



Area Planning Committee (South and West)

Date Friday 22 April 2022
Time 9.30 am
Venue Council Chamber, County Hall, Durham

Business

Part A

1. Apologies for Absence
2. Substitute Members
3. Declarations of Interest (if any)
4. The Minutes of the Meeting held on 17 February 2022 (Pages 3 - 14)
5. Applications to be determined
 - a) DM/21/04141/VOC - Spennymoor Cricket Club, St Pauls Gardens, Spennymoor (Pages 15 - 32)
Variation of condition 2 pursuant to planning permission DM/20/00416/FPA (Construction of a new cricket pavilion, facilities (using shipping containers) and decking) to allow for an increase in size, changes to design and materials
 - b) DM/20/01960/VOC - Land At Hawthorn Drive/Hill Meadows, Low Willington (Pages 33 - 62)
Variation of condition 2 (approved plans) of planning permission 3/2013/0257 for the substitution of house types for 37 plots to northern part of site (amended)
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
12 April 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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DURHAM COUNTY COUNCIL

At a Meeting of **Area Planning Committee (South and West)** held in Council Chamber, County Hall, Durham on **Thursday 17 February 2022 at 9.30 am**

Present:

Councillor G Richardson (Chair)

Members of the Committee:

Councillors A Savory (Vice-Chair), E Adam, J Atkinson, V Andrews, D Boyes, J Cairns, L Brown, M Stead and A Sterling

Also Present:

Councillor Mike Currah and Councillor Patricia Jopling

1 Apologies

Apologies for absence were received from Councillors Mckee, Oliver and Zair.

2 Substitute Members

There were no substitute Members in attendance.

3 Declarations of Interest

There were no declarations of interest.

4 Minutes

The minutes of the meeting held on 20 January 2022 were agreed as a correct record and signed by the Chair, subject to the amendment to confirm Councillor S Zair was in attendance.

5 DM/20/01351/OUT - Land To The East Of Sedgefield Community College, Hawthorn Road, Sedgefield

The Committee considered a report of the Senior Planning Officer which provided details of an application for the erection of up to 14 dwellings, including means of

access (all other matters reserved) at Land to the East of Sedgefield Community College, Hawthorn Road, Sedgefield (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. A site visit had taken place on the day prior to the meeting.

The Senior Planning Officer advised that a Section 106 agreement could not be imposed as the Council were also the applicant, so instead planning permission would be withheld until there had been an internal transfer of funds.

Councillor Adam advised that on this occasion the site visit was a worthwhile exercise as it had provided him the opportunity to view the nature and layout of the site which was substantially higher than the surrounding area. Members had been approached by some local residents who had voiced concerns about the proposal.

Councillor Adam advised that Butterwick Road was essentially a lane which suffered with speeding traffic and was used by large and heavy vehicles coming from the A177 despite being unsuitable for those types of vehicles. The speed limit changed from 60 to 30 but this was close to the junction and he suggested that the signs should be moved and a restriction placed on heavy vehicles.

Councillor Adam also had concerns about the site line as the land was situated on a high slope. In his opinion for a sufficient site line the vegetation would need to be cut back or drivers would not be able to see cars exit the junction until they were upon the area. Both directions were the and considering the narrow lane which often had parked vehicles on it, the opening needed to be realigned to ensure a sufficient view. In addition, restricted parking should have been introduced as during school drop off and pick up times the road was dangerous.

Residents had concerns that the speed survey had been carried out during a period when the school was operating under covid restrictions and the roads were very quiet and therefore a further survey should have been done under normal circumstances.

There were additional concerns regarding the capacity of the SUDS scheme as the land was a substantial height in comparison to the other houses and concerns re water run off and whether it would be sufficient.

The Highways Development Manager advised that many of the highway concerns raised were existing problems that would not be made worse by the development. With regards to the parking, this was a 30 mph zone and the speed survey showed an average speed of 30 mph. The development would not make that any worse and the junction had been designed within the 30 mph zone and the vegetation could be removed to achieve visibility splays.

The Senior Planning Officer confirmed that the application had been reduced from 20 dwellings to 14 in order to achieve a decent set back and ensure no issues with regards to overlooking and privacy and with regards to drainage, the use of swales

and permeable driveway along with the condition for a flood risk assessment to be undertaken had been determined acceptable by drainage officers.

Councillor Atkinson queried the allocation of money in the absence of a Section 106 agreement and asked if the money would still be used within the local area. The Senior Planning Officer advised that although the contribution could not be secured through a Section 106 agreement, it would be used as if it were and only to benefit the local area.

In response to a further question from Councillor Atkinson regarding the drainage, the Senior Planning Officer confirmed that the Local Flood Risk Authority had deemed the scheme to be acceptable and there would be no impact to flood risk.

Councillor Boyes advised that despite the issues raised by Councillor Adam, the application would regenerate a brownfield site which was lying dormant. This was a small scale housing development with no great impact. He accepted the comments made by the Highways Officer, the road was a 30 mph road with an average speed of 30 mph and it could not be opposed. He moved the recommendation as set out in the report.

Councillor Brown queried the time of the traffic survey and whether the road was operating on limited capacity in July 2021. The Highway Development Manager confirmed data from a speed survey in 2014 had resulted with an average speed 28.1 mph and added that the weekday average was 168 vehicles per day.

Councillor Andrews advised that although residents were concerned about flood risk there had been no flooding in the area to date.

Councillor Cairns queried the exact date of the speed survey in case it was carried out during school holidays however it was 9 July when schools were operating and Councillor Boyes added that this was not during a lockdown period.

Councillor Adam confirmed that he had no objection to houses being built there as it was a suitable site, however he believed highways needed to reconsider some aspects that would not incur too much cost. He also queried the validity of a speed survey from 2014 was also a long time ago and there had been building work done at the school since.

The Highways Development Manager advised that he could make a commitment to look the issues raised, but conditioning those would not be appropriate as they were existing issues that would not be made worse. In addition, parking restrictions would require a traffic order which was outside of the Planning Committees remit.

Councillor Atkinson seconded the proposal to approve the application.

Councillor Brown commented on the condition for offsite affordable housing and advised that if needed, it should be in the area.

The Planning and Development Solicitor advised that the Committee could only require a developer to mitigate any issues caused by the development, however

issues raised were existing issues and would suffer no further impact from the development. He advised with regards to traffic orders, there was a separate process and the highways officer had confirmed his willingness to liaise with traffic management officers.

Resolved

That the application be APPROVED subject to conditions outlined in the report and 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.

6 DM/19/01136/OUT - Land to the west of Stobart Terrace, Fishburn

The Committee considered a report of the Senior Planning Officer which provided details of an outline application for residential development of up to 30no. units (22no. shown on submitted plans) – all matters reserved on Land to the West of Stobart Terrace, Fishburn (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.

The Senior Planning Officer advised that there had been an historical approval on a site to the east of this site by same applicant. This was considered at time to be a SHLARR site however the consent had lapsed and if the Applicant wanted to develop the site, they would have to reapply. The key difference between the two sites was that this site was not a SHLARR site and it was situated within the open countryside.

Mr A Lang, spoke on behalf of the Applicant and advised that without this approval the SHLAA site could not be implemented due to financial complications and the reason for the second application site was that if granted, it would financially enable the other.

Unfortunately due to time, permission had lapsed so what Members were being asked was to grant permission for this site which would enable an access road to be created and join the two sites eventually if it did come and the Applicant would of course need to reapply for permission.

The site had been designed to create more attractive buffer and he suggested that the appearance and landscaping could be dealt with by reserved matters.

With regards to the comments from Archaeology, Mr Lang advised that the Applicant felt that their concerns could be dealt with by a condition.

The application was for outline application, there had been a lot of money spent to bring it to committee and the housing market was still under pressure, with delays caused by COVID-19 and the creation of 22 units would support Fishburn and other local villages and bring benefits.

The Senior Planning Officer advised that the application was to be viewed in isolation and confirmed that residential applications would be approved, but only where it satisfied up to date development plans and this application did not.

Councillor Brown queried the relevance of the 2018 application for 70 houses and the Senior Planning Officer advised that the previous application showed that the two sites would have shared access and the Applicant was claiming that to make the previous scheme viable, they needed to have this application approved, however a lot had changed since then.

Councillor Boyes confirmed that he accepted what had been said by the Senior Planning Officer and in his opinion the application was insufficiently developed and he echoed comments from statutory consultee Northumbrian Water Ltd and advised that a more robust plan was needed to address foul water and flooding along with issues from internal consultees that needed addressing. There were four reasons for refusal and issues that he was not comfortable approving as a Committee Member.

Councillor Brown advised that the planning statement was dated three years prior and suggested that the Applicant should return with an application for up to 100 houses, but felt that it was lacking in information.

Councillor Atkinson agreed that there was not enough in application to go against recommendation and proposed that it be refused as per the recommendation, seconded by Councillor Stead.

Resolved

That the application be REFUSED for the reasons outlined in the report.

7 DM/21/03498/FPA - Land north of Tintern Road, St Helen Auckland

The Committee considered a report of the Senior Planning Officer which provided details of an application for 21no. 2 bed and 2no. 3 bed wheelchair adaptable dormer bungalows with parking and associated landscaping at Land North of Tintern Road, St Helen Auckland (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.

Mr P Glover spoke on behalf of the Applicant and advised that Believe Housing were targeting the scheme as potentially fully electric development which could utilise air and ground source heat pumps with improved thermal insulation and air

tightness however the proposal was subject to cost viability so they could not commit until a tender process had been followed on approval.

He advised that Believe Housing throughout their development strategy were planning for on the needs of customers and communities now and in future and addressing the growing need for affordable homes whilst also meeting the needs of residents of all ages across County Durham, whilst also considering climate change.

He advised that there were 10000 people on the waiting list and a growing need to provide bungalows due to the aging population.

Councillor Adam had viewed the site and it was clear that there had been houses there previously, however it was being used as amenity space and he asked whether there had been any consideration to retaining some space for amenity.

Mr Glover advised that the site had been cleared in 2000 and grassed over, it was devoid of ecological features and there was no evidence it was used much apart from dog walking. There was a large area north of the site which was green amenity space within the locality.

Councillor Sterling referred to the sustainability of the site and to the plan for electricity heat pumps, but there was a cost implication and she reiterated the need for sustainable energy, particularly for pensioners.

Mr Glover confirmed that Believe Housings Policy was to achieve zero carbon by 2025 but there was a significant cost in changing from gas boilers to heat pumps. Air source heat pump systems ran at a lower temperature and therefore all heat had to be retained, which required improvements to air tightness and the provision of quality windows and doors, all of which had additional costs to project. In addition, construction industry prices were expensive so although it was an aspiration to achieve a fully electric scheme, the Applicant could not commit to it before planning consent was achieved and a full tender process undertaken to consider whether funds were available.

Mr Glover advised that full electricity could place a higher impact on residents with electric being more expensive than gas at the time of the hearing so another consideration was whether residents would be affected by higher energy prices. The Applicant could also look to introducing solar energy, however this had increased capital costs and until tenders were received a commitment could not be made.

Councillor Atkinson considered this was a good proposal and summed up the positive aspects of the application which included bungalows, disabled access, parking, no objections, acceptance by officers and proposed the recommendation as outlined in the report, seconded by Councillor Stead.

Councillor Boyes advised that he was former Director of Believe Housing and reminded the Committee they had taken over from County Durham Homes and were a major provider with ambitious and well worked schemes. He acknowledged

that more could be done with regards to sustainability but there were often finance issues. There was the potential need to review how the Council addressed renewable energy however at this moment they could only accept the scheme as was.

Resolved

That the application be APPROVED subject to the conditions outlined in the report and the 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.

8 DM/21/03713/FPA - Land South Of Village Gate, Howden-le-Wear

The Committee considered a report of the Principal Planning Officer which provided details of a proposed detached dwelling on Land South Of Village Gate, Howden-le-Wear (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. A site visit had taken place on the day prior to the meeting.

Local Member, Councillor Jopling, spoke in support of the proposal and confirmed that the family had traded in Howden le Wear for 6 generations and employed 10 full time staff and 4 part time. Mr Gibson had retired but still lived in the village and the Applicant was his daughter who wanted to live in the villag with her family in a more convenient location.

Howden le Wear was a decent size village which was spread out and included lots of infill developments and the field in question was one field and 2011 the Council had given permission for 47 houses to be built there. The rest of the land was used in a very sophisticated manner for horses. The house was only 70m away from the built area, which was no more than a large back garden and she had an issue with fact had been described as open countryside as the site was part of a developed field. The house would not be visible from road as the site was situated in a dip and the foundations would be lower for the property. To say that the house would not fit in with the landscape was spurious, in her opinion there was nothing detrimental to refuse the application and no objections from local residents or internal consultees, including the Landscape Officer had advised that the dwelling would be relatively contained in wider landscape and views screened with appropriate hardstanding access road.

Councillor Jopling continued that Howden le Wear was a large village with many estates and infills such as Valley Terrace which lead to Bishop Auckland and up to North Bitchburn and she took issue with the description that it was outside of curtilage as she did not believe there was a defined settlement boundary. The site was not green open space, not a large portion of land and if it was refused, the rest would be developed anyway. With regards to the size of the building, this was to be a family home and they wanted to make sure it was right.

Local Member Councillor Currah addressed the Committee and agreed that there was no village boundary. The dwelling was in a sympathetic position, lower than the rest of the land, which made it less visible and it was adjacent to well maintained equestrian buildings. The family had needs in the village and with a small portion of proposed land in a large village, he asked the Committee to consider approving the application.

The Agent, Mr Naylor advised that the property was well related to the settlement and the land had substantial sized buildings on site which formed development in planning terms. The site was effectively terminated by a large bank of trees to south which was DCC land and on a site visit, you would class this as village boundary, however there was no longer a settlement boundary, so this was to a certain extent down to interpretation. The site was within the old Wear Valley District Plan as a suitable development site.

The application was originally being determined on Policy 6 of the County Durham Plan (*Development on unallocated sites*) and the crooks of the application was that the property was well related to the settlement but Planning Officers then determined that it was within the countryside and the policy changed. In his opinion this was not in open country, nor was it isolated and it related well to the property. The report confirmed that it adhered to Policy 29 and 39, it was well contained and screened and would only be viewed a limited number of people using the public footpath. In the current SHLAA the site is currently not available, but it also included a paragraph to confirm that it development would be suitable.

On behalf of the Applicant, Ms Gibson, Mr Naylor then read a pre prepared statement which gave a background to the family business and confirmed that despite having a head office in Bishop Auckland, the original premises remained in Howden le Wear and the family had been in a fortunate position and assisted with local employment. They had made large investments in the area and Ms Gibson and colleagues were on 24 hour call, so it was important to be located in an area that was central.

There had been several recent developments in Howden le Wear, her parents had purchased the remaining land in conjunction the original site, a working farm for 50 years.

The Applicant had attended a site meeting with Planning Officers and no objections were raised due to the existing buildings and access to mains services, however a week prior to determination she had received confirmation that the site was deemed to be outside of the village. This had been confusing so she had done further

research which had confirmed that the village boundary was incorrect and the site was inside.

Councillor Brown referred to Policy 12 (*Permanent Rural Workers' Dwellings*) and queried where the Applicant had looked for another place to live in Howden le Wear and was advised that due to personal preference and the housing market, the decision was taken to utilise the land that was already owned.

Councillor Adam noted that great emphasis had been made with regards to how many years the family had lived and operated business in the village and he queried whether this particular building would have any links to the equestrian site and why the emphasis had been made to the other family business.

Mr Naylor advised of two reasons, the highway officers had not at first accepted that the existing access was suitable, but changed their mind when the Applicant had confirmed that there was a lot of high value stock and materials, visitors to the site, vehicles, horse boxes despite nobody living on site at the moment and there were a number of vehicles that visited several times a day. The traffic calculation had therefore equated to the same or slightly less traffic movement, and the Highways Officers accepted that and removed the objection.

With regards to the link to the family business, the response and on call times to the premises in Howden le Wear and being in close proximity was the reason for that.

In response to a question from Councillor Brown regarding the residence, the Applicant confirmed that she lived 3-4 miles away from the site but was on call 24 hours and with small children often her parents assisted. Living closer would assist her fulfil her duty as Director of company.

The Principal Planning Officer appreciated the desire for the Applicant to live on site, her ties to area and landowner status however the application had been assessed objectively on the basis of the planning merits of scheme, and the way the County Durham Plan was worded had determined that the site was beyond the built up area and within the countryside. The difficulty with application is that there was 70-100m in either direction which was a substantial distance and the Planning Authority had to take a consistent view. There had been similar proposals that had been assessed in the same way and upheld at appeal. There had been no functional case submitted for the dwelling to serve operation of either the family business or the equestrian site and it would not be supported for recreational purposes given the extension of similar facilities across the county.

Councillor Boyes, normally would be opposed to development outside of settlement boundary and don't accept what the consultant had said about the boundaries being open to interpretation as he felt there was a clear boundary. However, this application did not appear to be development in countryside. When considering Policy 6, Councillor Boyes advised that the advice was to accept the application if it was well related to the settlement and he referred to a number of other criteria that should be met, which this application complied with.

In this particular instance Councillor Boyes advised that he disagreed with the recommendation and moved approval of the application.

Councillor Atkinson summed up the personal circumstances of the Applicant and the contribution the family made to the village and seconded the motion to approve the application.

Councillor Stead agreed that he had regularly driven along this road to go to Stanhope and there was a lot new housing developments which created more of a blot on the landscape than this would.

Councillor Adam was minded to go against officers recommendation until he visited the site and it raised question in relation to location, although there was an indication that it would be masked there was still a substantial amount of the building above the lay of land, and two top stories, which was not in keeping with area and look out on a limb, separated from the other buildings and it could look intrusive although he would consider comments from other Members before determining the application.

He asked whether approving the application would set a precedent in relation to this type of property and the Principal Planning Officer advised that each application was assessed on its own merits however Officers had a consistent view, and considered Committee decisions to arrive at the recommendation.

Councillor Sterling advised that the Applicant had done all she could to work with officers, she had complied with concerns and moved the location and she could not see any conflict with Policy 6. The new housing to the north of the site was not in keeping and she wondered if the Officers would have arrived at a different view if this was a bigger development or if there was an application for affordable housing.,

The Planning and Development Solicitor advised that if the Committee were minded to approve the application, then he would advise them to delegate the conditioning of the application to officers in conjunction with the Chair and Vice Chair.

Councillor Brown requested that the application was conditioned with the removal of permitted development rights.

Resolved

That the application be APPROVED subject to conditions to be delegated by Officers in conjunction with the Chair and Vice Chair of the Committee.

9 DM/21/02707/FPA - 47 Newgate Street, Bishop Auckland

The Committee considered a report of the Principal Planning Officer which provided details of a 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 at 47 Newgate, Bishop Auckland (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.

Councillor Brown had visited the area recently and it was sad that what once was a wonderful land thriving town like Bishop Auckland had resulted in a mass of empty shops. With regards to NDSS the short term did not pose a problem but if they were long term maybe it would.

She asked what the smallest size bedroom was and the Principal Planning Officer advised that in terms of the national space standards the rooms should be a minimum of 11.5m² and some of them fell a metre below but when considering the benefits such as bringing the building back into use and the use it was intended, the minor conflicts were considered to be outweighed.

Councillor Brown moved the recommendation to approve.

Councillor Adam referred to the use for short term lets and asked how this could be monitored. The Principal Planning Officer advised that the two ground floor units were to be used as holiday lets, and there was a condition that required the applicant to keep register and the Council could investigate and take action if required.

Councillor Richardson asked a question regarding parking provision and the Principal Planning Officer advised that none had been proposed, however this was a town centre location, which was accessible and there were public car parks in the vicinity.

Councillor Atkinson advised that this change of use would increase footfall into the town, but at the same time he was slightly worried about what would happen to town centres. He seconded the motion to approve.

Councillor Adam asked for clarification on the parking to the rear of the property and the Principal Planning Officer advised that the parking that had been mentioned were public car parks.

Councillor Richardson referred to this particular area as having been used for parking but there was an attempt to stop parking a few years prior and former Councillor J Clare had planned to create a car park which never came to fruition.

Resolved

That the application be APPROVED subject to the conditions outlined in the report.

10 DM/21/02963/FPA - 16 Delaware Avenue, Evenwood, Bishop Auckland

The Committee considered a report of the Planning Officer which provided details of a application detached domestic garage at 16 Delaware Avenue, Evenwood, Bishop Auckland (for copy see file of minutes).

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

Resolved

That the application be APPROVED as per the reasons outlined in the report.



Planning Services

COMMITTEE REPORT

APPLICATION DETAILS

Application No:	DM/21/04141/VOC
Full Application Description:	Variation of condition 2 pursuant to planning permission DM/20/00416/FPA (Construction of a new cricket pavilion, facilities (using shipping containers) and decking) to allow for an increase in size, changes to design and materials
Name of Applicant:	Spennymoor Town Council
Address:	Spennymoor Cricket Club, St Pauls Gardens, Spennymoor DL16 7LR
Electoral Division:	Spennymoor
Case Officer:	Hilary Sperring (Planning Officer) Tel: 03000 263947 Email: hilary.sperring@durham.gov.uk

DESCRIPTION OF THE SITE AND PROPOSAL

The Site

1. The development site relates to Spennymoor Cricket Club ground off St Pauls Gardens. Allotments adjoin the site to the east from where access to the site is gained, with residential properties in St Paul's Gardens beyond. The grounds of Whitworth Park School lie to the south and The Meadows School to the west. To the north runs the Auckland Way walking and cycling route within a landscaped buffer with residential development beyond.

The Proposal

2. Planning permission was granted in 2020 for the construction of a new cricket pavilion, facilities and decking on the site (DM/20/00416/FPA). This included a building of roughly rectangular shape to be constructed from steel containers. The proposal measured 11.625 metres by 11.8 metres (which included a decked area

to the front) and 2.7 metres in height. The containers were to be powder coloured grey with exterior cladding in part on each of the side elevations.

3. This scheme has not been implemented and planning permission is now sought to vary condition 2 of this approval to allow for an increase in size of the pavilion and associated changes to its design and materials. It is understood that the proposals have developed following work between the applicants and Sport England to allow the club to gain financial support from Sport England.
4. The building as now proposed would measure approximately 11.5 metres in length by 12.2 metres at its widest and would be 3 metres in height. The new pavilion would be constructed in block work with an outer face dressed with a mix of timber and shipping container style cladding. A decked area and railings would be provided to the front (and part side) and the proposals also include shutters to the building openings and disabled ramp to the front and side. The building would provide a club room, changing rooms, officials room, kitchen, accessible changing and WC and plant room.
5. It is also understood that the building would now also be made available for hire by other users from the local community and area between 9.00am and 9.00pm daily, when not in use for the Cricket Club.
6. The application is being reported to Planning Committee at the request of Councillor Maddison and Molloy.

PLANNING HISTORY

7. In September 2019 planning permission was granted for the temporary siting of 4 no. shipping containers (DM/19/02304/FPA) on the site. This followed extensive fire damage to the previous wooden pavilion building.
8. A subsequent application was approved in July 2020 for the construction of a new cricket pavilion, facilities (using shipping containers) and decking (DM/20/00416/FPA). This permission remains extant.

PLANNING POLICY

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; flood risk; healthy and safe communities; land affected by contamination; natural environment; noise; use of planning conditions.

<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 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 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)* 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.
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 wastewater 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)* 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>

CONSULTATION AND PUBLICITY RESPONSES

Statutory Consultee Responses:

31. *Spennymoor Town Council* – No response received.
32. *Sport England* – Offer no comments on the application
33. *Highways Authority* – No objection

Internal Consultee Responses:

34. *Contaminated Land* – No adverse comments to make, no requirement for a contaminated land condition.
35. *Environmental Health Nuisance* – Request conditions relating to the proposed hours for hiring and playing of music.
36. *Landscape* – No landscape and visual issues provided the previous condition regarding colour is applied.

Other Responses:

37. Councillors Maddison and Malloy have written questioning the form of application and the scope of information available. The changes proposed are considered significant enough to justify a new, separate application rather than a variation,

with changes to the size, structure and function of the buildings. Details of Mechanical and electrical works are requested.

38. The condition of the track and detailed management of vehicular access and egress is questioned, with previous reflected comments for emergency vehicle access raised in the previous application. It is noted that the access is unlit, with the operation proposed until 9pm to include community groups including the disabled. The site is screened from the public domain, with the site also unlit, likewise the 'side' pedestrian access.
39. Details of foul drainage are requested, as is the nature of the parking layout in the absence of a site condition survey. (Officers have provided separate responses on some of the issues raised).

Public Responses:

40. The application has been publicised by way of site notice and neighbour notification letters. 20 responses have been received.
41. The occupier of No 11 St Paul's Gardens has raised a number of issues, including the times the site will be open and closed, planned parking facilities and intentions for the road through the allotment, considering this to be little more than a dirt track, whether the road is to be lit, who will be responsible for the closing and locking the entry gates between 10 and 11 St Paul's Gardens and when this will be.
42. 19 letters of support have also been received from local people and from the wider area. The points raised are summarised below.
43. The important history of the Club is outlined and the role that it plays in the community, being part of the heritage of Spennymoor.
44. There is strong public support for the proposed building and the huge amounts of work and local fund raising undertaken, by the Town Council and others including attracting funding from Sport England. Delays could impact upon the funding available and possibly the position of the Club within the Darlington and District Cricket League.
45. The provision of the facility for the people of Spennymoor, is highlighted including the benefits of sport, exercise, well-being, social inclusion and the positive impacts on mental health.
46. The building would also support other community organisations and benefit other businesses in the area.
47. The changes proposed are minimal and are not considered to raise any additional concerns re site access and car parking over and above the previous. Many walk to the site and the vast majority of matches are played in the light.

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/applicationDetails.do?activeTab=documents&keyVal=R3UTSYG DJRF00>

Applicants Statement:

48. Spennymoor Cricket Club have had a presence in our town for over 100 years, and its aim is to provide an inclusive environment for everyone to enjoy the sport of Cricket at a local level. Following the fire that destroyed the building, the Town Council who own the land, have made a commitment to try its very best to replace the facility with a more fit for purpose building, that is in line with the needs of the cricket club, the wider community whilst also capturing the values and needs of its funders such as Sport England.
49. Sadly without the new build the future of the Cricket Club despite it having been established in the town for over 100 years, would clearly be at risk; as without proper facilities, its many local players would need to travel and move to other clubs, as following the fire, without the appropriate facilities the recruitment of additional new youth players has been very difficult during this transition period, and there is a real risk of expulsion from the Darlington and District Cricket League unless planning for the re build is granted.
50. The funding for this clearly needed facility has come from a number of areas, including the cricket club itself, who are really pleased to have been able to raise over £12,000 towards the project which has come from community donations, clearly demonstrating the community's passion and belief that the cricket club facility is both a cricket club for all and importantly a community asset for all.
51. Whilst the building and grounds are owned by the Town Council, they will be managed on a daily basis by the cricket club management team with a formal agreement in place. There is significant in-principle funding from Sport England and the Spennymoor Town Council along with the insurance money have identified additional funds to meet the costs of the re-build project.
52. This application provides a fantastic new facility which will suit and meet the needs of community amateur cricket club, and provide an incredible platform and facility to enable current and future young males and females interested in playing cricket or taking part in physical activity to achieve their level, whatever that may be going forward. By doing so we believe this may also help reduce anti-social behaviour within the town and through participation in fun physical activity help reduce the obesity levels of our young people within the town.
53. The facility has received interest from a number of community groups wanting to use it as a community hub, and it will be available outside of matchdays for the wider community benefit. It is anticipated that the operating times will be between

the hours of 9am and 9pm, and we can confirm that the building will not have music playing or be open to the public outside of these times.

54. The Town Council as the owner and landlord of the building, takes its responsibilities very seriously and will undertake weekly monitoring inspections of the premises and its activity to ensure compliance.

PLANNING CONSIDERATION AND ASSESSMENT

55. In cases, new issues may arise after planning permission has been granted, which require changes or modifications to the approved proposals.
56. Where changes are considered less than substantial, there are a number of options which are available to amend a proposal that has planning permission. This includes making a non-material amendment, or amending the conditions attached to the planning permission, to make minor material amendments (a section 73 application).
57. Section 73 of the Town and Country Planning Act 1990 (as amended) applies to the determination of planning applications to develop land without the compliance with conditions previously attached. S73 states that on such an application the Local Planning Authority (LPA) shall consider only the question of the conditions subject to which planning permission should be granted. The LPA should decide whether planning permission should be granted subject to conditions differing from those subjects to which the previous permission was granted or that it should be granted unconditionally. If the LPA decide that planning permission should be granted subject to the same conditions as those subject to which the previous permission was granted, they should refuse the application.
58. In considering such an application, the Development Plan and any other material considerations under section 38(6) of the Planning and Compulsory Purchase Act, are relevant in the determination. LPAs should, in making their decisions, focus their attention on national and development plan policies, and other material considerations which may have changed significantly since the original grant of permission.
59. The current application seeks a variation of condition 2 pursuant to planning permission (DM/20/00416/FPA) to amend the approved plans and allow for an increase in size and changes to the design and materials of the building.
60. The application site relates to an existing Cricket ground that previously had a wooden Cricket Pavilion on the site until it was destroyed by fire in July 2018. The ground is still used for cricket although there are currently no changing or toilet/refreshment facilities on site.
61. The proposed building would be partially sited on an existing area of hard standing in the south-east corner of the ground that was occupied by the former pavilion. The building would not encroach or impact upon the playing pitch and the principle of development has been established via the grant of the original permission which

concluded that the development would protect and enhance the existing sporting facilities on the site.

62. Given the nature of the proposals, the main considerations in respect of the current application relate to the scale, design and visual impact of the proposals and possible impacts upon landscape, the amenity of nearby occupiers, highway safety and parking implications.

Scale / Design

63. CDP Policy 6 criterion d) requires that development on unallocated sites is appropriate in terms of scale, design, layout and location to the character, function, form and setting of the settlement. CDP Policy 29 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.
64. Paragraph 130 of the NPPF also states that planning decisions, amongst others, should aim to ensure developments function well and add to the overall quality of the area and establish a strong sense of place, whilst also creating places that are safe, inclusive and accessible and which promote health and well-being.
65. A wooden cricket pavilion previously occupied the site which was destroyed by fire. The current proposals are of a functional and contemporary design and the mix of block work and cladding would retain elements of the originally approved building, within a more flexible and secure layout believed to be required by Sport England.
66. At a height of 3 metres the proposed building would be slightly higher than that originally approved, and the floor plate is also larger. However, the single storey structure would be set in substantial grounds bordered by fencing and hedging, in part, which provides some screening. Any increased views of the building would therefore be limited and localised within the immediate surroundings.
67. The proposed scale and design changes would therefore accord with CDP Policy 29 and 6d) and Part 12 of the NPPF in this respect.

Landscape and Visual Impacts

68. 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.
69. Policy 39 of the CDP advises 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. Whilst policy 40 of the CDP (Trees, Woodlands and Hedges) advises that proposals for new development will not be permitted that would result in the loss of, or damage to, trees of high landscape, amenity or biodiversity value unless the benefits of the proposal clearly outweigh the harm.

70. Landscape Officers consider that there are no landscape and visual issues with the application provided a condition regarding colour is applied.
71. The applicant has confirmed that the metal 'Shipping Container Style' Cladding, which will be used to dress the external block work would be powder coated in Grey RAL 7022 (as on the previous application) whilst the external timber cladding and decking would be treated/stained in Natural Oak.
72. Given the nature and location of the proposals and localised visual impacts, it is not considered that the proposals would result in any significant adverse visual impacts in the context of the setting and on the character of the wider surroundings.
73. The proposals are therefore considered to satisfy the provisions of relevant CDP policies and the NPPF.

Residential Amenity

74. 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.
75. CDP Policy 31 states that all new development that has the potential to lead to, or be affected by, unacceptable levels of air quality, inappropriate odours 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. CDP Policy 6 criterion a) also requires that development on unallocated sites is compatible with, and is not prejudicial to, any existing, allocated or permitted use of land.
76. Residential properties in St Paul's Gardens lie to the east of the site, separated by intervening allotments. The closest of these lie approximately 70 metres away. Further residential properties are to the north (approximately 100 metres) separated by the Auckland Walk with The Meadows and Whitworth Park school grounds to the south and west.
77. The existing Cricket ground is accessed from St Paul's Gardens, via a track through the allotments. There is a palisade gate close to the entrance between 10 and 11 St Pauls Gardens and also a gate at the entrance to the ground itself.
78. In addition to the primary use by the Cricket Club, it is also understood that the building would be available for other users and groups from the local area, available for hire between 9.00am and 9.00pm daily.
79. Colleagues within Environmental Health (Nuisance) initially commented that they had no concerns about noise associated with games and typical club activities. However, they noted that the pavilion could be available for hire to a variety of interested parties including the town band, who would use it for both rehearsals

and performances. Whilst the nearest residential properties would not be in the immediate vicinity of the site, they considered that the use of the pavilion for supplementary activities could lead to a significant increase in noise particularly if live music was involved. Further details were therefore requested in terms of provisions for the control of noise.

80. The applicants have since clarified that the venue would be used for meetings only in association with cricket and other community activities with no music being played by the band or any other live performances.
81. Following this clarification Environmental Health colleagues have concluded that they do not have any concerns although conditions relating to the proposed hours for hiring and the playing of music.
82. More generally in terms of residential amenity it is acknowledged that the building will lead to increased visits to the area and usage of the site with associated comings and goings and increased noise and disturbance potentially between the hours of 9am to 9pm.
83. However, the site has an established sports and leisure use and given separation distances and intervening uses, it is not considered that the proposals would give rise to conditions of excessive noise and disturbance around the site to warrant a refusal.
84. Given the size and location of the building it is also considered that no issues of overshadowing, overlooking loss of privacy, or overbearing impacts would arise to the detriment of the amenity of adjoining/ nearby users.
85. Taking into account the above it is therefore considered that the proposals would maintain acceptable levels of amenity, in accord with the CDP in particular policies 6a), 29 and 31 and Parts 12 and 15 of the NPPF.

Highway Safety

86. Criterion e) of CDP Policy 6 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 110 that safe and suitable access should be achieved for all users. In addition, Paragraph 111 of the NPPF states that development should 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.
87. The Cricket Club has occupied the site for many years and access is gained via a track from St Paul's Gardens (between numbers 10 and 11) which runs through the allotments. St Pauls Gardens is adopted highway whilst the track is unadopted and within private ownership.

88. Representations have been raised about a number of issues, including the proposed provision of parking facilities and condition of the track through the allotments, and whether this is to be lit as it will now be opened up to more public use, especially in the darker Winter months.
89. The original approval included a site layout plan showing staff and public parking, in the form of 18 spaces (including disabled bays) in two runs close to the north and east boundaries of the site. A delivery area adjacent to the proposed building and cycle park area to the south of the entrance was also shown. At that time the applicants confirmed that the parking areas were to remain grassed and parking bays marked with white line markings.
90. The proposed access and car parking arrangements outlined on the original plans are to remain unaltered.
91. The Highways Engineer has noted that colleagues provided comments on the previous application in relation to the car and cycle parking which were incorporated into the extant permission DM/20/00416/FPA. The access arrangements to the facility were also considered at that time and accepted. He also notes that the access to the site has been in use since the 1960s, and that the proposed changes will have no material effect on the public highway. No objection is therefore raised from a highways perspective.
92. As with the previous approval it is recommended that a condition is again attached to ensure that the parking arrangements are laid out in accordance with the submitted details.
93. Concerns expressed in respect of the width and condition of the track are appreciated. However, this is a private access and the proposals relate to the provision of a building within the site itself. The existing access arrangements to the site are to remain unaltered and there are no plans to change these or introduce lighting to the track or car parking area. It is not considered that a refusal could be sustained on these grounds. The applicant has confirmed that responsibility for the access track including its maintenance rests with the Town Council. Such matters of possible changes to the track through the allotments to provide improved access or lighting are considered more matters for the Town Council.
94. Taking into account the representations and responses received, the proposals are considered acceptable in terms of parking, access and highways safety in accord with CDP Policy 6 e) as well as NPPF Paragraph 111.

Flooding/Drainage

95. 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.

96. 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.
97. The proposed site sits within flood zone 1 and therefore is considered to have low flood risk. Representations have also queried whether any works are proposed to the existing septic tank. The applicant has confirmed that there are plans to renew the current septic tank as part of the new proposals and that all relevant manholes and drainage pipes will be connected.
98. Further details have not been requested in this regard as such matters are primarily controlled by other legislation, outside the planning system. Planning permission does not override the need for other permits or consents which may also be required from the Environment Agency or Building Control.

Ground Conditions

99. CDP Policy 32 requires sites to be suitable for use taking into account contamination and unstable land issues. Paragraph 183 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.
100. The site is situated within a Coalfield Development Low Risk Area.
101. The Contaminated Land Officer advises having assessed the historical maps and available information with respect to land contamination they have no adverse comments to make and there is no requirement for a contaminated land condition, recommending the inclusion of an informative.
102. The proposal therefore complies with CDP Policy 32 and Paragraph 183 of the NPPF in demonstrating that the site is safe and stable for future development.

Other matters

103. In respect of the representations raised concerning the times the site will be open and closed including locking of the entry gates between 10 and 11 St Paul's Gardens these operating duties would fall on those with overall responsibility for the management of the site.
104. Whilst such issues ultimately fall outside the control of the planning system the applicant has advised that all bookings will be taken by the Cricket Club Management Committee and they will ensure that appropriate access is available i.e. gates open to allow people to attend and depart a meeting with them also securing the building and area.
105. Issues relating to Mechanical and Electrical work are appreciated but also considered to fall outside the remit of planning legislation and further details in

this regard have not been sought. It would be the responsibility of the developer to obtain necessary authorisations including building regulations approval for elements of the scheme.

106. The plans submitted are considered acceptable and sufficient for the purposes of the application process.

Conditions

107. Approval of the proposals would result in the grant of a new planning permission for the development as a whole. As such conditions in respect of time limit for the implementation of the development and approved plans would need to be updated accordingly. It is also recommended that the original condition relating to the marking out of vehicle parking bays and cycle parking area is also repeated and a condition in respect of the proposed hours of hiring/ operation of the building included.

Public Sector Equality Duty

108. Section 149 of the Equality Act 2010 requires public authorities when exercising their functions to have due regard to the need to i) eliminate discrimination, harassment, victimisation and any other prohibited conduct, ii) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it and iii) foster good relations between persons who share a relevant protected characteristic and persons who do not share that characteristic.
109. In this instance, the proposed development is unlikely to have impacts upon those with protected characteristics, as the proposal seeks to provide additional sporting facilities for all members of society regardless of their protected characteristics in an open and equal opportunity manner and through the provision of improved facilities.

CONCLUSION

110. 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 now 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).
111. The key consideration in the determination of variation of condition applications (Section 73), is whether planning permission should be granted subject to conditions that differ from those on the previous permission (or unconditionally). The focus is therefore on the acceptability of the proposed amendments rather than the development as a whole, which in the event of a refusal would continue to be subject to the original conditions. The amendments in this case relate to

relatively minor changes to the size, appearance and layout of the approved cricket pavilion that have been necessary to secure grant funding. It is considered that these would help to secure and enhance sporting provision on the site going forward and would have limited visual and other impacts outside the site and on the amenity of nearby residential occupiers.

112. Consideration has been given to all representations received, including those raising queries and concerns and the numerous letters of support. These have been addressed where appropriate and the proposals are considered to satisfy the provisions of Parts 2, 4, 6, 8, 9, 11, 12, 14 and 15 of the NPPF and policies 6, 21, 29, 31, 32, 35, 36, 39, 40 and 41 of the County Durham Plan. Subject to the following conditions, the application is therefore recommended for approval.

RECOMMENDATION

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

1. The development hereby permitted shall be begun before 24 July 2023.

Reason: To ensure planning permissions are not extended by Section 73 applications and that the time limit remains consistent to the original consent DM/20/00416/FPA and pursuant to Section 91 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

2. The development hereby approved shall be carried out in strict accordance with the approved plans listed in Part 3 - Approved Plans.

Site Location Plan 5 March 2020
Car Park Site Plan 6 January 2022
Rear Elevation RUF253 6 January 2022
Side Elevation RUF252 6 January 2022
Front Elevation RUF251 6 January 2022
Email confirming materials 24 March 2022
Pavilion Layout Plan 4 April 2022

Reason: To define the consent and ensure that a satisfactory form of development is obtained in accordance with Policies 6,21,26,29,31,32,39 and 40 of the County Durham Plan and Parts 2,4,6,8,9,11,12,14 and 15 of the National Planning Policy Framework.

3. The proposed vehicle parking bays and cycle parking area shall be marked out in accordance with the submitted car park site plan (6 January 2022) and thereafter be used and maintained in such a manner as to ensure the availability for the parking of vehicles.

Reason: In the interests of highway safety in accordance with policies 6 and 21 of the County Durham Plan and Part 9 of the National Planning Policy Framework.

4. The building shall not be open or in use outside the hours of 9.00am to 9.00pm; on any day of the week.

Reason: In the interests of the residential amenity of surrounding properties in accordance with Policy 31 of the County Durham Plan and Part 15 of the National Planning Policy Framework.

5. Other than ancillary/background music there shall be no amplified sound / music or live music to be played in the building.

Reason: In the interests of the residential amenity of surrounding properties in accordance with Policy 31 of the County Durham Plan and Part 15 of the National Planning Policy Framework.

STATEMENT OF PROACTIVE ENGAGEMENT

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

BACKGROUND PAPERS

Submitted Application Forms, Plans and supporting documents
Previous application details,
The Equality Act 2010,
National Planning Policy Framework,
National Planning Practice Guidance,
The County Durham Plan (CDP),
Statutory consultation responses,
Internal consultation responses,
Public/ external consultation responses



<p>Planning Services</p>	<p>Spennymoor Cricket Club St Pauls Gardens Spennymoor DL16 7LR</p>	
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	<p>Date April 2022</p>	



Planning Services

COMMITTEE REPORT

APPLICATION DETAILS

Application No:	DM/20/01960/VOC
Full Application Description:	Variation of condition 2 (approved plans) of planning permission 3/2013/0257 for the substitution of house types for 37 plots to northern part of site (amended)
Name of Applicant:	Mr Chris Dodds
Address:	Land At Hawthorn Drive/Hill Meadows, Low Willington, DL15 0GR
Electoral Division:	Willington and Hunwick
Case Officer:	George Spurgeon (Senior Planning Officer) Tel: 03000 261 959 Email: george.spurgeon@durham.gov.uk

DESCRIPTION OF THE SITE AND PROPOSAL

The Site

1. The application site is located adjacent to an existing housing site known as 'The Ridings' located to the north east of Willington in the west of the County. The site itself measures approximately 1.3 ha in area and is in an 'L' shape that is currently grassed over with an undeveloped appearance. The site forms part of a wider site granted planning permission for the erection of 210 dwellings in 2004. The majority of these dwellings have been constructed., with this site remaining undeveloped.
2. To the west of the site separated by a boundary hedgerow lies Willington Cricket Club with residential dwellings sited beyond. To the east lies Low Willington Industrial Estate and to the north undeveloped green fields, with the land beyond allocated as employment land in the County Durham Plan (CDP). To the south lies the recently developed housing estate, with further dwellings beyond. The site slopes gently up towards the north.

The Proposal

3. The application seeks approval to vary condition 2 (approved plans) of planning permission 3/2013/0257 to alter the layout and substitute 37 previously approved house types on the undeveloped portion of the site. This would be read in conjunction with other approvals on the site, taking the total number of dwellings on the whole site to 185. This is fewer than the total of 210 dwellings that were approved under the original approval on the site under reference 3/2003/0029.
4. Nine different house types are proposed in this application: these comprise 4 no. 2 bed bungalows, 5 no. 2 bed semi-detached, 13 no. 3 bed semi-detached, 10 no. 3 bed detached, and 5 no. 4 bed detached dwellings. The dwellings would be constructed from a limited palette of materials comprising a mix of red and buff brick, dark grey concrete roof tiles, and white upvc windows with head and cill detailing. The dwellings would be standard Gleeson's Housetypes and would be spread throughout the site served off a main distributor road linking back to the existing housing development. The dwellings would have their own off street parking spaces with the option for a garage to the side. Boundary treatments are proposed to comprise of 1.8m high fencing and the existing hedgerow along the western boundary of the site is proposed to be retained and trimmed back.
5. The application is being reported to planning committee at the request of Councillors Tinsley and Gunn due to concerns over surface water flooding, the construction access, increases in traffic generated by the development, and the proximity to Willington Cricket Ground.

PLANNING HISTORY

6. DM/15/02380/VOC -Variation of condition 24 of application 3/2003/0029 (approved plans condition) to substitute 20.no dwellings (amended plan received 07/10/15). Approved 3rd December 2015. This application sought to alter the approved house types and amend the layout to incorporate 3 no. additional dwellings compared to permission 3/2013/0257.
7. 3/2013/0257 -Substitution of house types and addition of 2NO. Dwellings. Approved 11th April 2014.
8. 3/2011/0213 – Substitution of House Types – Approved 5th November 2012.
9. 3/2007/0493 – Proposed sub-station adjacent to plot 127: Former Riding Hall Carpets Ltd Low Willington Willington Crook County Durham DL15 0UB: Approved 12th September 2007.
10. Application 3/2006/0582 for the Part Amendment to application 3/2003/0029 for the erection of 34 no. Dwellings in lieu of 35 on the site which is the subject of this application was approved on the 15th September 2006.

11. 3/2006/0413 – Substitution of House Types – Approved 20th July 2006.
12. 3/2003/0029 – Residential Development 210 No. Dwellings – Approved 3rd November 2004.

PLANNING POLICY

National Policy

13. 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.
14. 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.
15. 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.
16. 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.
17. 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.
18. 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.

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

23. 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; noise; public rights of way and local green space; planning obligations; 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)

24. *Policy 1 (Quantity of Development)* outlines the levels of employment land and housing delivery considered to be required across the plan period.
25. *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.
26. *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.
27. *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.
28. *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.
29. *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.

30. *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.
31. 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'
32. *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.
33. *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.
34. *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.
35. *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 wastewater 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.

36. *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
37. *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.
38. *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.
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>

Neighbourhood Plan:

40. The application site is not located within an area where there is a Neighbourhood Plan to which regard is to be had.

CONSULTATION AND PUBLICITY RESPONSES

Statutory Consultee Responses:

41. *Willington Parish Council* – No response received.
42. *The Coal Authority* – Confirm that the application site lies within the defined Development High Risk Area, however given the extant planning permission on site there is no requirement for a Coal Risk Assessment.
43. *Northumbrian Water Ltd* – Request a condition to secure details of a scheme for the disposal of foul and surface water

44. *Lead Local Flood Authority* – Advise that the tarmac drive and shared access detail should include the means of the treatment of surface water. An amended plan has been received including details of filter strips to capture and treat surface water and a conditional approach is recommended to secure further details with regards to a refined drainage strategy.
45. *Highways Authority* – Raise no objections

Non-Statutory Responses:

46. *Tree Officer* - Advise that the western boundary of the site comprises a mature hedge of mostly Blackthorn. It has been identified for retention, however, there has been no Tree Protection Plan submitted to identify the position of protective fencing to ensure the hedge is neither damaged nor the RPA encroached during construction. The trees to be planted as part of the landscape scheme should be of sufficient distance from the adjacent footpaths/driveways to prevent future conflict with these structures, unless below ground engineering is being used, such as strata cells, or similar. Conditions should be secured to control these matters
47. *Landscaping* – Advise that there is an existing predominantly blackthorn hedge on the western boundary of the site, which currently screens the cricket ground to the west. This hedge line is present on the circa 1860 OS plan as a field boundary and currently links northwards to the linear vegetation associated with Bishop Brandon walkway. Consideration should be given to the retention of some existing vegetation along the western boundary (min 3m width). Any future lateral spread can be controlled by a vertical root barrier.
48. *Ecology* – Note that a small butterfly mitigation area is proposed and raise no objections subject to a condition to secure the habitat creation and management detailed in the Butterfly Mitigation Plan, together with the development being implemented in accordance with the recommendations detailed within the Preliminary Ecological Appraisal.
49. *Design and Conservation* – Consider the amended plans to have simplified the approach to the house types, removing the brick banding detailing and utilising a single brick with simple openings for fenestration and brick heads and cills. There is also now a vertical alignment of fenestration on the majority of house types. It is positive that the dwellings now meet NDSS and gravel drives have been replaced with tarmac.
50. *Environmental Health Nuisance* – Advise that the development will see plots being developed within close proximity to the cricket club, these plots will be noise sensitive and the cricket club will undertake noise generating activities, particularly in relation to the plots nearest the clubhouse and practice nets. As such a pre-commencement condition requiring a detailed noise impact assessment is required. The aim of the assessment shall be to demonstrate the impact of noise from commercial operations on the proposed residential development and where appropriate detail mitigation measures.

51. *Environmental Health Contamination* – Advise a conditional approach to land contamination.
52. *PRoW Section* – There are no recorded public rights of way within this site. Aerial maps suggest a desire line within the site towards the northern boundary, however it is unclear whether this is a recent path associated with new development, rather than a longer standing path. No claims for public rights of way within this site based on long usage have been received.
53. *Low Carbon Economy* – Advise that the proposals have achieved a reduction of 8.37% below the Dwelling Emission Rate (DER) against the Target Emission Rate (TER) based on current Building Regulations. A conditional approach to secure a 10% improvement is recommended.
54. *Spatial Policy* – Advise that given the variation of condition is linked to the original consent the main issue with this application is ensuring that the form of development secures good design in accordance with CDP Policy 29, and the Building for Life and the Residential Amenity Standards SPD's.

Public Responses:

55. The application has been advertised by way of a site notice, press notice and individual notification letters sent to neighbouring properties. A total of 55 representations were received, with 53 objecting to the application. The following concerns were raised:

Highways

- The proposal will generate an increase in traffic which will create additional noise, pose a safety risk to children playing and lead to increased queuing at junction from Manor Road to the A690,
- Considers junction improvements to be required and notes that conditions requiring a right turning lane on the A690/Manor Road Junction and the washing down of construction traffic have not been complied with or enforced,
- No details of electric vehicle charging points have been included with the application,
- There is only one entrance/exit point for vehicles and pedestrians.

Construction Phase

- Noise and dust from construction will be exacerbated by increased home working, and potential damage to existing roads, contrary to the Health and Safety at Work Act 1974 and Article 1 and 8 of the Human Rights Act,
- Construction traffic combined with narrow road and existing cars parked on street will affect access of emergency vehicles; a potential future ban on pavement parking would worsen this,
- Questions where construction traffic would park and where a site office and compound would be located,
- That the landowner advised residents when they purchased new dwellings on the site that the singular access would restrict the building of new

dwellings on this site in the future so questions whether this access is suitable. Advocates utilising an access from the industrial site at Croft Way instead of the proposed past residential properties on Surtees Drive and Hawthorn Drive,

- Requests a condition to restrict construction working hours to 8am to 6pm Monday to Friday only, and to avoid deliveries around school drop off and pick up times,
- Residents have had to put up with construction for 10 years,
- Concerns over construction timescales overrunning.

Design

- Generic house types that all look the same, inappropriate design and scale with larger proportion of smaller semi-detached properties, density is too high,
- Gravel driveways are out of keeping.

Living Conditions

- Loss of privacy due to the site being of a higher level than the existing dwellings.

Drainage and Flooding

- Natural watercourse to the west floods nearby land and there are existing surface water flooding problems affecting current residents,
- Additional dwellings will require additional drainage capacity but there is potential for increased flood risk due to the loss of greenfield and lower level of existing dwellings,
- The Gleeson Geoenvironmental Report states there is susceptibility for ground water flooding which has the potential to occur at surface areas across the entire estate.

Ecology

- Loss of wildlife would not be mitigated or compensated by bat and bird boxes,
- Questions whether the hedge along the western boundary will be protected given its proximity to rear elevations of the dwellings on some plots,

Other Issues

- Potential damage and injury risk from cricket balls, the applicant should provide 6m high ball stop fencing along the entire perimeter of the cricket club,
- Lack of access to nearby open space, questions whether Section 106 money will go towards improving this, the site is popular for dog walking and rich in ecological diversity with reference made to bats, toads, badgers, dingy skippers,
- Considers that additional services should be provided to serve an increased number of residents with need for additional GP's, dentists, school places and shops mentioned,
- Potential disruptions to power/wifi due to increased usage,
- There is no need for additional houses in Wellington,

- Concerns over development not being built to approved plans, devaluing of existing properties, local Gleeson 'finished' site at Helmington Row left in an untidy state,
 - Insufficient publicity carried out.
56. Councillor Tinsley and Gunn have objected to the application raising concerns regarding existing surface water flooding, the indistinct design of the proposed house types being out of keeping with the existing estate, the proposed construction traffic access route through Surtees Drive harming the amenity of existing residents, the ability of the highways network to safely accommodate traffic movements generated by the proposal with the application seeking additional dwellings compared to the 2013 permission, the proximity of plots to Willington Cricket Ground and resulting conflict with cricket balls.

Applicants Statement:

57. The Site represents previously developed land, formerly housing Riding Hall Carpets, within the development limits of Willington. This 3.31 acre site is located off Hawthorn Drive and Hill Meadows in Willington, and adjoins the Charles Church residential development scheme 'The Ridings' to the south and east. Willington Cricket Club lies to the west of the site, whilst open fields lie to the north. The site would be accessed through the aforementioned residential scheme via Hawthorne Drive/Hill Meadows. The site is relatively flat and presently comprises undeveloped scrubland.
58. The Application Site is identified within the wider housing commitment 'Former Riding Carpets Site'. The wider housing commitment comprises the entirety of the site area approved under application 3/2013/0257 to which this application relates.
59. The principle of residential development on this Site has long been established through the previous applications. This position is further reinforced within the Council's SHLAA which concludes, under reference 3/WI/04, "the suitability of the site has previously been confirmed through the Development Management process". In addition, the Site is previously developed land and the redevelopment of it is therefore supported by both local and national policy.
60. The Site is identified within the CDP (Adopted 2020) as a housing commitment and therefore the delivery of this development plays a vital role in meeting the established housing need within the county, as identified in Policy 1 of the CDP.
61. The 2004 permission permitted 210 units, thus far just over 80% of the wider site has been developed providing approximately 140 units. This application proposes 37 units on the remaining 20% of the wider site. Whilst this will mean that the overall site will fall short of the original total of 210 units, the current proposal makes more efficient use of the land than the previous approval on this part of the site, whilst still meeting the necessary standards for spacing between dwellings and without compromising on residential amenity. The application is therefore supported by paragraph 122 of the NPPF and Policy 31 of the CDP.

62. The proposed development would lead to the creation of new jobs through the construction phase. In addition, the development would generate Council Tax Receipts and New Homes Bonus for the authority.
63. One of the key social roles for planning set out in the NPPF is the provision of housing to meet the identified needs of both present and future generation. In this regard, the proposed development offers a range of housing sizes and styles, therefore meeting a range of requirements for different types of households.
64. We believe the proposed scheme for 37 new homes will compliment and complete the existing development to the south. The development will provide excellent and needed two, three and four bedroom homes for the area.
65. The continuation of Hawthorn Drive will provide an alternative route and access to the existing Hill Meadows to the north. This will alleviate the existing traffic flow along Kasher Road improving the safety and aspect for existing residents.
66. We are aware construction traffic is a concern for existing residents. An alternative route taking all construction traffic to the north of the site over a temporary haulage road to Croft Way is being explored.
67. In light of the above and the information submitted as part of our application, it is considered that there are no adverse impacts resulting from the proposed scheme which would significantly and demonstrably outweigh the benefits of the proposed scheme.

PLANNING CONSIDERATION AND ASSESSMENT

68. Section 73 of the Town and Country Planning Act 1990 (as amended) applies to the determination of applications to develop land without the compliance with conditions previously attached. S73 states that on such an application the Local Planning Authority (LPA) shall consider only the question of the conditions subject to which planning permission should be granted. The LPA should decide whether planning permission should be granted subject to conditions differing from those subjects to which the previous permission was granted or that it should be granted unconditionally. If the LPA decide that planning permission should be granted subject to the same conditions as those subject to which the previous permission was granted, they should refuse the application.
69. In considering such an application, the Development Plan and any other material considerations under section 38(6) of the Planning and Compulsory Purchase Act, are relevant in the determination. LPAs should, in making their decisions, focus their attention on national and development plan policies, and other material considerations which may have changed significantly since the original grant of permission.

70. The application seeks to vary the approved plans to alter the layout and substitute 37 previously approved house types on the undeveloped portion of the site
71. The principle of the development of the site was originally established through application 3/2003/0029 which granted approval for 210 dwellings. This permission was subsequently amended through later variation of condition applications with the development having been implemented on site. The most relevant application is application 3/2013/0257 which this application seeks to vary. Since the approval of previous applications on the site the County Durham Plan (CDP) has been adopted and there have been revisions to the NPPF. Therefore, the assessment of this application takes the current planning policy position into account.
72. Given that this variation of condition application is linked to the original consent, which required financial contributions towards the future maintenance of on-site open space (due prior to the occupation of the final dwelling which has not yet been constructed) and the provision of off-site sport and play facilities (which has been paid by the previous developer), the main issues with this variation of condition application are ensuring that the form of development secures good design in terms of the house types proposed, residential amenity, and drainage.

Design/Layout

73. CDP Policy 29 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 total, Policy 29 sets out 18 elements for development to be considered acceptable, including: buildings being adaptable; 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.
74. The majority of the dwellings are proposed to be sited in a linear arrangement along the western and northern boundaries, with Plot 22 and 23 facing onto the road leading to the remaining field to the north. Nine dwellings would be sited towards the centre of the site and orientated to front the road, with the Clifden house type having been designed as a corner turner, featuring windows within its side elevation to provide an active frontage and allow natural surveillance. Landscaped areas are proposed to the front of plots to provide an attractive front garden area and avoid the dominance of parked cars when entering and travelling through the site.
75. The design of the house types is relatively simple, generally of a square or rectangular form, with the Moy, Glin, Clifden, Milford, Dalkey and Blessingdon consist of a front facing gable end or feature. The Neale house type differs slightly in that it has more of an 'L' shaped form with a dormer window within the front roof slope. The majority of the fenestration is vertically aligned, and the proposed materials are similar to those used in the existing dwellings on the wider site. Whilst the elevation details are relatively simple, it is acknowledged

that there is little to take reference from within the local context. A generic approach is considered appropriate in this instance.

76. Objections from neighbouring residents have been received raising concerns that the proposed bungalows would be out of keeping with the larger dwellings that typify the rest of the currently developed site. Whilst the wider site is characterised by large detached dwellings and the proposal would introduce a number of smaller semi-detached dwellings and four bungalows, this is not considered to significantly detract from the character of the wider site.
77. CDP Policy 40 seeks to retain hedges of high value and integrate them fully into the proposals having regard to their management requirements. The submitted landscaping layout plan confirms the intention to retain the mature hedgerow along the western boundary. The hedgerow is currently thick and overgrown so is proposed to be trimmed back to a depth of approximately 3.7m inside the red line boundary. No Arboricultural Method Statement, Tree Protection Plan, or method to control the future lateral spread of the hedgerow has been provided and a condition is recommended to secure these details prior to construction works taking place on site to comply with Policy 40. A new hedgerow is also to be planted along the northern side of the site, to the outside of the 1.8m high timber fencing, providing a pleasant green boundary to this edge of the site.
78. A Building for Life Supplementary Planning Document (2019) (BfL SPD) has recently been adopted. In recognition of national planning advice and to achieve high quality housing developments the Council has adopted an in-house review process to assess schemes against the Building for Life 12 (BfL 12) Standards. The BfL SPD formalises the review process and establishes the guidelines and standards for its operation and is linked to the Sustainable Design Policy (29) in the County Durham Plan. The scoring is based on a traffic light system with the aim of the proposed new development to secure as many “greens” as possible, minimise the number of “ambers” and avoid “reds”. The more “greens” achieved the better the development will be, “ambers” are usually concerns that can be raised to “green” with revisions, whereas a “red” gives a warning that a particular aspect needs strong reconsideration. CDP Policy 29 states that schemes with one or more red will not be acceptable and will be refused planning permission unless there are significant overriding reasons. In this instance, as the application seeks to substitute house types and incorporate an additional three dwellings into the layout questions relating to facilities and services, public transport, and wayfinding were not considered relevant as the principle of residential development on this site has already been established by previous approvals.
79. At the final consideration by the internal Design Review Panel, the scheme received 0 “reds”, 7 “ambers” and 2 “green” scores.
80. “Amber” scores related to a lack of pedestrian connections to the existing footpath network to the land to the north, the introduction of smaller two and three bed units, the simple appearance of the house types, the lack of details regarding the protection and management of the western boundary hedgerow

and ball stop fencing (recommended to be secured via condition), lack of detail regarding fencing when garages are not built, and the lack of SUDs details (recommended to be secured via condition). In the event of any of the garages shown on the proposed layout plan not being built, a condition is also recommended to require a 1.8m high timber fence to be built in place of the rear wall of the garage to allow in-curtilage car parking to take place in front of this.

81. "Green" scores were received in relation to the layout having been designed to ensure streets can function as social spaces, with landscaped areas to the front of dwellings and car parking spaces to the side. Resident and visitor car parking spaces are sufficient and well integrated within the street.
82. Although the scheme received a number of "amber" scores, subject to the discharge of recommended conditions it is considered that the implemented scheme is capable of scoring a greater number of greens. Overall, the scheme is considered to be acceptable in line with CDP Policy 29 and the SPD.
83. Overall, the design, layout, scale and sustainability of the scheme is considered to be acceptable, subject to conditions, complying with CDP Policy 29 and Part 12 of the NPPF.

Residential Amenity

84. 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.
85. CDP Policy 31 states that all new development that has the potential to lead to, or be affected by, unacceptable levels of air quality, inappropriate odours 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.
86. In addition, CDP Policy 29 states that all new residential development will be required to comply with the Nationally Described Space Standards (NDSS). The proposed house types have been revised by the applicant to comply with the NDSS.
87. A Residential Amenity Standards Supplementary Planning Document (SPD) has been adopted by the Council, which recommends that dwellings benefit from gardens which are at least 9m long. Proposed Site Plan Rev F indicates that the hedgerow along the western boundary is to be trimmed back to allow the Plots to this side of the site to benefit from rear gardens at least 9m in length. On the whole, the dwellings would comply with the SPD in this regard.
88. The SPD also advocates separation distances of 21m between facing principal elevations and 18m between bungalows, 13m between principal and two storey gable elevations and 10m to a single storey. On the whole these separation

distances would be achieved by the proposals. The largest disparity is between the front elevation of Plot 3 and that of the semi-detached property opposite of 12 Hawthorn Drive located approximately 19m away, falling below the advocated 21m separation distance.

89. However, the SPD advises that it is not intended to apply the standards rigidly and that there may be scope to relax distances between public facing elevations within housing schemes to allow for a variation in layout where this will add interest and help create a sense of place and where future residents would still enjoy a satisfactory level of privacy and outlook. In this instance, both dwellings would benefit from 10m long rear gardens and meet NDSS, with there being a consistent building line along the street. Therefore, given this and that the majority of the dwellings on the site would provide the suitable separation distance, the lower separation distance between these dwellings is considered to be acceptable in this instance with the future occupants benefitting from suitable living conditions.
90. The front elevation of the dwelling on Plot 21 is located 19.7m away from the front elevation of 18 Hill Meadows to the south, with Plot 21 being situated on a slightly higher ground level. The properties are not directly aligned, although their front elevations feature habitable room windows at ground and first floor level which would overlap to a degree. However, in this instance the dwelling on Plot 21 has been designed as a corner turner with windows within the east, south, and west elevations providing active frontages and outlook, and given the relatively small disparity below the typically required 21m, it is considered that the privacy of the residents of both properties would not be significantly affected, and so this relationship can be accepted.
91. A condition is recommended to ensure that the first floor en suite window within the front elevation of the dwelling on Plot 21 is obscure glazed, along with the first floor bathroom windows within the side elevations of the dwellings on Plot 35 and 36 due to the distance of approximately 15m from the rear elevations of 12 Hawthorn Drive to the west and 1 Kasher Road to the east. The condition also requires the ground floor kitchen window within the side elevation of the dwelling on Plot 35 to be obscure glazed to prevent views over the existing boundary fence due to the slightly lower level of 1 Kasher Road.
92. A revised boundary treatment plan (Rev F) has been submitted to replacing the previously proposed 600mm high post and wire fencing that would have divided the rear gardens of individual plots with 1.8m high timber fencing. This is considered to be appropriate and would provide sufficient privacy for the future occupants when spending time in their rear gardens.
93. In line with comments received from Environmental Health Officers, a condition is recommended to secure details of a noise impact assessment to demonstrate the noise impacts from the adjacent cricket club on the future residents and to require any sound attenuation measures necessary to be agreed with the LPA. It is advised that it would be likely that a suitable scheme could be developed, including where necessary upgraded glazing and or acoustic fencing.

94. Many of the objections received from nearby residents relate impacts during the construction phase, with noise, dust and traffic, and potential damage to existing roads all raised as concerns. In this respect, the application is supported by a Construction Management Plan which proposes the construction traffic route to be along Hawthorn Drive to the south. The Councils Environmental Health Team have advised that the submitted Construction Management Plan is broadly acceptable.
95. However, several objectors have made reference to the possible creation of a new temporary access from the industrial site at Croft Way which would avoid the need for construction traffic to access the site through the existing housing estate via Surtees Drive and Hawthorn Drive. The applicant has suggested that this may not be feasible, however has indicated a willingness to explore this further.
96. A conditional approach to agree a Construction Management Plan is therefore recommended, to allow time to fully explore this option. Evidence in this regard would be expected to discharge this condition. It is however recognised that the fallback position from previous planning approvals did not include a condition requiring details of a construction management plan. Therefore, in the event that the applicant could satisfactorily demonstrate that there is no feasible alternative to routing construction traffic through the existing estate, it is considered that there would not be grounds to withhold the discharging of the condition, subject to appropriate controls to minimise disturbance during the works including the restriction of construction working hours.
97. Overall, subject to conditions, the proposals are considered to provide a good standard of amenity for existing and future residents, according with CDP Policy 29e) and 31 and Part 12 and 15 of the NPPF.

Drainage

98. 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.
99. CDP Policies 35 and 36 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.
100. Several objectors have raised concerns that the site already has problems with flooding and that the erection of additional dwellings on greenfield land that is higher than the existing properties would worsen this situation.

101. The site is not located within a flood zone. The approach proposed to address surface water drainage involves the use of filter strips to capture and treat surface water which is in accordance with the hierarchy set out in Policy 35. The Council's Drainage Team are generally satisfied with the principles of the outline drainage strategy subject to a refinement of the scheme and given that the layout of the development is broadly the same as previous planning approvals, the fallback position is recognised with the applicant able to build what permission has already been granted for. It is therefore considered appropriate to agree these details by condition.
102. The application is supported by a Geoenvironmental Report which concludes that whilst the site is not located in an area recorded by the Environment Agency to be at significant risk of flooding, some parts of the site are recorded by the Environment Agency to be at medium risk of surface water flooding. Whilst the site already has planning permission for development which could be implemented, it is considered that this scheme would not exacerbate any established drainage problems.
103. Northumbrian Water offer no objections to the development and recommend a conditional approach to agree the finer drainage details, including foul water connection into the public sewer. This approach is in accordance with the hierarchy specified in Policy 36 of the CDP.
104. Subject to this condition, the proposals are considered to accord with CDP Policy 35 and 36 and Part 14 of the NPPF and would be unlikely exacerbate any established drainage problems.

Ecology

105. NPPF Paragraph 180 d) advises that opportunities to improve biodiversity in and around developments should be integrated as part of their design, especially where this can secure measurable net gains for biodiversity or enhance public access to nature where this is appropriate. In line with this, CDP Policy 41 seeks to secure net gains for biodiversity and coherent ecological networks.
106. Although there is an extant consent for developing this site, the application is supported by an updated Preliminary Ecological Appraisal which identifies that the site has a low value for badgers and reptiles, with no Great Crested Newts or water voles present and no roosting opportunities for bats identified. The site is considered to be of local value for birds due to the foraging and nesting opportunities provided by the unmanaged hedgerow along the western boundary, as well as hedgehogs, brown hares and dingy skippers. The appraisal recommends that pre-construction checks for badgers are carried out and a nesting bird check should be carried out within the nesting bird season (March to August inclusive). Biodiversity enhancements would be achieved through the installation of bird and bat boxes and the planting of a species rich hedgerow along the rear of northern Plots 13-20.

107. The Council's Ecologist raises no objections to the application subject to a condition to secure the habitat creation and management detailed in the Butterfly Mitigation Plan (Biodiverse Consulting, 2021), together with the development being implemented in accordance with the recommendations detailed in Section 5 of the updated PEA report (Biodiverse Consulting, June 2021). Whilst the butterfly habitat area is relatively small in size and in a location in between the garden areas of Plot 12 and 13, the County Ecologist has advised that the onsite delivery of habitats to mitigate against biodiversity losses is preferable to securing a financial contribution to go towards off site provision, and on this basis a condition a recommended.
108. Subject to these conditions, the proposal is considered to accord with CDP Policy 41 and Part 15 of the NPPF.

Highway Safety/Access

109. CDP Policy 21 outlines that development should not be prejudicial to highway safety or have a severe cumulative impact on network capacity, 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 110 that safe and suitable access should be achieved for all users. In addition, Paragraph 111 of the NPPF states that development should only be refused on transport grounds where the residual cumulative impacts on development are severe.
110. Residents have raised concerns over the proposals generating an increase in traffic resulting in additional noise, posing a safety risk to children playing and leading to increased queuing at the junction from Manor Road to the A690. It is not considered that the proposals would have a significant impact on highway or pedestrian safety, with the Highways Authority having raised no objections to the application. Whilst the development would generate additional traffic compared to current levels, the fallback position is that the applicant can build what permission has already been granted and in this regard it is noted that the overall number of dwellings that would be constructed on the whole site after the completion of this scheme would be fewer than the 210 dwellings approved under the original 2003 permission.
111. Concerns from residents have also been raised regarding the single entrance/exit point for vehicles and pedestrians. However, access to the site for vehicles and pedestrians is as per the original and subsequent amended/varied approvals. The proposals are not considered to have an adverse impact on highway or pedestrian safety.
112. It has been noted by residents that condition 10 of the original planning approval for the site (ref 3/2003/0029) requiring a protected right turning lane along with any necessary road widening on the A690/Manor Road Junction has not been complied with. This condition was repeated by condition 9 of approval 3/2006/0582. However, correspondence from the planning officer at the time to

the original applicant for the development of the whole site (Charles Church) in July 2008 confirms that Highways Officers no longer considered a right turn lane necessary to serve the development. Subsequent permissions have deemed that this is not required and so the Local Planning Authority has not taken any enforcement action against non-compliance with this condition. The Highways Authority has raised no objections to the current application and has not requested a condition relating to the provision of a protected right turning lane.

113. Whilst the garages shown on the proposed layout plan are stated to be optional, in the event that they are not built the dwellings would continue to be served by a sufficient amount of in-curtilage car parking space, with a condition recommended to require fencing to be erected along the rear wall of the garage to allow the space to be used for parking. A condition is also recommended to secure full details of passive EV charging points to serve each property in line with the Council's Parking and Accessibility Standards 2019.
114. Overall, the proposals are not considered to adversely affect highway or pedestrian safety and would accord with CDP Policy 21 and Part 9 of the NPPF.

Sustainability

115. Criterion c) of Policy 29 requires all development to minimise greenhouse gas emissions, by seeking to achieve zero carbon buildings and providing renewable and low carbon energy generation. Where connection to the gas network is not viable, development should utilise renewable and low carbon technologies as the main heating source.
116. The submitted Energy Assessment Report states that the applicant proposes improvements above their standard specification to increase the overall Carbon Dioxide savings in terms of a more thermally efficient cavity wall insulation, increased roof insulation and improved air tightness, along with low energy lighting and Combi gas boilers and thermostats for each dwelling.
117. In addition, criterion o) of Policy 29 requires all major residential development to achieve reductions in CO₂ emissions of 10% below the Dwelling Emission Rate (DER) against the Target Emission Rate (TER) based on current Building Regulations.
118. The application is supported by an Energy Assessment Report which identifies that the proposals have achieved a reduction of 8.37% below the Dwelling Emission Rate (DER) against the Target Emission Rate (TER) based on current Building Regulations. This falls short of the 10% figure required by Policy 29 o) and so a condition is recommended to secure details of further measures that could be implemented to achieve the necessary reduction in CO₂ emissions.'
119. Criterion d) of Policy 29 requires all development to minimise the use of non-renewable and unsustainable resources, including energy, water and materials, during both construction and use by encouraging waste reduction and appropriate reuse and recycling of materials, including appropriate storage

space and segregation facilities for recyclable and non-recyclable waste and prioritising the use of local materials.

120. The applicant has confirmed that all materials to be used would score at least A using the Green Guide to Specification, that 100% of timber to be used will be Forest Stewardship Council (FSC) or equivalent certified, and that all plots will have external areas for the storage of segregated waste. These details are considered to be sufficient to comply with Policy 29 d).
121. Given the above and subject to a condition, the proposal is considered to accord with the sustainability aims of CDP Policy 29 and Part 2 of the NPPF.

Accessible and Adaptable Homes

122. CDP Policy 15 states that in order to meet the needs of older people and people with disabilities, on sites of 5 units or more, 66% of dwellings must be built to Building Regulations Requirement M4 (2) (accessible and adaptable dwellings) standard. The applicant has completed the Accessible and Adaptable Homes Statement which confirms that 27 dwellings (73%) will be built to building regulations standard M4(2). A condition requiring details of how at least 24 dwellings (66%) would be built to M4(2) standards is recommended to ensure accordance with CDP Policy 15.
123. Policy 15 also sets out that on sites of 10 units or more a minimum of 10% of the total number of dwellings on the site will be required to be of a design and type that will increase the housing options of older people. In this instance, four bungalows are proposed, meeting this requirement.
124. Policy 15 also relates to affordable housing and sets out that affordable housing will be sought on sites of 10 or more units. This application does not propose any affordable housing; however, it is noted that the S106 agreement from the original application did not require any affordable housing provision and so given the fallback position no affordable housing provision is able to now be sought as part of this application.
125. CDP Policy 26 relates to Green Infrastructure and states that proposals for new residential development will be required to make provision for open space to meet the needs of future residents. The original application was approved subject to a S106 agreement which was updated at the time of planning approval 3/2013/0257. The agreement secured a financial contribution of £104,969.65 towards the provision of off site open space which has been paid by the previous developer, as well as the transfer of a parcel of open space provided on site to the Council along with a commuted sum of £9408.51 for its future maintenance which has not yet been paid. Therefore, approval of this application should be subject to a Deed of Variation to link the S106 agreement from planning approval 3/2013/0257.
126. Subject to this Deed of Variation and a condition to secure details of how at least 24 dwellings (66%) would be built to M4(2) standards, the proposal is considered to accord with CDP Policy 15 and 26.

Responding to Objectors Concerns

127. Concerns were raised by local Councillors, residents and Willington Cricket Club regarding potential damage and injury risk from cricket balls, with it suggested that the applicant should provide 6m high ball stop fencing along the entire perimeter of the cricket club. Condition 13 pursuant to approval 3/2006/0582 previously required details of safety fencing along the boundary with the cricket club and similarly a condition is recommended to secure details of this.
128. Concerns were raised by local residents in relation to potential disruptions to power/wifi due to increased usage. Distributions to power/wifi would be the responsibility of the relevant statutory undertaker and controlled by other primary legislation.
129. Comments were received considering that there is no need for additional houses in Willington. In this respect the application site is allocated as part of a housing commitment in the CDP that has commenced. The delivery of this projected housing will assist the council in the 5 year supply and deliver of homes across the plan period.
130. Concerns were also raised that additional services should be provided to serve an increased number of residents with need for additional GP's, dentists, school places and shops mentioned. However, as the principle of the developing dwellings on this site has already been established this would be beyond the scope of this application.
131. Concerns were also raised in relation to the potential for construction timescales to overrun, development not being built to approved plans, devaluing of existing properties, and a local Gleeson 'finished' site at Helmington Row having been left in an untidy state. Whilst there is no definitive timescale for the construction works to be completed it is anticipated that in all the works would be completed expeditiously by the developer to enable the sale and occupation of the dwellings. If the development is not built to the approved plans the Council's planning enforcement team would have the power to investigate and take action where necessary. Property values are not a material planning consideration. A condition to secure full details of a construction management plan is recommended in the interests of protecting residential amenity and keeping the site tidy during construction works.
132. A concern was raised that insufficient publicity has been carried out. However, the application has been advertised in line with relevant statutory requirements and has been well publicised as indicated by the level of comments received.

CONCLUSION

133. In the determination of a variation of condition application (Section 73), the LPA should decide whether planning permission should be granted subject to conditions differing from those subject to which the previous permission was granted (or that it should be granted unconditionally). If the variation sought is considered unacceptable then the application should be refused and the wording of the condition on the previous planning permission would continue to subsist/apply to the development. The key considerations in this case are ensuring that the form of development secures good design in terms of the house types proposed, residential amenity, and drainage.
134. It is concluded that this revised development would have an acceptable impact on the character and appearance of the surrounding area, represent high quality design, would not adversely impact on the amenity of neighbouring residents, and would not exacerbate any established drainage problems. The proposal is therefore considered to accord with relevant policies of the County Durham Plan, with no material considerations to indicate otherwise, and therefore the application is recommended for approval.

RECOMMENDATION

That the application be **APPROVED** subject to a Deed of Variation to link the S106 agreement from application 3/2013/0257 to this application in order to secure the following:

The transfer of an area of open space to Durham County Council and a payment of £9408.51 for the maintenance of the open space prior to occupation of the final dwelling.

And the following conditions:

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

Site Location Plan 1917.01.01
Housing Layout 1917.04.02 REV F
Boundary Treatments 1917.06.02 REV F
Landscaping Layout 1917.07.02 REV
Typical Private Drive Filter Drain Detail D7000 REV 2
250 House Type Urban Planning Drawing 21-250-U-0001 REV C01
250 House Type Urban Elevations 21-250-U-0301 REV C01
254 House Type Urban Planning Drawing 21-254-U-0001 REV C01
254 House Type Urban Elevations 21-254-U-0301 REV C01
350 House Type Urban Planning Drawing 21-350-U-0001 REV C01
350 House Type Urban Elevations 21-350-U-0301 REV C01
353 House Type Urban Planning Drawing 21-353-U-0001 REV C01
353 House Type Urban Elevations 21-353-U-0301 REV C01
355 House Type Urban Planning Drawing 21-355-U-0001 REV C01
355 House Type Urban Elevations 21-355-U-0301 REV C01
358/9 House Type Urban Planning Drawing 21-358/9-U-0001 C01
358/9 House Type Urban Elevations 21-358/9-U-0301 C01

360 House Type Urban Planning Drawing 21-360-U-0001 REV C01
360 House Type Urban Elevations 21-360-U-0301 REV C01
450 House Type Urban Planning Drawing 21-450-U-0001 REV C01
450 House Type Urban Elevations 21-450-U-0301 REV C01
454 House Type Urban Planning Drawing 21-454-U-0001 REV C01
454 House Type Urban Elevations 21-454-U-0301 REV C01
1800mm High Close Boarded Timber Fence SD-100 REV F
Detached Single Garage Details SD700 REV C
Detached Double Garage Details SD701 REV D
Terraced Double Garage SD703 REV D

Reason: To define the consent and ensure that a satisfactory form of development is obtained in accordance with Policy(ies) 1, 6, 15, 19, 21, 29, 31, 32, 35, 36, 39, 40 and 41 of the County Durham Plan and Parts 2, 4,5, 6, 8, 9, 12, 14 and 15 of the National Planning Policy Framework.

2. A detailed noise impact assessment compliant with the methodology stated in BS 4142: 2014+A1: 2019 to demonstrate the impact of noise from commercial operations on the proposed residential development shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development within the red line depicted on plan 1917.01.01. Should the assessment demonstrate that the rating level of proposed/existing commercial operations or fixed plant is above 5dB LAeq (1 hour) (07.00-23.00) and 0dB LAeq (15 mins) (23.00- 07.00) above the background noise level (LA90) at noise sensitive receptors, then a scheme of sound attenuation measures shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be undertaken prior to the first beneficial occupation of the development and shall be permanently retained thereafter.

Reason: To protect the living conditions of the future occupants in accordance with Policy 31 of the County Durham Plan and Part 12 of the National Planning Policy Framework.

3. No development within the red line depicted on plan 1917.01.01 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 further Phase 2 site investigation. 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.

4. Remediation works shall be carried out in accordance with the approved remediation strategy. The development within the red line depicted on plan 1917.01.01 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.

5. No development within the red line depicted on plan 1917.01.01, other than site clearance or remediation works, shall commence until a scheme to detail how at least 24 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.

6. No development within the red line depicted on plan 1917.01.01 shall 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.

Reason: To prevent the increased risk of flooding from any sources in accordance with Policy 35 and 36 of the County Durham Plan and Part 14 of the National Planning Policy Framework.

7. No construction work shall take place within the red line depicted on plan 1917.01.01, nor any site cabins, materials or machinery be brought on site until an Arboricultural Method Statement, Tree Protection Plan and method to control the future lateral spread of the hedge along the western boundary of the site have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details thereafter.

The trees and hedges shown on the approved plan to be retained shall be protected by the erection of fencing prior to the commencement of construction works and shall remain in place for the duration of the works. The fencing shall be placed as indicated on the approved plan and comprise a vertical and horizontal framework of scaffolding, well braced to resist impacts, and supporting temporary welded mesh fencing panels or similar approved in accordance with BS.5837:2010.

No operations whatsoever, no alterations of ground levels, and no storage of any materials are to take place inside the fences, and no work is to be done such as to affect any tree.

No removal of limbs of trees or other tree work shall be carried out.

No underground services trenches or service runs shall be laid out in root protection areas, as defined on the Tree Constraints Plan.

Reason: In the interests of the visual amenity of the area and to comply with Policies 29 and 40 of the County Durham Plan and Parts 12 and 15 of the National Planning Policy Framework.

8. No development within the red line depicted on plan 1917.01.01 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.

9. No development within the red line depicted on plan 1917.01.01 shall take place beyond the installation of the water proof damp coursing associated with the dwellings hereby approved, until details of a scheme demonstrating how reductions in CO2 emissions of 10% below the Dwelling Emission Rate (DER) against the Target Emission Rate (TER) based on current Building Regulations would be achieved is submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details thereafter.

Reason: To comply with requirements to minimise CO2 emissions in line with details set out in policy 29o) of the County Durham Plan.

10. Prior to first occupation of Plots 1 to 37, details of means of enclosures to be erected along the north western boundary of the site adjacent to Willington Cricket Club shall be submitted to and approved in writing by the Local Planning Authority. The aim of the means of enclosure shall be to prevent balls from Willington Cricket Club entering the rear gardens of Plots 1 to 12. Details should include, but not be limited to, the precise location, scale and design of the means of enclosure. The means of enclosure shall be installed in accordance with the approved details prior to first occupation of the dwellings hereby approved and retained for the lifetime of the development .

Reason: In the interests of the amenity of the future occupants of Plots 1 to 12 and to accord with Policy 31 of the County Durham Plan and Part 12 of the National Planning Policy Framework.

11. No development of the dwellings within the red line depicted on plan 1917.01.01 above base course level shall commence, until full details of passive EV charging points to serve each property have been submitted to and approved in writing with the Local Planning Authority. The development shall thereafter be completed in complete accordance with the approved details.

Reason: To ensure adequate provision for electric vehicles is made as part of the development and charging points are provided in optimum locations, in accordance with Policy 21 of the County Durham Plan and the Council's Parking and Accessibility Standards 2019.

12. The development within the red line depicted on plan 1917.01.01 shall be carried out in strict accordance with the recommendations detailed in Section 5 of the updated Preliminary Ecological Appraisal report by Biodiverse Consulting dated June 2021.

Reason: In the interests of the protection of protected species and to achieve biodiversity net gain in accordance with Policy 41 of the County Durham Plan and Part 15 of the National Planning Policy Framework.

13. The butterfly habitat area shown on Housing Layout Plan 1917.04.02 rev F shall be created and managed in strict accordance with the Butterfly Mitigation Plan by Biodiverse Consulting dated September 2021.

Reason: In the interests of the protection of protected species and to achieve biodiversity net gain in accordance with Policy 41 of the County Durham Plan and Part 15 of the National Planning Policy Framework.

14. Where garages shown on Housing Layout plan 1917.04.02 Rev F are not built the fencing shown on dwg.no. SD100 shall be built in place of the rear wall of the garage.

Reason: To allow parking to the side of the dwellings and in the interests of visual amenity in accordance with Policy 29 of the County Durham Plan.

15. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and/or re-enacting that Order) the proposed first floor bathroom windows within the side elevations of the dwellings on Plot 35 and 36, the ground floor kitchen window within the side elevation of the dwelling on Plot 35, and the first floor ensuite window within the dwelling on Plot 21, shall be obscured to level 3 or higher of the Pilkington scale of privacy or equivalent and shall be maintained thereafter for the lifetime of the development .

Reason: In the interests of the residential amenity of neighbouring properties in accordance of Policies 29 and 31 of the County Durham Plan and Part 12 of the National Planning Policy Framework.

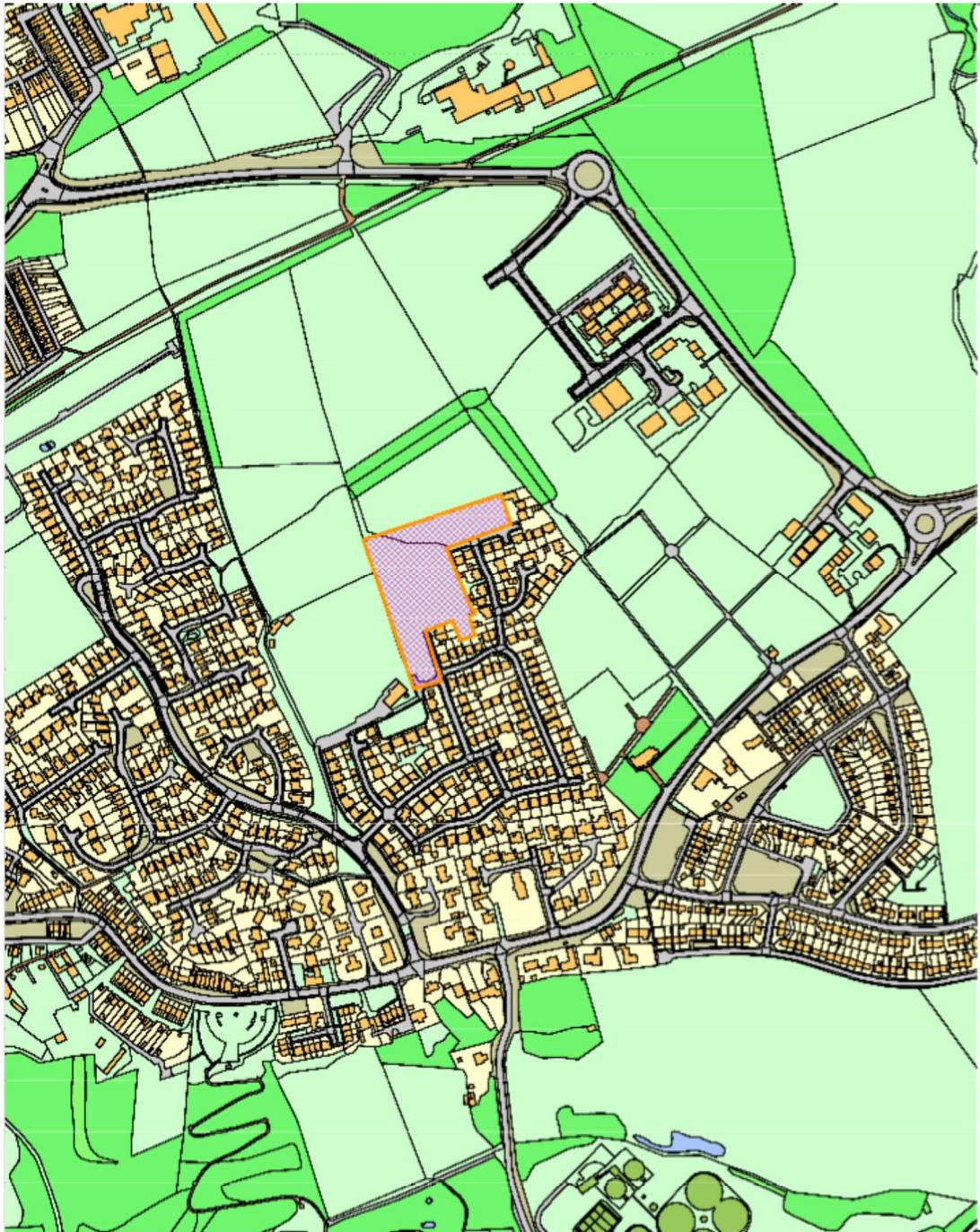
STATEMENT OF PROACTIVE ENGAGEMENT

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

to improve the economic, social and environmental conditions of the area in accordance with the NPPF.

BACKGROUND PAPERS

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



 Durham County Council	Location	DM/20/01960/VOC Land At Hawthorn Drive/Hill Meadows, Low Willington, DL15 0GR		
	Comments			
<small>This map is reproduced from Ordnance Survey material with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings. Durham County Council, Licence No. 100049055 (2014)</small>	Date	07 April 2022	Scale	1:5327