
  - The drawings show the construction of the building on a steel frame. This may be a building control matter, but the steel columns may need a block pad foundation. These should be on the land belonging to 16 Delaware Avenue.

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

22. The proposal is to construct a large domestic garage to the rear of my client's property which is currently used as a rear garden. As usual with terraced housing the property is separated from the garden by an access lane which runs behind the terrace of houses. My clients own a double width garden as they had purchased the neighbours garden many years ago.
23. Mr and Mrs Hutchinson both work, one in Darlington and the other in Durham. And they also have a son and daughter who also own a car. Like most folk living in rural villages the need for a car is essential for work or education and the issues of parking vehicles close to your home can become a nightmare. When these properties were built horse and carts were the only vehicles that would need to access the terraced streets.
24. Mr Hutchinson also has three classic cars, which he takes great pride in. The cars are taken to agricultural/county shows to exhibit the cars to the general public. These need to be stored inside, obviously and are treated with great care and attention with much washing and polishing and detailing both outside and inside and even under the bonnet.

25. So the proposed garage needed to be on the large size to accommodate these cars. He also owns a motorhome which is used through most of the year. The garden is a large area, well away from the surrounding dwellings, so seemed the perfect place to erect a domestic garage. This will help alleviate some of the parking issues in the street and also means the classic cars can be stored in the new building and reasonably close to his home. The garage on the next garden is just slightly shorter than the proposed garage, so it is not the only large building on the rear gardens of Delaware Avenue.
26. We will use the colours requested for the roof and vertical cladding.

The above represents a summary of the comments received on this application. The full written text is available for inspection on the application file which can be viewed at

<https://publicaccess.durham.gov.uk/online-applications/search.do?action=simple&searchType=Application>

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## **PLANNING CONSIDERATIONS AND ASSESSMENT**

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27. Section 38(6) of the Planning and Compulsory Purchase Act 2004 sets out that if regard is to be had to the development plan, decisions should be made in accordance with the development plan unless material considerations indicate otherwise. In accordance with advice within the National Planning Policy Framework (NPPF), the policies contained therein are material considerations that should be taken into account in decision making. Other material considerations include representations received. In this context, it is considered that the main planning issues in this instance relate to the impact on the character and appearance of the area, residential amenity highway safety and other issues.

Impact on the character and appearance of the area:

28. Policy 29 of the CDP outlines that development proposals should contribute positively to an area's character, identity, heritage significance, townscape and landscape features, helping to create and reinforce locally distinctive and sustainable communities. In addition, it advises that proposals for alterations and extensions to residential properties should ensure development is sympathetic to the existing building(s) and the character and appearance of the area in terms of design, scale, layout, roof design and materials. Policy 31 of the CDP states that proposal that result in visual dominance will not be permitted.
29. The Council's Residential Amenity Standards Supplementary Planning Document (SPD) states that domestic garage should follow the same guidelines as those for extensions. This requires a high quality of design especially where the location is prominent, while garages should be subordinate and unobtrusively sited in relation to existing houses and the streetscene. The SPD also states that garages should be designed to incorporate features of the original dwelling and should normally be constructed of similar materials.
30. Parts 12 and 15 of the NPPF also seek to promote good design, while protecting and enhancing local environments. Paragraph 130 of the NPPF also states that planning decisions should aim to ensure developments function well and add to the overall quality of the area and establish a strong sense of place, using streetscapes and buildings to create attractive and comfortable places to live, work and visit.
31. The proposed garage would be located in a parcel of land located to the rear of the applicant's property. This forms part of a wider area where each householder traditionally had a similar sized parcel to be used for purposes ancillary to the main residential use of the site, this arrangement is typical with terraced properties across

the County. In this instance the applicant has a 'double' parcel of land measuring 330sqm in area, which is larger than that associated with other neighbouring plots which are generally half this size. The majority of plots have either a detached garage or similar structures of varying design and construction. These structures also vary in size, with the largest immediately to the south of the application site measuring 13.25m length that was approved in 2010.

32. The proposed detached garage would measure 18m in length by 4.7m in width and would have an overall height of 4.25m. The garage would have steel construction clad in box profile steel sheeting in the colour 'Merlin Grey'.
33. Officers originally raised concerns regarding the size of the garage in terms of its length and height and the construction materials. These were discussed with the applicant's agent to encourage a reduction in the size and scale of the garage and consideration of alternative materials such as timber. However, the applicant has advised that the scale of the garage is dictated by the need to park a large motorhome and classic cars within it while the materials have been chosen because of cost and security. It was therefore requested that the application be determined as it stands.
34. In assessing the proposal in the above planning policy context and taking into context the surroundings, it is noted that surrounding the site there are a number of outbuildings and garages of varying scale, design and use of materials. This is typical of similar areas to the rear of terraced properties throughout the County, which have evolved over time. Directly to the south of the proposed garage a large partially wooden clad outbuilding is located which measures 13.25m in length and marks the boundary with open land and the wider countryside. Although the proposed garage would be approximately 4.5m longer in length than this garage, it is considered to be in a less prominent location and is set back further from the front of the plot than other existing buildings. Most views of the garage would be from immediately surrounding residential properties and those from the adjacent back lanes would be largely of the gable elevations, rather than the side profile of the garage. This would help to reduce its perceived mass. Direct views of the side elevation of the garage would be achievable from the north at 1-12 Delaware Terrace, however there is at an approximate distance of 60m, with intervening views of other outbuildings. The site already has some visual impact locally arising from the owners' parked vehicles on the large open hardstanding.
35. The proposed materials are not considered untypical for use in a domestic garage; however it is considered that the proposed colouring at this scale does have an industrial feel. The use of a green walling with a black roof could help mitigate the impact of the proposal to some degree. A condition to this effect is recommended
36. Overall when taken in the round, although the garage is large and a reduced scale would be more preferable, it is considered that given the prevalence of other detached structures, including some at a comparable scale, the proposal would not have a significant impact on the visual amenity of the surrounding area that would result in policy conflict and justify refusal of the application. It is however considered necessary to control the colour of the proposed garage to help to assimilate into the surroundings and appear less industrial in nature. Subject to a condition to this effect, on balance the development is considered to comply with Policies 29 and 31 of the CDP and Part 12 of the NPPF in this respect.

#### Privacy/Amenity

37. 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.

38. In this respect the proposed development would be located approximately 17m from the nearest residential property, separated by a rear access lane. The garage would be sited along the shared boundary with surrounding plots, however these areas are used for uses ancillary such as storage and parking rather than for amenity areas. Given this distance, single storey nature of garage and the presence of intervening boundary treatments and other detached structures it is considered a loss of privacy/amenity would not arise by virtue of the scale/mass of the proposals.
39. However, given the size of the proposals, a condition requiring that the building used only for ancillary residential purposes is considered appropriate. The Planning Authority would have enforcement powers to take action in the event that activities extend beyond this and are impacting on amenity. The Councils Environmental Health Service also have statutory powers in relation to statutory nuisance such a noise, similar to any domestic developments.
40. The proposed development is considered to satisfy the provisions of Policy 31 of the County Durham Plan and Residential Amenity Standards SPD in respect to residential amenity considerations.

#### Highways Safety and Access

41. Policy 21 of the CDP outlines that development should not be prejudicial to highway safety or have a severe cumulative impact on network capacity. Similarly, Policy 29 advocates that convenient access is made for all users of the development. The NPPF sets out at Part 9 that a safe and suitable access should be achieved for all people and that development should only be refused on transport grounds where the residual cumulative impacts on development are severe.
42. In this respect the Highways Authority has been consulted as part of the application and has no objections to the proposal. However, it is recommended that as part of any consent a condition be attached restricting its use to ancillary domestic use.
43. The development would comply with Policies 21 and 29 of the CDP and Part 9 of the NPPF in this respect.

#### Other matters

44. Policies 35 of the County Durham Plan seeks to ensure that suitable arrangements are made for the disposal surface water stating that surface water would be discharged to a soakaway. Concerns have been raised by a neighbouring resident in this respect. Limited details have been submitted in the application outlining how surface water would be disposed of, however it is considered that this matter could be satisfactorily dealt with by condition.
45. Concerns have been raised from a neighbouring regarding construction of the structure and fire ratings of the structure. However, this matter is considered beyond the scope of this application and would be a matter for the Building Regulations regime. Similarly, issues over access/maintenance are considered civil matters beyond the scope of this planning application.

46. Given the nature of the site and existing hardstanding it is considered that the development does not give rise to any ecological concerns. The development would therefore accord with Policy 41 of the CDP and Part 15 of the NPPF in this respect.

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## CONCLUSION

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47. Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. In light of the recent adoption of the CDP, the Council has an up to date development plan. Paragraph 11 of the NPPF establishes a presumption in favour of sustainable development. For decision taking this means approving development proposals that accord with an up-to-date development plan without delay (paragraph 11 c).
48. The proposal would provide for the erection of a detached garage for domestic use. Although the proposal is large, and a smaller development would be preferable visually it is concluded that the development would not appear over dominant or incongruous in this residential setting where there are a large variety of garages, sheds and outbuildings. The development would not impact on the amenity of neighbouring residents or highway safety. It is concluded that the development would comply with Policies 21, 29, 31, 35 of the County Durham Plan subject to conditions to control the development and agree finer details.
49. The development is considered to accord with the development plan as a whole, there are no material considerations which indicate otherwise and the application is recommended for approval.

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## RECOMMENDATION

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That the application be **APPROVED** for the following reasons:

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: Required to be imposed pursuant to Section 91 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

2. The development hereby approved shall be carried out in strict accordance with the following approved plans

Plan	Drawing No.	Date Received
Location plan		20/05/20
Block plan		19/05/20
Proposed garage		14/05/20
Proposed plans and elevations		14/05/20

Reason: To define the consent and ensure that a satisfactory form of development is obtained in accordance with Policy 21, 29 and 31 of the County Durham Plan.

3. The garage hereby approved shall be used for purposes incidental to the enjoyment of the dwelling house known as 16 Delaware Avenue, Evenwood 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 Policies 29 and 32 of the County Durham Plan and Parts 12 and 15 of the NPPF.

4. Notwithstanding the submitted information, the external walls of the building shall be coloured Jupiter Green with an Anthracite Black roof or similar, in accordance with details to be first submitted to and agreed in writing with the Local Planning Authority prior to the erection of any external wall/roof. The development thereafter shall be completed in accordance with the approved details.

Reason - In the interests of the visual amenity of the surrounding area and to comply with Policy 29 of the County Durham Plan and Part 12 of the NPPF.

5. No development other than ground clearance or remediation works shall commence until details of the surface water drainage from the building hereby approved has been submitted to and approved in writing by the Local Planning Authority. Sustainable Drainage Systems (shall be utilised where feasible). The development thereafter shall be completed in accordance with the approved details.

Reason: To ensure that surface and foul water are adequately disposed of, in accordance with Policy 35 of the County Durham Plan and Part 14 of the National Planning Policy Framework.

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## **STATEMENT OF PROACTIVE ENGAGEMENT**

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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.

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## **BACKGROUND PAPERS**

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Submitted application form, plans, supporting documents and subsequent information provided by the applicant:

Statutory, internal and public consultation responses  
The National Planning Policy Framework  
National Planning Practice Guidance Notes  
County Durham Plan  
Residential Amenity Standards SPD (2020)



<p><b>Planning Services</b></p>	<p>DM/21/02963/FPA Detached domestic garage</p>	
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	<p><b>Date</b></p>	<p><b>Scale 1:1250</b></p>