



## Area Planning Committee (Central and East)

**Date** Tuesday 13 September 2022  
**Time** 9.30 am  
**Venue** Council Chamber, County Hall, Durham

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### Business

#### Part A

1. Apologies for Absence
2. Substitute Members
3. Minutes of the meeting held on 12 July 2022 and Special meeting held 18 July 2022 (Pages 3 - 30)
4. Declarations of Interest, if any
5. Applications to be determined by the Area Planning Committee (Central and East)
  - a) DM/22/01679/FPA - Land at East Grange Farm, Sheraton, Hartlepool, TS27 4RA (Pages 31 - 48)

Construction and operation of a Synchronous Condenser located within an agricultural style steel frame building with associated transformer and cooling systems and other ancillary equipment located within a fenced compound and associated landscaping.
  - b) DM/22/01022/FPA - Land south east of 18 Foster Terrace, Croxdale, DH6 5HP (Pages 49 - 70)

New build development of 6 new dwelling houses in the form of 2 terraces of 3 units including 3no. 3 bed units and 3 no. 2 bed units.
6. Such other business as, in the opinion of the Chair of the meeting, is of sufficient urgency to warrant consideration

**Helen Lynch**  
Head of Legal and Democratic Services

County Hall  
Durham  
5 September 2022

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

Councillor D Freeman (Chair)  
Councillor L A Holmes (Vice-Chair)

Councillors A Bell, L Brown, I Cochrane, J Cosslett, S Deinali,  
J Elmer, C Kay, D McKenna, R Manchester, C Marshall,  
J Quinn, K Robson, K Shaw and A Surtees

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**DURHAM COUNTY COUNCIL**

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

At a Meeting of **Area Planning Committee (Central and East)** held in the **Council Chamber, County Hall, Durham** on **Tuesday 12 July 2022** at **9.30 am**

**Present:**

**Councillor D Freeman (Chair)**

**Members of the Committee:**

Councillors L A Holmes (Vice-Chair), L Brown, J Cosslett, S Deinali, J Elmer, C Hood, D McKenna, R Manchester, J Quinn, K Robson, K Shaw and A Surtees

**Also Present:**

Councillors L Hovvels, D Nicholls and R Ormerod

**1 Apologies for Absence**

Apologies for absence were received from Councillors I Cochrane, C Kay and C Marshall.

**2 Substitute Members**

There were no Substitute Members.

**3 Minutes**

The minutes of the meeting held on 14 June 2022 were confirmed as a correct record by the Committee and signed by the Chair.

**4 Declarations of Interest**

Councillor L Brown noted she was a member of the City of Durham Trust, however she was not a Trustee and had not been party to their submissions in objection to the applications. She noted in respect of Item 5c, she had been party to the objections put forward by the City of Durham Parish Council and would not take part in that item.

The Lawyer (Planning and Highways), Neil Carter noted Councillor L Brown should retire from the Chamber during the consideration of the item.

The Chair, Councillor D Freeman noted he was a Member of the City of Durham Parish Council, however, he was not a member of their Planning Committee and had not been party to their submissions in objection. He noted he was also a member of the City of Durham Trust, however he was not a Trustee and had not been party to their submissions in objection to the applications.

Councillor D Nicholls noted he was a Local Member for Deerness, not a Committee Member, and was in attendance to speak as regards Item 5d. He noted he had taken advice from the Lawyer (Planning and Highways) and explained that he lived very close to the application site and would wish that to be known in advance of speaking in relation to the application.

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

### **a DM/21/02982/FPA - Sunridge Farm House, Thornley, Durham DH6 3EE**

The Principal Planning Officer, Leigh Dalby, gave a detailed presentation on the report relating to the abovementioned planning application, a copy of which had been circulated (for copy see file of minutes). Members noted that the written report was supplemented by a visual presentation which included photographs of the site. The application was for change of use from agricultural to off road motorcycle training centre, with creation of motor track and was recommended for refusal.

The Chair thanked the Principal Planning Officer and asked the Committee Services Officer to read out a statement from Local Member, Councillor J Miller:

*'I am writing this statement and requesting it is read out at the planning committee this morning, regarding the planning application being discussed for the off-road bike track in Thornley, within my Division. Firstly, I want to apologise for not being there this morning. But due to unforeseen circumstances I am not able to attend.*

*I welcome any planning application that looks to resolve the issues that we are all facing with off-road bikes. We all know just how much time, effort and money it is costing not just the council, but the police, fire service and other agencies in reacting to the damage that is being caused.*

*I understand that some people have concerns about the noise that the track would cause, but I would much rather the noise was coming from an off-road bike track, rather than off-road bikes destroying grassed areas near homes and schools or being anti-social on the highways. I also understand the concerns around the sensitivity of it being within close proximity to a cemetery. However, ongoing conversations can take place between the applicant and Thornley Parish Council, to ensure the track is not used when a funeral is taking place.*

*If the committee was mindful to approve the application today, that isn't the end of the matter, nor the concerns raised. The Council Planning Department has an enforcement team that would be able to handle any future concerns and reports of breaches, and deal with them as they seem fit. But at least as a council we have tried to take a different approach to dealing with off-road bikes, rather than the current approach that doesn't seem to be working.*

*However, if the committee were mindful to object to the application, I would ask the committee to consider asking for a deferment of the application, in order to allow for a full and proper noise assessment to be completed, which the applicant has already agreed to within the report papers. This would also ensure that, as a council, we have tried all avenues to try and prevent further incidents of off-road bikes causing criminal damage to our grassed areas. That is not to say that I am accusing the Planning Officers of not completing thorough due diligence, because I know they have worked hard on this application. But I think, when such an application has presented itself, as a council we should be trying all avenues to try and make it a success and part of the solution to a problem that we are all facing.*

*I ask that my statement is taken into consideration when the Committee is deciding upon the application. Thank you'.*

The Chair thanked the Committee Services Officer and asked Councillor L Hovvels, Local Member to speak in relation to the application.

Councillor L Hovvels thanked the Chair and Committee and noted the problems in County Durham with off-road bikes and quads and the associated costs. She explained it was better to have a place for the bikes to be used, with the site already having been used since 2021. She noted the pandemic had exacerbated the issues in terms of the lack of activities for young people and noted that if the site turned out right, it could be very positive for local communities. She asked that the Committee look at the assessments carried out in terms of noise and look at conditions to manage the site, such as improved signage.

Councillor L Hovvels noted the consultation with Durham Constabulary, querying which area of the Constabulary should have been consulted, and noted the concerns they had raised relating to the roadworthiness of vehicles. She noted that screening that was referred to and that Committee could include further mitigation within any conditions they imposed. Councillor L Hovvels asked Members to defer the application, pending further work in relation to noise issues, and for it to come back to Committee at a future meeting.

The Chair thanked Councillor L Hovvels and asked Mr Michael Emery, speaking on behalf of the Applicant, to speak in support of the application.

Mr M Emery echoed the comments made in the statements from the Local Members as regards the scourge of off-road bikes and noted, with Police appearing not to be responding to the issue, the applicant had sought to provide a controlled environment for those bikes. He added that since the recommendation for refusal, there had been a lot of changes which help with the concerns raised. He explained that there was a three metre high bund and there would be additional landscaping and planting of trees to help screen the site and to reduce noise. He noted the proposals were for the track to be open 52 days a year and that a reduction to 40 days could be offered. He added that all bikes would be checked in terms of noise levels with decibel meters, and reiterated that the site was not a racetrack, rather a training and time-trial facility with limited numbers on site at any one time. Mr M Emery explained that the nearby cemetery was screened from the track by 25 metre high trees and it was not possible to see the track from the cemetery, noting the sound bund and footpath were also along this boundary. He noted the track was welcomed by the community and would help prevent anti-social behaviour. He explained the repair workshop, with supervised repairs, would help encourage bikes to be stored at the site.

Mr M Emery noted that the Local MP, Graeme Morris had addressed the Parliamentary Committee on the matter of anti-social use of off-road bikes, that reiterated that Police did not appear to be dealing with the problems and supported the project in principle. He concluded by noting that the applicant would adhere to any conditions as applied and look to be able to bring the project to fruition.

The Chair thanked Mr M Emery and asked the Principal Planning Officer for comments on the points raised.

The Principal Planning Officer noted consultation with the Police was with Durham Constabulary's Police Architectural Liaison Officer, as was standard practice. He noted that, should Members be minded to approve the application, there were a number of issues that would require further information to be submitted by the applicant.

The Lawyer (Planning and Highways) explained that in terms of any potential deferral of the application for a number of noise assessments to be undertaken, there were other reasons that Officers had felt meant that the application was unacceptable. He noted the noise assessments had not been undertaken as Officers had felt the application was unacceptable and therefore to require the applicant to carry out such assessments was unreasonable when the proposals were not acceptable in principle. He noted that the decision was for Members, however, he noted the in principle issues as set out within the Officer's report.

The Chair thanked the Officers and asked Members of the Committee for their comments and questions.

Councillor J Elmer noted the application was very tricky and noted the loss of agricultural land and the lack of Police objection, though their concerns as regards the roadworthiness of the vehicles. He noted that Environmental Health had not requested a noise assessment adding he felt it was not possible to understand the impact without such an assessment. He added that he has been involved in such assessments previously and understood as regards the amount of information required in terms of receptors, the nearby cemetery, the public right of way and nearest settlement. He noted that it was needed to be able to help inform as regards the impact, though noted the comments from the Lawyer (Planning and Highways) in terms of the application not meeting approval in principle. Councillor J Elmer noted that there was no information in terms of the number of users and therefore it was not possible for the Highways Section to be able to assess the impact upon the highway network. He noted he would wish for the application to be deferred, not only to obtain further information in terms of noise, but also on other those other matters.

Councillor J Quinn noted he agreed with Councillor J Elmer in terms of needing more information and also suggested a site visit in addition to be able to understand the proximity to the cemetery. He added he agreed with the statement from Councillor J Miller in that, if successful, the scheme could be seen as a pilot for other areas. He noted that legally, the landowner could use the land for such use every day. The Principal Planning Officer noted that track itself required permission as it was engineered and added that the hypothetical level of use the applicant would be able to generate themselves would likely not be sufficient for a change of use. Councillor J Quinn noted he felt the application was trying to help reduce anti-social behaviour asked if not in the type of place as within the application, then where? He seconded Councillor J Elmer's motion for deferral.

Councillor C Hood noted that the application site was in the neighbouring Electoral Division to his and his area had a similar blight of anti-social use of off-road bikes. He too asked if not in such places, then where would such tracks be developed. He agreed in terms of deferral or support for the application, noting that tackling the issue of off-road bikes could not continue to be kicked down the road.

Councillor LA Holmes noted that in his area, Spennymoor, after 6.00pm it could be guaranteed that young people wearing balaclavas would be seen on off-road bikes. He explained he felt he should support the application, adding that tackling such anti-social behaviour was important, noting the economic impact with investment less likely where there were high levels of anti-social behaviour. He noted his concerns with the application related to noise impact, especially on the cemetery, and how the bikes would arrive at the site, noting if the young people were riding to the site, how was the track keeping them from riding on the roads?

Councillor D McKenna noted he liked the idea in principle, however, he asked how it would work in practice in terms of how the bikes and young people got to the site, how would the young people behave, and that behaviour be managed. He noted they were unlikely to join a club or association and there was the issue raised in terms of the roadworthiness of the bikes. He reiterated he could not see how it was a solution to the off-road bike problem and added that the application required more thought.

Councillor S Deinali noted that there were issues with off-road bikes in her Division and noted the applicant had noted bikes would be taken to the site, repaired and stored on-site. She noted that younger children had nowhere to go in terms of such facilities in terms of learning to ride and repair bikes in a responsible manner.

Councillor K Robson noted he had listened carefully and added there were similar issues in his area, Aycliffe. He explained that there must be a cost implication, who was paying for the work, and asked that that information be brought forward, should the application be deferred.

Councillor L Brown noted the comments of previous Members and asked whether the scheme would actually take such anti-social off-road bikes off the street. She referred to the County Durham Plan (CDP) and noted it was willing to overlook policies in cases where there were special circumstances. She asked if, during a financial crisis, whether people would be willing to pay to access such a track. She noted she supported deferment, though the Lawyer (Planning and Highways) had spoken against deferment. The Lawyer (Planning and Highways) noted that there had been a motion for deferment put by Councillor J Elmer, seconded by Councillor Quinn.

He reiterated that the point he had made that deferral to obtain further information relating to noise may not address the other issues that warranted the refusal recommendation from Officers. He asked if the reasons were purely in relation to noise, and for site visit to take place.

Councillor S Deinali suggested that other issues that may required additional information could include the business case for the track, details of how the bikes would be stored, timings and costs/operating model, for example support for children who may not be able to pay a full rate. Councillor A Surtees noted that deferral would also allow for information in terms of the proposed reduced number of operating days and the 3 metre bund and screen planting. She asked how many complaints had been received as regards the site since it began operating in 2021. The Principal Planning Officer noted he did not have that information to hand, however, if the application was deferred it could be obtained. The Lawyer (Planning and Highways) noted that a transport statement could be useful information Members may wish to have, should they defer the application.

Councillor J Elmer noted he agreed with the points raised in connection to deferral and for information to come back on those points and in relation to noise levels, key receptors, how to reduce the impact. He also noted a site visit, and information on the business model and how young people may be able to use the site if they were unable to afford costs. He added that further information on how vehicles would get to the site, parking at the site, storage and roadworthiness of vehicles would also be useful.

Upon a vote being taken it was:

## **RESOLVED**

That the application be **DEFERRED**, to allow further information to be brought forward relating to noise, transport, business and cost, storage and repair, and for a site visit to be arranged prior to consideration of the application by Committee.

### **b DM/22/00042/FPA - 48 Highgate, Durham, DH1 4GA**

The Planning Officer, Michelle Penman, gave a detailed presentation on the report relating to the abovementioned planning application, a copy of which had been circulated (for copy see file of minutes). Members noted that the written report was supplemented by a visual presentation which included photographs of the site. The application was for the construction of roof balcony and first floor bay window to front and installation of first floor balcony and French doors to rear (resubmission of DM/21/01877/FPA) and was recommended for refusal.

The Chair thanked the Planning Officer and asked Councillor R Ormerod, Local Member, to speak in relation to the application.

Councillor R Ormerod thanked the Chair and Committee and explained that Highgate was an excellent development, the best in the city, though now with many of the properties occupied by students, not the development's intended use. He noted the intention was for the development to be for high level professionals, and the studentification presented issues in terms of persuading families to stay in the city, adding that we needed families to stay in the city and therefore he was in favour of the application. He noted some existing properties at Highgate already had bay windows and the proposed roof balcony was similar to those on properties opposite to Highgate. He noted that if the proposals were rejected it could appear that there was one rule for individuals and families and another rule for large developers. He reiterated that he would support the proposals by this family.

The Chair thanked Councillor R Ormerod and asked Mrs Eileen Grimes, the Applicant, to speak in support of her application.

Mrs E Grimes thanked the Chair and Members and noted that it was one single property that permission was being sought for at Committee, with many houses in multiple occupation (HMOs) at Highgate having been considered under delegated authority. She noted the proposals for the master bedroom and bay window and cited numerous similar examples within the city in terms of the proposals for the room within the roof space and balcony, many of which were opposite the World Heritage Site (WHS). She gave The Bowers as a specific example. She noted the photographs shown in the presentation were old and that trees had grown since that time.

Mrs E Grimes explained that the Millburngate development opposite to Highgate had three large terraces, and included uses such as food preparation, bar and barbecues, effectively party terraces that looked directly into her home. She noted the City of Durham Trust commented that the balcony to the rear of the property will enhance the mews style of the houses and enhance the street appearance. She noted the proposals were to help improve their quality of life and noted the impact of the pandemic in terms of loss of the driveway, their only outdoor space, as a result of parking passes being removed by the Council. She concluded by asking Members to consider the application and to either approve the application or defer pending further work as may be deemed necessary by Members.

The Chair thanked Mrs E Grimes and asked Officers for their comments on the points raised.

The Principal Planning Officer, Paul Hopper noted the proposed external alterations to the dwelling, explaining as regards the previous C4 use of the property and the current C3 use. He added the key issue was the impact upon the Conservation Area (CA) and WHS, which was explained in some detail within the Committee report. He noted the development at Millburngate referred to was not directly comparable to the application proposals as it was located within the commercial city centre and related to the redevelopment of the former passport office and as such the relationships to the castle, cathedral and conservation area were different to those at Highgate.

The Chair thanked the Principal Planning Officer and asked the Committee for their comments and questions.

Councillor J Elmer noted some sympathy with the issues raised by the applicant, and the freedom for individuals to develop their properties. He added, however, there was also a need for restraint in terms of the impact upon the CA, WHS and in turn tourism. He noted the apparent inconsistency in terms of small scale versus large scale development, such as the hotel developments and the Council's at one time new HQ building, however, he noted the Council's Heritage Team had stated there needed to be a line held. He added it had been noted that it had been felt that the bay window proposed could be brought in line with requirements and the proposed balcony to the rear had a lesser impact. Councillor J Elmer noted the main issue was that of the proposed roof space balcony, with it having a significant impact on the currently continuous roof line, noting that there had been considerable thought at the time of the original Highgate development in terms of this. He noted that he felt the application should be deferred in order to remove the proposed roof balcony and bring the application in line with the heritage of the city.

Councillor J Quinn explained he had issue in deferring the application, noting he felt the Applicant had worked to minimise impact.

Councillor L Brown referred to plans on the projector screen highlighting the proposed balconies. She noted the Conservation Officer's comments were fairly damning, citing conflict with CDP policies 44, 45 and Durham City Neighbourhood Plan (DCNP) policies H1, H2 and asked what could be achieved by deferring the application. She noted she supported the Officer's recommendation for refusal.

Councillor A Surtees acknowledged the context of the CA and WHS and noted the bay window and rear balcony did not appear to be big issues. She noted the roof balcony did not appear to present too much of a change and asked why not explore the issue.

She felt there was an opportunity to help a resident to continue to stay in the city centre and added she would support deferral of the application.

The Chair noted that Members had few concerns relating to the bay window and rear balcony, with the main point being the roof terrace. He noted that Officers stated that element was contrary to policy in terms of the CA and impact upon the WHS. He noted the comments from Councillor R Ormerod in terms of the context of the proposals against the development opposite at Millburngate and added that the value of the Highgate development had already been damaged by that development opposite and that Highgate was less valuable than it was before. He noted the issues raised and those of an existing development when compared to a new development. He noted the proposal for deferral by Councillor J Elmer, seconded by Councillor A Surtees.

Councillor J Elmer noted the many incursions into the heritage of the city centre and the need to look at developments and ask where one should stop.

The Principal Planning Officer noted the different elements to the application, firstly the bay window, with the Applicant willing to make changes as required. He noted that in terms of the roof balcony, the Design and Conservation Officer had made it clear they were opposed to that style and any potential incursion in that way would result in a potential objection. He added that if Members were minded to defer the application, he could not see an easy route to a solution, however, Officers would of course engage with the Applicant.

The Lawyer (Planning and Highways) noted that Members had noted certain elements were acceptable, however, the Committee must determine against the proposals as set out, in terms of refusal if they agreed with the Officer's recommendation, approval if they did not, or to defer. He added the issue with deferment was that the Applicant had been invited to amend the application in order to make it more acceptable, however, they had chosen not to do so. He added that if Members refused the application, that would not prevent the Applicant submitting an amended scheme in the future.

The Chair noted Councillor L Brown had proposed refusal of the application, however, did not have a seconder. Councillor J Elmer noted that, further to the comments from Officers, he would withdraw his motion for refusal. Councillor J Cosslett noted he would second Councillor L Brown's motion for refusal.

Councillor A Surtees asked for clarification, if the application was refused, another application could come forward, however, that would have the associated costs of a new application.

She noted she had the impression from the Applicant from their comments at Committee that they would work with Planners to try and progress their application. The Principal Planning Officer noted that Officers always looked to work proactively with applicants, however, that did not represent a guarantee that an application could progress, noting the concerns as previously stated.

Councillor C Hood asked that if the application was refused, the Applicant would need to pay a new fee for another application. The Principal Planning Officer noted that the original application had included a free resubmission, however, this had been already undertaken and a new application fee would be required. Councillor C Hood proposed the application be deferred.

The Chair noted that there was a motion for refusal by Councillor L Brown, seconded by Councillor J Cosslett.

Councillor R Manchester noted he was surprised Councillor J Elmer had withdrawn his motion for deferral, adding he felt he could accept the application in its current form and therefore he felt the application could be made acceptable if deferred. Councillor J Elmer noted he withdrew his motion subsequent to advice from Officers.

Councillor L Brown noted her understanding was if the application was deferred and it came back including the roof terrace, that Officers could not support that in any way, and it would be again recommended for refusal. She added that if the application was deferred, could any changes make a material difference. The Lawyer (Planning and Highways) noted Members could not change the application and added that issues raised by the Planners and Design and Conservation Team were for the Applicant to take on board. He noted the doubts as raised by the Principal Planning Officer, however, the willingness of Officers to work with the Applicant. Councillor L Brown noted that therefore she would prefer deferment of the application.

The Chair asked if the Applicant would prefer deferral of the application in order to look again at the application. Mrs E Grimes noted they would be happy to work with Planners to look at the issues raised. She noted they had lived in the city for a long time and wished to protect the CA and WHS and thanked Officers and the Members for their consideration.

Councillor L Brown noted she withdrew her motion for refusal. Councillor J Elmer again proposed the application be deferred, he was seconded by Councillor C Hood.

Upon a vote being taken it was:

**RESOLVED**

That the application be **DEFERRED**, to seek amendment to the bay window and alteration/removal of the roof terrace.

*Councillor L Brown left the meeting at 11.02am*

**c DM/22/00139/FPA - The Beauty Spot, Saddlers Yard, Saddler Street, Durham, DH1 3NP**

The Senior Policy Officer, John Russell, gave a detailed presentation on the report relating to the abovementioned planning application, a copy of which had been circulated (for copy see file of minutes). Members noted that the written report was supplemented by a visual presentation which included photographs of the site. The application was for a proposed 4 Bed HMO with accompanying communal living area and kitchen in existing loft spaces, a dormer link will be formed to connect the two loft spaces (amended proposal) was recommended for approval subject to conditions.

The Chair thanked the Senior Policy Officer and asked Councillor R Ormerod, speaking on behalf of the City of Durham Parish Council, to speak in relation to the application.

Councillor R Ormerod noted the Parish Council had objected to the original scheme, with the main concerns as set out within its letter of February 2022, notably the scheme being in conflict with the CDP, National Planning Policy Framework (NPPF) and the DCNP. He noted the revisions that had taken place and that the Parish Council welcomed those relating to cycle storage and other issues set out at paragraph 36 of the report and noted the concerns relating to the nationally described space standards had been addressed.

Councillor R Ormerod noted that the Parish Council noted the number of Class N Council Tax exempt properties within 100 metres of the application property and that including 7-8 Silver Street it would take the percentage up to 70.4 percent, which within the commercial heart of the city was not unacceptable in terms of balanced communities. He noted CDP Policy 9 related to town centre development and explained the Parish Council believed that upper floor use was not in conflict with policy. Councillor R Ormerod noted DCNP Policy E3 and support for the development of upper floors if lower floors were retained for retail use. He noted the Parish Council believed The Beauty Spot was no longer trading, however, requested that the lower floor be retained for retail use.

He added that Saddler Street was very narrow, and the Parish Council would be concerned if a partial or total diversion of the road occurred and noted Condition 8 referred to a Construction Management Plan following the granting of permission, however, the Parish Council would request that the CMP be submitted prior to works commencing in order to assess the impact upon the WHS and CA. The Principal Planning Officer, Paul Hopper noted the application did not include any proposed change to the ground floor use. He noted that the CMP would be secured by condition, and highways were satisfied in terms of arrangements.

Councillor J Elmer moved that the application be approved, though noted concerns relating to the CMP not being submitted. The Principal Planning Officer noted it was not usual to see a CMP prior to planning approval, however, access issues would form part of the CMP. Councillor J Elmer asked if Officers were confident, the Principal Planning Officer noted highways colleagues had not objected to the proposals. The Principal DM Engineer, David Battensby noted Condition 8 set out no development shall take place until a CMP was submitted and approved and added it would be something that would be looked at carefully.

Councillor J Elmer was seconded by Councillor K Robson.

Upon a vote being taken it was:

## **RESOLVED**

That the application be **APPROVED**, subject to the conditions as set out within the report and an amended Condition 9 to include the requisite drawing numbers.

*Councillor D McKenna left the meeting at 11.33am  
Councillor L Brown entered the meeting at 11.34am*

### **d DM/21/01141/FPA - Land to the rear of Rock Terrace, New Brancepeth, DH7 7EP**

The Senior Planning Officer, Lisa Morina, gave a detailed presentation on the report relating to the abovementioned planning application, a copy of which had been circulated (for copy see file of minutes). Members noted that the written report was supplemented by a visual presentation which included photographs of the site. The application was for the erection of 11 bungalows and was recommended for approval subject to conditions and a s106 agreement.

The Chair thanked the Senior Planning Officer and asked Councillor D Nicholls to speak in relation to the application.

Councillor D Nicholls reiterated that he had sought clarification in terms of being able to speak on the application from the Council's legal team. He noted he was a resident of New Brancepeth and noted that the site had been a key concern for residents in the area for a number of years at the New Brancepeth Residents' Association. He thanked the Officer for their report and noted the current untidy state of the site. He noted there had been a number of applications in the past and wondered whether it would be possible for the site to be tidied up as soon as possible, noting issues such as used car batteries on the site. He added that, as a resident, he welcomed the conditions in terms of noise suppression and dust control and the s106 allocations to the local area.

The Chair asked Officers for their comments. The Senior Planning Officer noted that scheme would be brought forward as soon as possible, however, a timescale was not set out. She added Section 215 Notices had been served upon on the site and that if development was not forthcoming the notices would be the fallback position. The Lawyer (Planning and Highways) noted there did not appear to be such a situation to impose an additional condition to the application in terms of tidying the site, and the legal tool was the Section 215 notice should the development not take place. He advised that Councillor D Nicholls should leave the Chamber while the Committee decided upon the application.

*Councillor D Nicholls left them meeting at 11.46am*

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

Councillor A Surtees noted she welcomed the type of application as proposed, infill of an area left to wrack and ruin, with homes for elderly people, or families, including the affordable home. She noted she fully endorsed the proposals and moved the application be approved. Councillor J Elmer seconded the application, asking as regards loss of open space and whether the s106 contribution could be used to offset that locally.

The Principal Planning Officer, Paul Hopper noted that s106 monies were usually retained within the Electoral Division for local provision, with input from Local Members.

Councillor L Brown noted she agreed with Councillors A Surtees and J Elmer and noted a lack of shops in New Brancepeth and asked as regards bus stops and services to Langley Moor or Ushaw Moor.

She also noted that Condition 5 stated a 7.30am start time for works and suggested 8.00am maybe preferable. Members agreed as regards the suggested amended time. The Principal Planning Officer noted that he could confirm there were bus stops within 200 metres of the site.

Upon a vote being taken it was:

### **RESOLVED**

That the application be **APPROVED**, subject to the conditions and s106 agreements as set out within the report and an amended Condition 5 to change start times of works from 7.30am to 8.00am.

## **6 Special Meeting and Site Visit**

Members were asked to note the upcoming Special Meeting of the Committee, to be held 9.30am, Monday, 18 July 2022, with a site visit to take place on the afternoon of Friday, 15 July 2022 at 12.30pm.

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**DURHAM COUNTY COUNCIL**  
**AREA PLANNING COMMITTEE (CENTRAL AND EAST)**

At a Special Meeting of **Area Planning Committee (Central and East)** held in **Council Chamber, County Hall, Durham** on **Monday 18 July 2022** at **9.30 am**

**Present:**

**Councillor D Freeman (Chair)**

**Members of the Committee:**

Councillors L A Holmes (Vice-Chair), S Deinali, J Elmer, C Hood, N Jones (substitute for L Brown), C Kay, D McKenna, R Manchester, C Marshall, J Quinn, K Robson, K Shaw and A Surtees

**1 Apologies for Absence**

Apologies for absence were received from Councillors L Brown and I Cochrane.

**2 Substitute Members**

Councillor N Jones substituted for Councillor L Brown.

**3 Declarations of Interest**

The Chair, Councillor D Freeman noted in respect of Item 4c he was a member of the City of Durham Trust, however he was not a Trustee and had not been party to their submissions in objection to the application.

Councillor S Denali noted in respect of Item 4a that the developer was known to her. The Senior Lawyer, Regulatory and Enforcement, Clare Cuskin asked as regards the nature of the relationship. Councillor S Deinali noted her daughter attend the same school as the applicant's child. The Senior Lawyer noted that the nature of the relationship was not sufficient to impact upon decision making.

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

##### **a DM/21/00844/OUT - Barn High Farm, High Hesleden, TS27 4QD**

The Principal Planning Officer, Leigh Dalby, gave a detailed presentation on the report relating to the abovementioned planning application, a copy of which had been circulated (for copy see file of minutes). Members noted that the written report was supplemented by a visual presentation which included photographs of the site. The Principal Planning Officer advised that Members of the Committee had visited the site and were familiar with the location and setting. The application was an outline application for the erection of 16no self-build plots with all matter reserved and was recommended for refusal.

The Principal Planning Officer noted that Members attending the site visit had requested the information as regards the layout for the extant permission relating to the application site and displayed the plan on the projector screens. The Principal Planning Officer noted concerns from the Landscape Section as regards projection north beyond the current framework of the site which would have a detrimental impact on the landscape character of the area as well as the suburban appearance of the indicative layout and the impact that would have on the character of the village. He noted the Design and Conservation Section had raised concerns in respect of the suburban appearance of the indicative layout and suggested a simplified design code. The Committee were asked to note there had been two letters of objection from the public with the main reasons cited including: loss of privacy and amenity; loss of views and light; impact on the character of the village; lack of facilities in the village, with car travel being essential therefore not a sustainable development; poor bus service and unlit footpath; and noise and disturbance from the building site.

The Chair thanked the Principal Planning Officer and asked Mick Dixon, Applicant to speak in support of his application.

M Dixon explained he was speaking on behalf of himself and his business partner, Mick Bradley in respect of the application before Committee from Castle Eden Developments Limited. He noted M Bradley was himself the son of a farmer and that the farm in question, Barn High Farm was a disused farm and in a state of disrepair. He explained that the development would retain some elements, and the modern farm buildings to the rear would be cleared to take advantage of the site. He noted that in terms of the extant permission, four and nine new was 13 properties, not 12 and with a further two conversions under permitted development amounted to a total of 15 dwellings.

He added that asking for 16 properties was the only way to make development viable. M Dixon explained that there had been no interest from buyers for the existing scheme and therefore that was not viable. He added that the COVID-19 pandemic had created a shift in the market, with a demand for detached properties with space. He reiterated that most of the existing buildings on the site were in poor condition and were not of heritage interest, with any development being positive in terms of tidying up such dangerous buildings.

M Dixon noted that Planners had not supported the application on the grounds of sustainability, however, he had lived at Hesleden for 15 years and noted over time that there had been fewer and fewer teachers at the local school, with three years groups within one class. He noted The Ship Inn had unfortunately closed, though it was hoped new owners maybe able to reopen it and the local Post Office was used nearly every day. He noted that the church and Sunday school had closed and concluded by noting that in talking about sustainability, the proposed development would bring in more people to support the school, church, pub and Post Office.

The Chair thanked M Dixon and asked the Committee for their comments and questions.

Councillor S Deinali noted that transport had been an issue for a number of years, adding that if there were more people in the area there was more of a chance of investment in transport.

Councillor LA Holmes asked for clarity in relation to the extant permission, and whether it was as set out in the report or as stated by the applicant being nine and four totalling thirteen. It was noted that the applicant was correct.

Councillor J Elmer noted the linear nature of the village and the size of the proposed development compared to the village. He noted that if the proposed development did not go ahead, the extant permission seemed more in keeping with the area, however, there were concerns as regards the viability of the previous scheme. He noted that viability was an assessment, not an opinion and added he had concerns that a viability assessment had not been provided. Councillor J Elmer noted that another concern was the impact upon the landscape, with there only being three traditional farm buildings, with one to be lost to provide access. He added that the final point he would make was in relation to sustainability, the development would have dependency on the motor car and added he wanted more public transport. Councillor J Elmer noted he supported the Officer's recommendation and moved that the application be refused.

Councillor C Kay explained he had read the report and noted that there were four larger communities within one mile of the village adding that one mile was suitable for sustainable modes of transport such as walking and cycling. He asked for information as regards the suitability of the road for such use. The Principal DM Engineer, David Battensby noted the road was a relatively quiet lane, however, there was no footpath on the carriageway and streetlights had been removed. He added there was a bridleway at the west of the village and a footpath from Mickle Hill Road to Blackhall Road. He noted that the roads to the east and west were subject to a 60mph speed limit. He added that Fillpoke Lane was quite narrow, though only had light traffic, though in the summer there was a number of vehicles with visitors to the nearby animal petting farm. He concluded by noting there was access for cyclists and there was relatively light traffic.

Councillor S Deinali explained that the bridleway was part of the Haswell to Hart walkway and linked to Hesleden, High Hesleden and Crimdon and pointed out there was the new community hub at Crimdon, attracting a lot of tourists and cycling use.

Councillor N Jones noted that in terms of the sustainability argument, extra houses did not necessarily mean that bus services would improve, however, there was £100 million in subsidy available, so it was not out of the question either.

Councillor A Surtees noted that there was a school in the area and therefore there must be footpath linking the two and asked why the proposals were deemed so unsustainable, especially given the extant permission.

Councillor C Marshall explained he did not know why the application was at Committee, adding that at first he had thought it had been called-in by Local Members. He noted that there had been no local objections and added he had issue with how sustainability was designated. He explained that many of the communities within the county would be classed as unsustainable and without public investment in services the situation would only get worse. In terms of viability, he noted that clearly a lot had changed since 2018 in terms of rising construction costs, the cost of living crisis and rising inflation. He noted that sustainability was a double-edged sword, with more people coming into an area making an area more sustainable. Councillor C Marshall noted that the provision of self-build units would help diversify the housing market and provide a greater choice. He added that we would never improve some communities unless there was development.

Councillor C Marshall proposed that the application be approved, with the further details to come via a full application at a later date. He was seconded by Councillor S Deinali.

Councillor J Elmer noted that given the way bus companies used threshold numbers, it was unlikely that such a threshold would be reached and, if so, it would have been included as part of the application. In terms of viability, he noted that the Officers had quite rightly pointed out car dependency. He added he was concerned as regards abandoning policies within the County Durham Plan (CDP), especially Policy 6.

The Principal Planning Officer explained that the application was before Committee as it constituted a 'major application' as set out in the Constitution. He added that a greater number of residents may have a chance to increase the bus services, however, a Planning Inspector in 2018 within an appeal decision, for three dwellings at High Hesleden that formed part of the application site, had noted the site would not be in a sustainable location. He added that the previous scheme that had been approved had been very different and had a greater sympathy in terms of the agricultural nature of the site, would retain more buildings and represented a smaller development.

The Chair noted that the application had been moved and seconded for approval by Councillors C Marshall and S Deinali and proposed for refusal by Councillor J Elmer. Councillor K Robson noted he would second the proposal for refusal.

The Senior Lawyer noted there was a motion for approval, contrary to the Officers recommendation and asked for clarifying reasons and also that the motion to include agreement for delegated authority for Officers, in consultation with the Chair, as regards conditions and obligations, should the motion be carried. Councillor C Marshall agreed as regards the delegated authority and noted the recommendation for refusal was due to a lack of sustainable location. He reiterated that a lot had changed since 2018 in terms of access, active travel, the Saints Trail and the Community Hub at Crimdon. He noted there were hourly bus services and added he could not agree with the recommendation in terms of the sustainability. The Senior Lawyer asked if he wished to comment in terms of the character and appearance, Councillor C Marshall noted those issues did not need to be agreed at the outline stage, rather they would come back and be tested as the application progressed. The Senior Lawyer noted Members needed to be certain in terms of approval. Councillor C Marshall noted that he felt satisfied that requirements could be met via a full application in due course. The Principal Planning Officer noted that as the units were self-build, they would come back individually and be considered under delegated authority.

Upon a vote being taken it was:

**RESOLVED**

That the application be **APPROVED** subject to a suite of conditions and obligations to be agreed under delegated authority by Officers.

**b DM/21/02109/FPA - New College Durham, Framwellgate Moor, Durham, DH1 5ES**

The Principal Planning Officer, Leigh Dalby gave a detailed presentation on the report relating to the abovementioned planning application, a copy of which had been circulated (for copy see file of minutes). Members noted that the written report was supplemented by a visual presentation which included photographs of the site. The application was for the erection of football pitch boundary fence and was recommended for approval, subject to conditions. The Principal Planning Officer reminded Members the application had previously been considered in November 2021 by the Committee and it had been deferred for the applicant to look at a revised scheme.

The Chair thanked the Principal Planning Officer and asked Mr A Perry, local resident, to speak in objection to the application.

Mr A Perry thanked the Chair and Committee and explained he had lived at Alexandra Close for 40 years with his family and that his property and others were adjacent to the field in question. He noted that Mr Prisk also objected, however, he was unable to attend the meeting and that the objections were from a number of neighbours. He noted that New College Durham (NCD) had amended their initial application, reducing the height of the fence from 4.5 metres to 3 metres on two sides. He added that, however, the scale was still sufficient to represent a significant impact and detriment to the value of the open space, noting the open space was separate from the rest of the college buildings.

Mr A Perry explained that the scheme failed to respect residents and noted there had been discussions and that there had been assurance as regards landscaping and maintenance. He noted the extension to the NCD building to the west of the public right of way and noted clear delineations of the NCD building and the playing fields. He added that the proposed development encroached on that delineation and would create a stark block. He explained the construction would be three to four metres and, when built, would be a cage-like structure that would dominate the space. Mr A Perry noted that the field itself was 1.5 metres higher than in 2003 as when NCD was rebuild the field had been a temporary store for the waste material from the old site. He explained that there had been assurance that the level would be returned, however, to the dismay of all the area was compacted and topsoil placed on top. He noted that meant that effectively the proposed fence would be 4.5 metres form the garden levels on Alexandria Close.

He noted that the original application had been deferred and it had been hoped that there would have been further details in terms of land that would remain, whether it would be left to go wild and not be maintained, adding there had been no information from NCD on this matter.

The Chair thanked Mr A Perry and asked Mr K Fairley from NCD to speak in relation to their application.

Mr K Fairley thanked the Chair and Committee and explained he was the Deputy Chief Executive, NCD, with his colleague in attendance being Mr Paul Bradley, Chief Financial Officer, NCD. Mr K Fairley noted the proposed fence was for an existing playing pitch and had originally been submitted last July for a 4.5 metres enclosure. He noted the matter was deferred by Committee in November 2021 and that NCD had agreed to further consultation with residents. He explained that subsequently, the proposal was now for 4 metre high fence at each goal end of the pitch, with 3 metre high fence along the touchline sides, parallel to Alexandria Close. He referred to Condition 3 which related to the colour of the fence and explained that at the consultation with local representatives in terms of a planting scheme, NCD had noted no strong views and would work with Durham County Council (DCC) and local representatives in terms of those requirements. Mr K Fairley explained that paragraph 37 of the Officer's report set out details in that regard. He concluded by noting NCD welcomed the recommendation for approval and respectfully requested Members approve the application as per their Officer's report.

The Chair thanked Mr K Fairley and asked the Committee for their comments and questions.

Councillor A Surtees noted she recalled the initial application at the meeting in November 2021, with one of the Local Members having been in attendance to raise the concerns of residents. She noted that NCD had subsequently had further discussions as regards the proposals and had amended their application in terms of reducing the height of the fence all the way around. She proposed that the application be approved, as per the Officer's recommendation. Councillor LA Holmes seconded the motion for approval.

Councillor J Elmer asked whether it would be possible to condition a requirement in terms of planting and maintenance around the pitch.

The Principal Planning Officer noted that Condition 4 within the report required that the planting scheme relating to the eastern, southern and northern boundaries be submitted to and approved by the Local Planning Authority.

Councillor J Elmer asked as regards ongoing maintenance. The Principal Planning Officer noted that maintaining for a five year period was seen as good practice, as set out within Condition 4.

Upon a vote being taken it was:

## **RESOLVED**

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

### **c DM/19/03033/FPA - Old Coach House, 2, Percy Terrace, Durham City, DH1 4DY**

The Principal Planning Officer, Paul Hopper gave a detailed presentation on the report relating to the abovementioned planning application, a copy of which had been circulated (for copy see file of minutes). Members noted that the written report was supplemented by a visual presentation which included photographs of the site. The Principal Planning Officer advised that Members of the Committee had visited the site and were familiar with the location and setting. The application was for the retention of timber cladding and render to existing single-storey side extension and installation of rear door to west facing rear elevation and was recommended for approval, subject to a condition.

The Chair thanked the Principal Planning Officer and asked Mr A Doig, local resident, to speak in objection to the application.

Mr A Doig noted he was speaking as a local resident, not in his role in relation to the Parish Council. He noted he lived in an adjacent property and noted statements made by the applicant. He noted the lane was unadopted and he noted concerns as regards DCC refuse vehicles not being able to gain access and explained he had organised the surfacing of the lane, though only two properties had contributed, with the previous occupant of the property in question having not contributed. He added that in terms of the cladding and revisions made that he and others did not oppose the recommendations of the Design and Conservation Officer.

Mr A Doig noted that in terms of access and other matters, including possible future use as an Airbnb, there were concerns in terms of parking on an unadopted lane causing obstruction to residents' access and waste collection. He noted that would impact upon the amenity of around 30 properties, many of which had elderly residents.

He noted paragraph 42 of the report noted that permission would not be required for the side access, however, a recent similar application at Nevilledale Terrace had required retrospective permission. He noted there should be consistency. He proposed that the Committee reject the application if it was only for cladding, or that the application be withdrawn and resubmitted with a requirement in terms of alternative to the boundary wall.

The Chair thanked Mr A Doig and asked Mr A Hall, the applicant, to speak in support of his application.

Mr A Hall thanked the Chair and explained it was a very emotive subject and meant a lot to him. He explained he was an experienced developer with projects as varied as skyscrapers within the UK and award-winning beach front properties, with his work receiving many accolades. He noted personal family circumstances that led to him purchasing the property in order to be a project he would be able to rebuild with his own hands. He explained he had thought carefully and paid attention to the materials to be used, those being of a similar age to the building. He noted he would not attempt to circumvent planning policies, again referring to his over 25 years of experience in dealing with Planning Departments. He noted issues in terms of the property not having sold at auction and the work to force Northern Powergrid to replace the roof and substation, and the work over a period of a year that had been undertaken with care and sensitivity.

Mr A Hall explained he had not been aware of the conservation issues, with Percy Terrace being a mismatch of styles, adding if he had known the matter would not have reached the point where it was before Committee. He noted that all negative comments as regards the application were attributable to one individual and untrue. Mr A Hall noted his thanks for the kind input from the Principal Planning Officer and explained he agreed in terms of the few upgrades to help with in terms of the conservation area and design. He noted that the current tenants were post-graduate lecturers and noted reference of other potential uses, such as an Airbnb or for use by a family member. He concluded by asking Members to focus on the knowledge of the internal and external Officers and their comments and approve the application as per their recommendation.

The Chair thanked Mr A Hall and asked the Principal Planning Officer to comment on the points raised.

The Principal Planning Officer explained that the application referred to the retention of cladding and the works relating to the door and that the issues raised relating to access, parking and refuse vehicles were beyond the remit of the application.

The Chair thanked the Principal Planning Officer and asked the Committee for their comments and questions.

Councillor C Marshall noted that clearly there was a lot of local history in terms of issues in the area, however, when looking at the application it was clear cut and in line with policy, therefore he would propose that the application be approved as per the Officer's recommendation. Councillor S Deinali seconded the proposal.

Upon a vote being taken it was:

## **RESOLVED**

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

### **d DM/22/00639/FPA - Luciano Bar And Bistro, Durham Way, Peterlee, SR8 1QB**

The Planning Officer, Michelle Penman gave a detailed presentation on the report relating to the abovementioned planning application, a copy of which had been circulated (for copy see file of minutes). Members noted that the written report was supplemented by a visual presentation which included photographs of the site. The application was for the erection of glazed extension with bifold doors and rotating roof blades to provide enclosed shelter to existing outdoor courtyard seating area and was recommended for approval, subject to conditions.

The Chair noted there were no registered speakers and asked the Committee for their comments and questions.

Councillor J Elmer noted that the only obvious issue was the potential in respect of noise nuisance and noted that had been addressed via condition. He asked if Members could be confident that enforcement action could be taken in future if required.

The Principal Planning Officer, Paul Hopper noted the suite of conditions were such that Officers felt noise from the extension was not an issue in terms of any potential refusal of the application. He explained Condition 9 referred to a Noise Management Plan and noted that if it was adhered to then there should be no issues in terms of noise.

Councillor J Elmer proposed that the application be approved, he was seconded by Councillor N Jones.

Upon a vote being taken it was:

**RESOLVED**

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

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## Planning Services

# COMMITTEE REPORT

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### APPLICATION DETAILS

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<b>APPLICATION NO:</b>	DM/22/01679/FPA
<b>FULL APPLICATION DESCRIPTION:</b>	Construction and operation of a Synchronous Condenser located within an agricultural style steel frame building with associated transformer and cooling systems and other ancillary equipment located within a fenced compound and associated landscaping.
<b>NAME OF APPLICANT:</b>	Mr Tom Bradley - Decerna
<b>ADDRESS:</b>	Land At East Grange Farm Sheraton Hartlepool TS27 4RA
<b>ELECTORAL DIVISION:</b>	Blackhalls
<b>CASE OFFICER:</b>	Lisa Morina Planning Officer Telephone: 03000 264877 <a href="mailto:Lisa.morina@durham.gov.uk">Lisa.morina@durham.gov.uk</a>

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### DESCRIPTION OF THE SITE AND PROPOSALS

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#### The Site

1. The application site is farmland located approximately 900m to the south east of Sheraton Village and 4km to the west of Hartlepool. The site is located within the grounds of East Grange Farm and is currently agricultural in nature.
2. The A19 runs approx.400m to the west of the entrance and the A179 borders the site to the south with the County Boundary with Hartlepool running to the east. Open fields are located to the north and east of the site. There are some buildings within the nearby vicinity with the closest being the existing residential property at East Grange Farm.

#### Proposal:

3. Planning permission is sought for the construction and operation of a Synchronous Condenser (SC). An SC is a rotating electrical machine that resembles a generator or motor in design and its purpose is to support and stabilise the transmission system voltage by supplying and absorbing reactive power and providing synchronous inertia, sometimes referred to as 'Spinning Reserve'.

4. The facility would be connected to the extra high voltage grid (275kV) at Hartmoor Substation which is located to the south on the opposite side of the A179, and within the administrative boundary of Hartlepool Borough Council.
5. The application is reported to planning committee due to it being a major application with a site area in excess of 1 hectare.

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## PLANNING HISTORY

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6. There is no relevant planning history on this site.

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## PLANNING POLICY

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### NATIONAL POLICY

7. 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.
8. *NPPF Part 2 Achieving Sustainable Development* - The purpose of the planning system is to contribute to the achievement of sustainable development and therefore at the heart of the NPPF is a presumption in favour of sustainable development. It defines the role of planning in achieving sustainable development under three overarching objectives - economic, social and environmental, which are interdependent and need to be pursued in mutually supportive ways. The application of the presumption in favour of sustainable development for plan-making and decision-taking is outlined.
9. *NPPF Part 4 Decision-making* - Local planning authorities should approach decisions on proposed development in a positive and creative way. They should use the full range of planning tools available, including brownfield registers and permission in principle, and work proactively with applicants to secure developments that will improve the economic, social and environmental conditions of the area. Decision-makers at every level should seek to approve applications for sustainable development where possible.
10. *NPPF - Part 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.
11. *NPPF Part 8 Promoting Healthy and Safe Communities* - The planning system can play an important role in facilitating social interaction and creating healthy, inclusive communities. Developments should be safe and accessible; Local Planning Authorities should plan positively for the provision and use of shared space and community facilities. An integrated approach to considering the location of housing, economic uses and services should be adopted.
12. *NPPF Part 9 Promoting Sustainable Transport* - Encouragement should be given to solutions which support reductions in greenhouse gas emissions and reduce congestion. Developments that generate significant movement should be located

where the need to travel will be minimised and the use of sustainable transport modes maximised.

13. *NPPF Part 11 Making Effective Use of Land* - Planning policies and decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions. Strategic policies should set out a clear strategy for accommodating objectively assessed needs, in a way that makes as much use as possible of previously-developed or 'brownfield' land.
14. *NPPF Part 12 Achieving Well-Designed Places* - The Government attaches great importance to the design of the built environment, with good design a key aspect of sustainable development, indivisible from good planning.
15. *NPPF Part 14 Meeting the Challenge of Climate Change, Flooding and Coastal Change* - The planning system should support the transition to a low carbon future in a changing climate, taking full account of flood risk and coastal change. It should help to: shape places in ways that contribute to radical reductions in greenhouse gas emissions, minimise vulnerability and improve resilience; encourage the reuse of existing resources, including the conversion of existing buildings; and support renewable and low carbon energy and associated infrastructure.
16. *NPPF Part 15 Conserving and Enhancing the Natural Environment* - Conserving and enhancing the natural environment. The Planning System should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes, geological conservation interests, recognising the wider benefits of ecosystems, minimising the impacts on biodiversity, preventing both new and existing development from contributing to or being put at unacceptable risk from pollution and land stability and remediating contaminated or other degraded land where appropriate.
17. *NPPF Part 16 - Conserving and Enhancing the Historic Environment* - Heritage assets range from sites and buildings of local historic value to those of the highest significance, such as World Heritage Sites which are internationally recognised to be of Outstanding Universal Value. These assets are an irreplaceable resource, and should be conserved in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of existing and future generations.

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

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

18. 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.

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

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

##### County Durham Plan

19. Policy 10 – (Development in the Countryside) states that development in the countryside will not be permitted unless allowed for by specific policies within the Plan or within an adopted neighbourhood plan relating to the application site or where the proposed development relates to the stated exceptions.

20. Policy 14 – (Best and Most Versatile Agricultural Land and Soil Resources) states that development of the best and most versatile agricultural land, will be permitted where it is demonstrated that the benefits of the development outweigh the harm, taking into account economic and other benefits. Development proposals relating to previously undeveloped land must demonstrate that soil resources will be managed and conserved in a viable condition and used sustainably in line with accepted best practice.
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) 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.
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 states that development will not be permitted unless the developer can demonstrate that the site is suitable for the proposed use, and does not result in unacceptable risks which would adversely impact on the environment, human health and the amenity of local communities and all investigations and risk assessments have been undertaken by an appropriately qualified person.
26. Policy 33 (Renewable and Low Carbon Energy) states that renewable and low carbon energy development in appropriate locations will be supported. In determining planning applications for such projects significant weight will be given to the achievement of wider social, environmental and economic benefits. Proposals should include details of associate developments including access roads, transmission lines, pylons and other ancillary buildings. Where relevant, planning applications will also need to include a satisfactory scheme to restore the site to a quality of at least its original condition once operations have ceased. Where necessary, this will be secured by bond, legal agreement or condition.

27. 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
28. Policy 40 Trees, Woodlands and Hedges states that proposals will be expected to retain existing trees where they can make a positive contribution to the locality or to the development, maintain adequate standoff distances between them and new land-uses, including root protection areas where necessary, to avoid future conflicts, and integrate them fully into the design having regard to their future management requirements and growth potential.
29. 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.

#### Neighbourhood Plan

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

*The above represents a summary of those policies considered most relevant in the Development Plan the full text, criteria, and justifications of each may be accessed at <http://www.cartoplus.co.uk/durham/text/00cont.htm>*

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## **CONSULTATION AND PUBLICITY RESPONSES**

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### **STATUTORY RESPONSES:**

31. Highways Authority - Raises no objection subject to conditions.
32. National Highways – Raise no objection subject to conditions.
33. Natural England – No objection
34. Hartlepool Borough Council – Note the absence of existing energy infrastructure to the north of the A179, and identify a strong preference to locate any further such development to the south of the A179, thereby clustering such installations in order to minimise impacts upon the areas rural landscape character.

### **INTERNAL CONSULTEE RESPONSES:**

35. Spatial Policy – Raise no objection to the application.
36. Environmental Health (Contamination) – No objection.
37. Environmental Health (Noise) – Raise no objection to the application subject to the inclusion of planning conditions requiring provision of noise mitigation measures, restriction on the sound power output levels of plant and machinery and details of all proposed lighting.

38. Ecology – Requested further information in relation to biodiversity net gain which the applicant has provided. Consequently, the Council's Ecology Section raises no objection to the application subject to condition requiring the submission and agreement of a Biodiversity Management Plan.
39. Archaeology – No objection subject to condition.
40. Landscape – Note that the proposed building could be considered agricultural in character and that other elements have the potential to cause some harm to the landscape.
41. Arborist – No objection but notes requirement for a Tree Protection Plan to be secured through planning condition.

**PUBLIC RESPONSES:**

42. The application has been advertised by means of site notice and by notifying neighbouring residents by letter. To date, no letters of objection have been received.

**APPLICANT'S STATEMENT:**

43. The proposed Elwick Stud Synchronous Condenser is being developed by Decerna Ltd, a developer of low carbon generation based in Blyth in response to a request from the National Grid. The project's role would be to provide stabilisation and support services to the electricity grid via an underground connection to the nearby Hartmoor substation. The proposed equipment effectively consists of a spinning motor synchronised with the grid which flattens out variations in the transmission frequency, keeping the power supply stable. In function it can be compared with the role of large pumps on the water network, which work to keep large volumes of water flowing at a steady rate.
44. This frequency support service has historically been provided by the generators at large fossil fuel powered thermal power stations but as these are replaced by a much larger number of dispersed low carbon renewable generators, alternative means of maintaining grid stability are required.
45. The proposed Synchronous Condenser is being proposed in response to a request from the National Grid for such support services in the eastern part of Durham including the Hartmoor Power Station, and the selected location is optimally located in relation to the point of connection and is also located in a well screened location, away from uninvolved residential properties and other sensitive receptors.
46. By providing an essential service to the National Grid in terms of frequency stabilisation, the proposal and other similar schemes significantly increase the ability of the grid to accommodate additional intermittent renewable generation and are therefore a key enabler of the further decarbonisation of the electricity network
47. The application has received no objections from members of the public or any statutory consultees.
48. The Synchronous Condenser would be housed within an agricultural shed, constructed and coloured to match the similar existing sheds to the north at Elwick Stud. It would be screened from the adjacent A179 by existing woodland and additional new native woodland and grassland habitat would be created to the north, east and west of the site to deliver both a net biodiversity gain and additional

screening. Consent is sought for a period of up to fifty years after which the site would be restored.

49. To finish, projects such as this are essential if we are going to move to a low carbon future as they will allow a much greater level of renewable generation to connect to the grid by providing the required system support to accommodate the varying levels of renewable generation. This is increasingly important as we move to electrify cars, other transport and domestic heating.

*The above is not intended to list every point made and represents a summary of the comments received on this application. The full written text is available for inspection on the application file which can be viewed at <https://publicaccess.durham.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=P8X9C0GDL&J00>*

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## **PLANNING CONSIDERATIONS AND ASSESSMENT**

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50. As identified in Section 38(6) of the Planning and Compulsory Purchase Act 2004 the key consideration in the determination of a planning application is the development plan. Applications should be determined in accordance with the development plan unless material considerations indicate otherwise.
51. The NPPF is a material planning consideration in this regard. The County Durham Plan is the statutory development plan and the starting point for determining applications as set out at Paragraph 12 of the NPPF. The NPPF advises at Paragraph 219 that the weight to be afforded to existing Local Plans depends upon the degree of consistency with the NPPF.
52. The County Durham Plan is now adopted and is considered to represent the up-to-date Local Plan for the area. The tilted balance in paragraph 11(d) of the Framework is not engaged. Consequently, consideration of the development should be led by the plan if the decision is to be defensible.
53. In this context, it is considered that the main planning issues in this instance are as detailed below:

### Principle of the Development

54. The key policy for the determination of this application is CDP Policy 33 relating to renewable and low carbon energy. This policy supports renewable and low carbon energy development in appropriate locations, including transmission lines. The policy advises that significant weight will be given to the achievement of wider social, environmental and economic benefits. The policy also advises that proposals should include details of associated developments including access roads, transmission lines, pylons and other ancillary buildings. Where relevant, planning applications will also need to include a satisfactory scheme to restore the site to a quality of at least its original condition once operations have ceased. Where necessary, this will be secured by bond, legal agreement or condition.
55. CDP Policy 10 states that development in the countryside will not be permitted unless allowed for by specific policies in the Plan, relevant policies within an adopted neighbourhood plan relating to the application site or where the proposal relates to one or more of a list of exceptions set out within the policy, which includes that it relates to essential infrastructure where the need can be demonstrated for that location. In this instance the proposal is supported by policy 33 and falls within one of the exceptions listed in that it relates to essential infrastructure, proven to be needed in the proposed location. The latter is discussed in more detail below.

56. Upon request the applicant has provided further information in relation to the need for this type of proposal in that the intention of the project is to ensure that by 2025, the National Grid will have transformed the operation of the electricity system such that it can be operated safely and securely at zero carbon, accommodating the ongoing retirement of fossil fuel generators.
57. The National Grid therefore require a solution to provide inertia at substations and in this instance the proposal would service a substation downstream of Hawthorn Pit. The Hartmoor Substation is suitable as land is available and the required access exists.
58. There is requirement for the proposed synchronous condenser to be within 2km of Hartmoor substation as longer cable lengths would make the site uneconomic due to increased costs and energy losses. Therefore, only potential sites within 1km of the substation are suitable. The development is therefore considered to accord with Policy 33 of the CDP in that represents a suitable location given the need to provide inertia at a nearby substation and would be for a temporary period. Whilst this would be of notable term, provision is included to reinstate the land upon the cessation of the use.
59. The site occupies an area of approximately 11,035ha comprising agricultural land classified within Class 3.1. The proposal is fully reversible and a temporary consent of up to 20 years is being sought at the end of which the site will be fully restored. During construction topsoil would be removed but it would be reused to create the low bunding on the northern site perimeter, retaining it on site for eventual restoration.
60. Subject to the benefits of the development outlined at Para 45 the proposal, on a temporary basis is considered to be an acceptable form of development in relation to Policy 14.
61. Several sites in the locality have been considered by the applicant, however, all of these apart from the proposed site have been discounted due to various issues, The principle of the proposal is therefore, considered acceptable in accordance with policies 10 & 33 of the CDP.

#### Impact on Residential Amenity

62. CDP Policies 6 and 31 seek to prevent development that would have an unacceptable impact upon the amenity of existing neighbouring residents and only allow development where adequate amenity for future occupiers is provided. Paragraph 119 of the NPPF requires planning decisions to ensure healthy living conditions and paragraph 124 emphasises the importance of securing healthy places. Paragraph 174 requires decisions to prevent new development from being put at unacceptable risk from, or being adversely affected by, unacceptable levels of pollution such as noise pollution. Paragraph 185 seeks to ensure that new development is appropriate for its location taking into account the likely effects of pollution on health and living conditions. In terms of noise, paragraph 185 advises that planning decisions should mitigate and reduce to a minimum potential adverse impacts resulting from noise from new development - and avoid noise giving rise to significant adverse impacts on health and the quality of life.
63. The Council's Environmental Health Section has assessed the development and all supporting information, which includes some indicative source noise levels/sound powers levels and proposed noise mitigation measures. In summary they conclude that the proposal is located a reasonable distance from noise sensitive receptors and

that whilst some noise/tonal noise may arise, any impact in this regard can be appropriately mitigated through planning conditions. These include provision of an acoustic wall/bunding to the northern boundary of the site, restriction on the rating noise emitted from fixed plant and machinery and the submission and agreement of details of all lighting. The applicant has agreed to the inclusion of planning conditions in this regard.

It is therefore considered, that subject to the inclusion of those conditions stated the proposal would not have an adverse impact upon residential amenity in terms of noise, including statutory nuisance in accordance with policy 31 of the County Durham Plan.

#### Highway and Pedestrian Safety

64. Policy 21 of the CDP requires that all development ensures that any vehicular traffic generated by new development can be safely accommodated and have regard to Parking and Accessibility Supplementary Planning Document
65. 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.
66. The Council's Highway Officers and Highways England have assessed the proposal and from a Highways perspective, this proposal would be acceptable. Once operational, trips associated with this development would be minimal and so have no impact on the local road network. The main traffic generation would be through the construction phase, but this could be controlled through a Construction Management Plan which can be secured by condition.
67. The proposal, therefore, is considered acceptable in respect of policy 21 of the CDP and part 9 of the NPPF.

#### Landscaping/Visual Impacts/Scale

68. Policy 39 of the County Durham Plan states proposals for new development will be permitted where they would not cause unacceptable harm to the character, quality or distinctiveness of the landscape, or to important features or views. Proposals would be expected to incorporate appropriate measures to mitigate adverse landscape and visual effects. Policy 26 outlines developments are expected to provide new green infrastructure and ensure provision for its long-term management and maintenance. Similar requirements are outlined in Policy 29.
69. Policy 40 seeks to avoid the loss of existing trees and hedgerows unless suitable replacement planting is provided. Parts 12 and 15 of the NPPF promotes good design and sets out that the planning system should contribute to and enhance the natural and local environment by (amongst other things) recognising the intrinsic character and beauty of the countryside and optimise the potential use of the site
70. The site does not lie in an area covered by any national or local landscape designations. The site is not covered by a Tree Preservation Order (TPO) and does not lie within in an area identified in the Local Plan as an Area of High Landscape Value (AHLV). Whilst open from some vantage points, the site is not visible from the A179 which sits to the south of the site given the existing landscaping which is in place.

71. Policy 29 (Sustainable Design) of the County Durham Plan 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.
72. Concern has been raised from Hartlepool Borough Council (HBC) with regards to the location of the proposal in that with the exception of Pylons, there is no existing energy infrastructure to the north of the A179 and as such it should be contained to the south. They also have concern that the development has the potential to have a cumulative and sequential impact upon visual amenity with existing and proposed energy infrastructure on the A179.
73. Given its location, the proposal would be partially visible from the slip road of the A19 upon exit towards Hartlepool in an area where traffic speeds would likely be lower affording longer views. However, the site is partially concealed by existing woodland and occupies a natural bowl in the landscape, partially enclosed by the surrounding low hills formed from glacial moraine when viewed from the south and along the A179. Landscaping is also proposed as part of the application.
74. The facility is predominantly proposed to be housed within an agricultural style building which is considered to be of an appropriate style and scale with some infrastructure and external works surrounding it, including the addition of fencing which is required for noise implications.
75. Whilst the concerns of HBC are noted, the proposal has been designed to appear as an agricultural style building which is typical of this area. As such, whilst it is acknowledged that there is likely to be some localised impact this could be mitigated through landscape planting and would not be so significant so as to sustain refusal of the application and would be outweighed by the wider benefits that the scheme would provide in terms of delivering renewable energy infrastructure. These benefits are considered in more detail elsewhere in this report.
76. It is acknowledged that, whilst some of the associated works would not be typical of an agricultural nature, these are not considered to be significant enough to have a detrimental impact on the area and appropriate landscaping is proposed as mitigation.
77. Concern was also raised from HBC in respect of the presence of energy infrastructure and the potential for a cumulative impact if other applications are proposed on this side of the A179 and the potential impact on views however, the current application is considered appropriate, and any future applications must be considered on their own individual merits.
78. Therefore, subject to conditions requiring the submission, agreement and implementation of both a detailed landscape plan and tree protection plan, the proposal would not have any unacceptable impact upon visual amenity sufficient to sustain refusal of the application in accordance with policy 39 and 40 of the County Durham Plan and parts 12 and 15 of the NPPF.

#### Contaminated Land

79. Paragraph 183 of the NPPF advises that planning decisions should ensure a site is suitable for its proposed use taking account of ground conditions and any risks

arising from land instability and contamination. In line with this, CDP Policy 32 states that development will not be permitted unless the developer can demonstrate that:

- a. any existing despoiled, degraded, derelict, contaminated or unstable land issues can be satisfactorily addressed by appropriate mitigation measures prior to the construction or occupation of the proposed development;
- b. the site is suitable for the proposed use, and does not result in unacceptable risks which would adversely impact on the environment, human health and the amenity of local communities; and
- c. all investigations and risk assessments have been undertaken by an appropriately qualified person.

80. Environmental Health Section (Contaminated Land) have commented that there is no requirement for contaminated land conditions however, an informative will be included detailing the steps required should unforeseen contamination be found during the construction phase of development.

81. Therefore, the proposal is considered acceptable in respect of policy 32 of the CDP.

### Ecology

82. Part 15 of the NPPF seeks to ensure that when determining planning applications, Local Planning Authorities seek to conserve and enhance biodiversity. Policy 41 of the CDP seeks to resist proposals for new development which would otherwise result in significant harm to biodiversity or geodiversity, which cannot be avoided, or appropriately mitigated, or, as a last resort, compensated for. Proposals for new development will be expected to minimise impacts on biodiversity by retaining and enhancing existing biodiversity assets and features and providing net gains for biodiversity including by establishing coherent ecological networks.

83. A Preliminary Ecological Assessment (PEA) by Taxus Ecology was submitted as part of the application and is considered sufficient to inform the application regarding habitats and species. This concluded that overall, habitats on site are of local ecological value, being easily recreated and replicated across the wider area. It proposes mitigation for the loss of semi-improved grassland pasture habitats through the creation of calcareous grassland within the site compound and woodland and scrub habitats within the field surrounding the synchronous condenser facility. It concludes that these habitats are likely to enhance the ecological value of the site despite the loss of initial habitats and as such no further surveys are required. Therefore, subject to a planning condition requiring the development to be carried out in accordance with the mitigation listed in Section 6 of the PEA the proposal is considered acceptable in respect of policy 41 of the CDP.

84. Further information has been provided in respect of Bio Diversity Net Gain which demonstrates that net gain could be achieved through the proposed landscaping scheme. A Biodiversity Management Plan will be conditioned to ensure this is delivered throughout the life of the development. The Council's Ecologist raises no objection to the application in this regard.

### Archaeology

85. Policy 44 of the CDP states in determining applications which would affect a known or suspected non-designated heritage asset with an archaeological interest, particular regard will be given to the following:

- i. ensuring that archaeological features are generally preserved in situ; and

j. in cases where the balanced judgement concludes preservation in situ should not be pursued, it will be a requirement that they are appropriately excavated and recorded with the results fully analysed and made publicly available.

86. Paragraph 194 of the NPPF states in determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance. As a minimum the relevant historic environment record should have been consulted and the heritage assets assessed using appropriate expertise where necessary. Where a site on which development is proposed includes, or has the potential to include, heritage assets with archaeological interest, local planning authorities should require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation.
87. The application is supported by a further information in relation to the methods of construction supported by detailed plans which confirm that the main building will require excavation to a depth of up to two metres, as will the foundations of the external transformers. The Archaeology Team have assessed the proposal and consider that due to the nature of the works a watching brief is required. This can be controlled via condition and therefore, it is proposed to add conditions in this respect.
88. The proposal, therefore, is considered acceptable in respect of archaeological requirements, subject to conditions, in accordance with paragraph 194 of the NPPF.

#### Benefits of the Scheme

89. The development would make a positive contribution towards grid stability at times of high demand, adding resilience to the Grid and increasing capacity for more renewable energy.
90. It would also make a notable contribution to the delivery of renewable energy and the decarbonisation of the electricity network, improving the efficiency of the Grid.
91. It would contribute to achieving the UK's goal of being Net Zero and make a positive contribution to reducing the UK's reliance upon gas powered electricity generation, improving the UK's energy security.

#### Public Sector Equality Duty

92. Section 149 of the Equality Act 2010 requires public authorities when exercising their functions to have due regard to the need to i) the need to 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.
93. In this instance, officers have assessed all relevant factors and do not consider that there are any equality impacts identified.

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## **CONCLUSION**

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94. The principle of the development is considered to be acceptable, and the proposal would accord with the aims of policies 10 and 33 of the County Durham Plan in this

regard, making a positive contribution to delivering renewable energy in what is considered to be an appropriate location.

95. The development is not considered to have any unacceptable impact in terms of visual amenity, residential amenity, parking, access and highway safety, contaminated land, ecology and archaeology, with any likely impact being appropriately mitigated through planning conditions. Whilst there would likely be some localised impact in terms of visual amenity this could be mitigated through proposed landscape planting and is not considered to be sufficient to sustain refusal of the application noting the benefits of the scheme.
96. The development is therefore considered to accord with policies 10, 14, 21, 26, 29, 31, 32, 33, 39, 40 and 41 of the County Durham Plan and Parts 4, 6, 8, 9, 11, 12, 14, 15 and 16 of the NPPF.

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## **RECOMMENDATION**

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

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

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

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

*Reason: To define the consent and ensure that a satisfactory form of development is obtained in accordance with Policy(ies) 10, 29, 31, 39 and 40 of the County Durham Plan and Parts 12 and 15 of the National Planning Policy Framework.*

3. Details of any external lighting shall be submitted to and approved in writing by the Local Planning Authority prior to the development hereby permitted being brought into use. The detail provided shall demonstrate adherence to the ILP guidance notes for the reduction of intrusive light. The external lighting shall be erected, maintained and retained in accordance with the approved details thereafter.

*Reason: In order to minimise light spillage and glare, in accordance with Policy 31 of the County Durham Plan and Local Plan and Part 15 of the National Planning Policy Framework.*

4. The rating level of noise emitted from fixed plant/machinery on the site shall not exceed the background (LA90) by more than 5dB LAeq (1 hour) between 07.00-23.00 and 0dB LAeq (15 mins) between 23.00-07.00. The measurement and assessment shall be made according to BS 4142: 2014+A1: 2019. On written request by the planning authority the operator shall, within 28 days, produce a report to demonstrate adherence with the above rating level.

*Reason: In the interest of the amenity of existing and future occupants in accordance with Policy 31 of the County Durham Plan and Part 15 of the National Planning Policy Framework.*

5. Prior to the commencement of the development, an acoustic wall/bunding shall be provided to the northern boundary to the site in accordance with details which shall first be submitted to and approved in writing by the Local Planning Authority. This acoustic wall/bunding must have no cracks or gaps, be continuous to the ground and have a density >10kg/m<sup>2</sup> such as a double lapped timber fence, brick wall, earth bund, acoustic material, or a combination of these. The approved acoustic wall/bunding shall be retained for as long as the development is in existence.

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

6. No development shall commence until a written scheme of investigation setting out a phased programme of archaeological work in accordance with 'Standards For All Archaeological Work In County Durham And Darlington' has been submitted to and approved in writing by the Local Planning Authority. The programme of archaeological work will then be carried out in accordance with the approved scheme of works.

*Reason: To safeguard any Archaeological Interest in the site, and to comply with Policy 44 of the County Durham Plan and Part 16 of the National Planning Policy Framework. Required to be a pre-commencement condition as the archaeological investigation/mitigation must be devised prior to the development being implemented.*

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

*Reason: To comply with Policy 44 of the County Durham Plan and Part 16 of the National Planning Policy Framework, which requires the developer to record and advance understanding of the significance of heritage assets, and to ensure information gathered becomes publicly accessible.*

8. The proposal shall be carried out in strict accordance section 6 (Mitigation and Enhancements) of the Preliminary Ecological Assessment by Taxus Ecology.

*Reason: In the interests of protected species in accordance with policy 43 of the County Durham Plan and part 15 of the NPPF.*

9. No development shall commence until a biodiversity Management Plan has been submitted to and approved in writing by the Local Planning Authority. The Biodiversity Management Plan shall outline how the site will be managed throughout the life of the development and Management and maintenance of the site shall be undertaken wholly in accordance with the approved details.

*Reason: To ensure Biodiversity Net Gain in accordance with policy 41 of the County Durham Plan and part 15 of the NPPF*

10. Notwithstanding the submitted information, prior to the first occupation of the development hereby approved, a detailed landscaping scheme shall be submitted to and approved in writing by the Local Planning Authority. The landscape scheme shall include the following:

Any trees, hedges and shrubs scheduled for retention, including method of protection.

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

Details of planting procedures and/or specification.

Finished topsoil levels and depths.

Details of temporary topsoil and subsoil storage provision.

The timeframe for implementation of the landscaping scheme.

The establishment maintenance regime, including the replacement of vegetation which die, fail to flourish within a period of 5 years from planting.

A plan showing the public/structural landscaping and private/in-curtilage landscaping.

Full details of the management, maintenance and accessibility of all areas of open space in perpetuity.

The approved landscaping scheme shall thereafter be undertaken in accordance with the approved details and timeframes.

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

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

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

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

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

Replacements will be subject to the same conditions.

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

12. No development shall commence until details of a tree protection plan have been submitted to and approved in writing by the Local Planning authority. No construction work shall then take place, nor any site cabins, materials or machinery be brought on site until all trees and hedges, indicated on the approved tree protection plan as to be retained, are protected by the erection of fencing, placed as indicated on the plan and comprising 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.*

13. No development shall commence until a Construction Traffic Management Plan (CTMP) for the development has been submitted to and approved in writing by the Local Planning Authority and National Highways. The CTMP shall include:

- Identification of the routes to site for general construction traffic and the associated workforce, and details of the number and type of vehicle movements anticipated on these routes during the construction period;
- A detailed protocol for the delivery of any abnormal loads, prepared in consultation and agreement with interested parties, including National Highways, the Local Highway Authority and the Police;
- Proposed traffic management measures on the routes to site for construction traffic. Measures such as temporary speed limits, suitable temporary signage, road markings and the use of speed activated signs should be considered;
- Proposed measures to mitigate the impact of general construction traffic on the routes to site following detailed assessment of the relevant roads;

- A procedure for the regular monitoring of road conditions and the implementation of any remedial works required during the construction period;
- Measures to ensure that all affected public roads are kept free of mud and debris arising from the development, and that effective wheel/vehicle cleansing is undertaken;
- Measures to ensure a mechanism for identifying and mitigating any potential cumulative highway impacts, should the construction of the project coincide with the construction of any other major projects in the area;
- Measures to ensure that all construction traffic to the site follows an approved route to avoid any impacts on the minor road network;
- Details of how the required parking spaces within the site will be provided during the construction phase.

The development shall be implemented in accordance with the approved Construction Management Plan (CTMP) for the development.”

*Reason: To ensure that the A19 continues to serve its purpose as part of a national system of routes for through traffic in accordance with Section 10 (2) of the Highways Act 1980, in the interests of road safety in accordance with policy 21 of the County Durham Plan and part 9 of the NPPF.*

14. This permission is granted for a temporary period of 20 years from first commissioning of the development. Within 12 months of the expiration of this period, the site shall be restored to its former use and condition, in accordance with a scheme which shall first have been submitted to and approved in writing by the local planning authority.

*Reason: The development is only considered suitable for a temporary period in accordance with Policy 10 and 14 of the County Durham Plan and Part 12 of the National Planning Policy Framework.*

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## **STATEMENT OF PROACTIVE ENGAGEMENT**

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

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## **BACKGROUND PAPERS**

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



# COMMITTEE REPORT

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## APPLICATION DETAILS

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<b>APPLICATION NO:</b>	<b>DM/22/01022/FPA</b>
<b>FULL APPLICATION DESCRIPTION:</b>	<b>New build development of 6 new dwelling houses in the form of 2 terraces of 3 units including 3no. 3 bed units and 3 no. 2 bed units</b>
<b>NAME OF APPLICANT:</b>	<b>Mr Gerard Salvin</b>
<b>ADDRESS:</b>	<b>Land south east of 18 Foster Terrace, Croxdale, DH6 5HP</b>
<b>ELECTORAL DIVISION:</b>	<b>Coxhoe</b>
<b>CASE OFFICER:</b>	<b>Jennifer Jennings Senior Planning Officer 03000 261059 <a href="mailto:jennifer.jennings@durham.gov.uk">jennifer.jennings@durham.gov.uk</a></b>

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## DESCRIPTION OF THE SITE AND PROPOSALS

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### The Site

1. The application site consists of a narrow parcel of land on the southern edge of the settlement of Croxdale, located adjacent to the A167 road. It is located to the south of No. 18 Foster Terrace and lies just beyond the side garden of this property. At present, the land is used by the resident of 18 Foster Terrace as an informal allotment and as such it hosts a number of temporary garden buildings and a small chicken run. The land is relatively flat and is bounded by mature hedgerow on its south, east and western edges.
2. To the east and south of the application site lies open countryside, with fields laid to crops. This land is also designated as an Area of Higher Landscape Value by the County Durham Plan and bounds the eastern edge of the settlement of Croxdale, the application site and the A167. To the west lies an established business / industrial area, comprising a car sales garage, workshop units and an office block. North of the site lies the main body of the settlement of Croxdale, including a long line of stone fronted terraced properties that present principal elevations to the A167, which is the main vehicular route running through the village and one of the principal routes into the city from the south.
3. There are no designated or non-designated heritage assets within close proximity of the development site.

### The Proposal

4. The application seeks full planning permission for the erection of 6 dwellings, comprising 2 short terraces, each containing three dwellings with a parking court positioned between the two blocks. The dwellings would be two storey and consist of three, 3-bed

dwelling and three, 2-bed dwellings, each with private amenity space to the front and rear. Materials are proposed to be random stone walling with second hand Welsh slates and stone heads and cills. Front boundary treatments would consist of a low brick wall, with railings atop, with hedgerow retained where possible and replacement hedgerow planted. Rear boundaries would consist of 1.8 metres high timber fencing, with rear hedgerow adjacent to the field retained.

5. The application has been called to the committee by the two local ward members for the area, who consider the highway safety impacts to be such that they should be considered by the committee.

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## **PLANNING HISTORY**

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6. There is no planning history relating to the application site.

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## **PLANNING POLICY**

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### **NATIONAL POLICY**

7. A revised National Planning Policy Framework (NPPF) was published in July 2021 (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.
8. In accordance with Paragraph 219 of the National Planning Policy Framework, existing policies should not be considered out-of-date simply because they were adopted or made prior to the publication of this Framework. Due weight should be given to them, according to their degree of consistency with the Framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given). The relevance of this issue is discussed, where appropriate, in the assessment section of the report. The following elements of the NPPF are considered relevant to this proposal.
9. *NPPF Part 2 - Achieving Sustainable Development.* The purpose of the planning system is to contribute to the achievement of sustainable development and therefore at the heart of the NPPF is a presumption in favour of sustainable development. It defines the role of planning in achieving sustainable development under three overarching objectives - economic, social and environmental, which are interdependent and need to be pursued in mutually supportive ways. The application of the presumption in favour of sustainable development for plan-making and decision-taking is outlined.
10. *NPPF Part 4 - Decision-making.* Local planning authorities should approach decisions on proposed development in a positive and creative way. They should use the full range of planning tools available, including brownfield registers and permission in principle, and work proactively with applicants to secure developments that will improve the economic, social and environmental conditions of the area. Decision-makers at every level should seek to approve applications for sustainable development where possible.
11. *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.

12. *NPPF Part 6 - Building a Strong, Competitive Economy.* The Government is committed to ensuring the planning system does everything it can to support sustainable economic growth. Planning should operate to encourage and not act as an impediment to sustainable growth. Therefore, significant weight should be placed on the need to support economic growth through the planning system.
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 pollution and land stability and remediating contaminated or other degraded land where appropriate.
19. *NPPF Part 16 - Conserving and Enhancing the Historic Environment* - Heritage assets range from sites and buildings of local historic value to those of the highest significance, such as World Heritage Sites which are internationally recognised to be of Outstanding Universal Value. These assets are an irreplaceable resource and should be conserved in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of existing and future generations.

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

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

## **LOCAL PLAN POLICY:**

### The County Durham Plan

21. *Policy 6 – Development on Unallocated Sites.* Supports 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.
22. *Policy 10 - Development in the Countryside.* States that development will not be permitted unless allowed for by specific policies in the Plan or Neighbourhood Plan or unless it relates to exceptions for development necessary to support economic development, infrastructure development or development of existing buildings. The policy further sets out 9 General Design Principles for all development in the Countryside.
23. *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.
24. *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.
25. *Policy 21 - Delivering Sustainable Transport.* Requires all development to deliver sustainable transport by: delivering, accommodating and facilitating investment in sustainable modes of transport; providing appropriate, well designed, permeable and direct routes for all modes of transport; ensuring that any vehicular traffic generated by new development can be safely accommodated; creating new or improvements to existing routes and assessing potential increase in risk resulting from new development

in vicinity of level crossings. Development should have regard to Parking and Accessibility Supplementary Planning Document.

26. *Policy 25 - Developer Contributions.* Advises that any mitigation necessary to make the development acceptable in planning terms will be secured through appropriate planning conditions or planning obligations. Planning conditions will be imposed where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects. Planning obligations must be directly related to the development and fairly and reasonably related in scale and kind to the development.
27. *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.
28. *Policy 27 – Utilities, Telecommunications and Other Broadband Infrastructure.* States amongst its advice that new residential and commercial development should be served by a high speed broadband connection or appropriate infrastructure for future installation if direct connection is not appropriate, practical or economically viable.
29. *Policy 29 – Sustainable Design.* Requires all development proposals to achieve well designed buildings and places having regard to SPD advice and sets out detailed criteria which sets out that where relevant development is required to meet including; making a positive contribution to an areas character and identity; provide adaptable buildings; minimise greenhouse gas emissions and use of non renewable resources; providing high standards of amenity and privacy; contributing to healthy neighbourhoods; providing suitable landscape proposals; provide convenient access for all users; adhere to the Nationally Described Space Standards.
30. *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.
31. *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.
32. *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.

33. *Policy 36 - Water Infrastructure.* Advocates a hierarchy of drainage options for the disposal of foul water. Applications involving the use of non-mains methods of drainage will not be permitted in areas where public sewerage exists. New sewage and waste water infrastructure will be approved unless the adverse impacts outweigh the benefits of the infrastructure. Proposals seeking to mitigate flooding in appropriate locations will be permitted though flood defence infrastructure will only be permitted where it is demonstrated as being the most sustainable response to the flood threat.
34. *Policy 39 – Landscape.* 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.
35. *Policy 40 - Trees, Woodlands and Hedges.* 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.
36. *Policy 41 - Biodiversity and Geodiversity.* Restricts development that would result in significant harm to biodiversity or geodiversity and cannot be mitigated or compensated. The retention and enhancement of existing biodiversity assets and features is required as are biodiversity net gains. Proposals must protect geological features, have regard to Geodiversity Action Plans and the Durham Geodiversity Audit and where appropriate promote public access, appreciation and interpretation of geodiversity.
37. *Policy 43 - Protected Species and Nationally and Locally Protected Sites.* Development proposals that would adversely impact upon nationally protected sites will only be permitted where the benefits clearly outweigh the impacts whilst adverse impacts upon locally designated sites will only be permitted where the benefits outweigh the adverse impacts. Appropriate mitigation or, as a last resort, compensation must be provided where adverse impacts are expected. In relation to protected species and their habitats, all development likely to have an adverse impact on the species' abilities to survive and maintain their distribution will not be permitted unless appropriate mitigation is provided or the proposal meets licensing criteria in relation to European protected species.
38. *Policy 44 Historic Environment* seeks to ensure that developments should contribute positively to the built and historic environment and seek opportunities to enhance and, where appropriate, better reveal the significance and understanding of heritage assets. The policy advises on when harm or total loss of the significance of heritage assets can be accepted and the circumstances/levels of public benefit which must apply in those instances.
39. *Policy 56 Safeguarding Mineral Resources.* Sets out that planning permission will not be granted for non-mineral development that would lead to the sterilisation of mineral resources within a Mineral Safeguarding Area unless certain exception criteria apply.

## NEIGHBOURHOOD PLAN:

40. There is no adopted Neighbourhood Plan in force in this area

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## CONSULTATION AND PUBLICITY RESPONSES

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### STATUTORY RESPONSES:

41. *Croxdale and Hett Parish Council* – Objects to the application. They raise concern over the loss of allotment land, noting that there is a waiting list for Parish owned allotments. Queries are raised over what the rules and regulations are in relation to private allotments. Further concerns are raised with regards to road safety as at present the A167 through the village is a busy fast road. Also concerned over parking of large haulage deliveries at the garage obstructing the road, impacting on new residents in terms of access. Issues raised with regards access for bin trucks.
42. *Highway Authority* – Raise no objection. They advise that parking is in accordance with DCC standards, with sufficient manoeuvring space for reversing within the parking court. Consideration was given to bin truck collection, in particular noting that this would take place along A167. However, it is not considered sufficient to warrant refusal of the application given this occurs once a week. Further details on highway safety issues discussed within the report.

### INTERNAL CONSULTEE RESPONSES:

43. *Spatial Policy* – Advise that the site should be assessed against Policies 6 and 10 of the County Durham Plan. They further comment that for the proposal to be acceptable the impacts in terms of landscape, townscape and integration with the settlement pattern and form and existing properties surrounding the site would need to be with acceptable parameters. They note requirements in relation to Affordable Housing in the form of a financial contribution. There is no requirement at the present time for a contribution towards green infrastructure.
44. *Landscape Officer* - Defers to the trees officers comments regarding retention of existing hedgerow and mitigation tree planting and advises that full details of all hard and soft landscape should be secured by planning condition.
45. *Trees Officer* – Note that the site is framed to its eastern and western sides by mixed hedgerow and that there are no significant trees on site. As such none of the existing specimens are subject to Tree Preservation Order and nor is the site protected by a designation as a Conservation Area. The submitted Arboricultural Impact Assessment is considered comprehensive and acceptable. The proposals have identified loss to a significant portion of the hedgerow to the west of the site, for car park access, as well as the majority of the hedgerow to the east. In line with Policy 40, it is recommended that, should the application be approved, as much as possible of the existing hedgerow should be retained and appropriately protected during any construction phase.
46. *Affordable Housing* – in line with policy 15, the proposals relate to a site for 6 dwellings within a designated rural area and as such a financial contribution to be used for the off-site provision of affordable housing should be secured via Section 106 agreement.
47. *Archaeology* – Archaeological works would need to be undertaken in the form of Strip Map and record project. These works can be secured by means of pre commencement conditions.

48. *Ecology* – No objections raised. Officers consider the supplied ecological reports are sufficient to inform this proposal and no further surveys are required. The BNG report confirms a loss on site however proposed habitat enhancement on land the applicant owns would achieve +11.27% net gain in habitats and +18.13% net gain in hedgerows. The planting and management of the net gain site is detailed in a Biodiversity Management Plan and this should be conditioned if the application is approved. The BMP includes for reporting to DCC in years 2,5,10,20 and 30 following habitat creation.
49. *Environment, Health and Consumer Protection (Pollution Control)* – The submitted noise assessment was considered. Noise issues would occur however conditions should be attached in relation to noise mitigation measures, as well as submission of a construction management plan and limits to construction hours.
50. *Environment, Health and Consumer Protection (Contaminated Land)* – Advise the phase 1 report is acceptable but a condition will be required for further reports.

#### **EXTERNAL CONSULTEE RESPONSES:**

51. *Police Architectural Liaison Officer* – Some design principles recommended as part of the scheme. Details forwarded to the applicant for consideration.

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

52. City of Durham Trust comments that proposals amount to ribbon development contrary to policy 6 and 10 of the CDP. They note the previous settlement boundary as part of the Durham City Plan. They also raise concerns over highway safety over access directly onto the A167 which would interrupt traffic flow on this primary route. Access point also close to the section of road that changes from 40 to 60 mph. They request application is refused.

#### **PUBLIC RESPONSES:**

53. The application has been advertised by way of a site notice and individual notification letters to neighbouring residents.
54. The two Cllrs for the electoral ward have raised concern over highway safety. In particular access by refuse vehicles and bin collection, as well as visibility issues with large trucks loading and unloading on the opposite side of the road at the existing car garage.
55. 10 letters have been received, 7 of which objected to the scheme. The main concerns raised by the objectors are be summarised as follows:
  - Accidents have taken place along this stretch of road.
  - Concerns with regards timing of traffic survey during lockdown and at a time when road works were taking place. Not representative of speeds in the area.
  - Concerns over difficulty of accessing A167 due to traffic, speeds and deliveries at car garage.
  - Concerns that this route is main emergency access between hospitals at Durham and Darlington.
  - Traffic speeds are problematic
  - Difficult to get out onto the A167 with speed of traffic
  - How are bins to be collected safely.
  - Note that car transporters deliver vehicles daily but do not enter the garage premises, but rather park on the road side and cause obstruction.

- Businesses have a regular stream of cars accessing the site, turning right into it and creating a traffic hazard.
- Noise report not considered accurate and undertaken at the time of lockdown.
- Object to replacement hedgerow adjacent to a railway as well as loss of hedgerow within the area impacting on biodiversity
- Refuse collection off the A167 would cause high risk of an accident, and also may result in bins blowing onto the road
- Concerns that construction phase will impact on residents through noise and disruption
- Queries how correct the Transport statement is and does not feel it is representative.
- Further comments noting errors in the documentation. Also notes that there are very limited amenities in the area.
- Proposed new dwellings along a busy A class road will likely lead to a fatality

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

*<https://publicaccess.durham.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=QU6BIIGD0BK00>*

## **APPLICANTS STATEMENT:**

56. The design utilises an area of disused land at the bottom of Foster Terrace, which is an existing terrace street using a consistent palette of local materials. The design has been arrived at by close consultation with Durham County Council following a pre-application and subsequent discussions with the LPA to ensure a high standard of street scene and a mix of 2 and 3 bed properties to assist in providing the housing needs of the area.

Parking provision has been provided with a singular access and in combination with a full traffic study, which has assessed the visibility, speed, and safety issues of the A167 and deemed the proposal acceptable.

Ecological and environmental issues have also been reviewed and addressed as part of the ongoing development with the LPA as well as providing an improvement over current energy use standard and ensuring building for life compliance.

The dwellings are to be constructed from a high-quality palette of materials in keeping with the local vernacular including, random stone walling, slate roof covering, stone heads and cills and cast-iron rainwater goods. In summary the development will provide an enhancement to the local area and through the planning process design quality, safety and policy standards have all been addressed.

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## **PLANNING CONSIDERATIONS AND ASSESSMENT**

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57. Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The NPPF is a material planning consideration. The County Durham Plan (CDP) forms the statutory development plan and the starting point for determining applications as set out in the Planning Act and reinforced at Paragraph 12 of the NPPF. The CDP was adopted in October 2020 and provides the policy framework for the County up until 2035. The tilted balance in paragraph 11(d) of the framework is not engaged.
58. Having regard to the requirements of Section 38(6) of the Planning and Compulsory Purchase Act 2004 the relevant Development Plan policies, relevant guidance and all other material planning considerations, including representations received, it is considered that the main planning issues in this instance relate to the principle of the development, impact on the character and appearance of the area, landscape and

trees/hedgerow, impact on residential amenity, highway safety and access, ecology, developer contributions and other issues.

## The Principle of the Development

59. The site is considered to be a windfall proposal. Policies 6 (Development on Unallocated Sites) and 10 (Development in the Countryside) of the County Durham Plan are both considered relevant in determination of the application.
60. Policy 10 states that development in the countryside will not be permitted unless allowed for by specific policies in the Plan including policy 6 which states that new development on unallocated sites will only be supported where they are either (i) within the built-up area; or (ii) outside the built-up area (except where a settlement boundary has been defined in a neighbourhood plan) but well-related to a settlement, and provided the proposal accords with all relevant development plan policies. To clarify the policy, para. 4.110 of the CDP states that when assessing whether a site is well-related, the physical and visual relationship of the site to the existing built-up area of the settlement will be a key consideration.
61. Foster Terrace first appears on historical maps in 1923 with No. 18 representing the settlement edge at this time. The proposals would result in a southwards extension beyond this historical settlement boundary immediately to the east of the A167. Although such an incursion beyond the boundary could be construed as encroachment into the countryside, for which there would be no support under policy 10, the proposals are noted as extending no further south than the business units on the opposing side of the A167. In addition, the line of the proposed dwellings would appear as a logical extension of the existing linear terrace that forms Foster Terrace. It is further noted that the AHLV designation surrounds the site but falls short of including it. As such, it is considered that the proposals in this case can be considered to be well related to the existing settlement both in physical and visual terms, and as such can be considered against the requirements of policy 6 of the CDP.
62. Policy 6 requires that development on unallocated sites must also meet the following criteria:

a) Development should be compatible with, and not prejudicial to, any existing, allocated or permitted use of adjacent land;

Residential use of this site would be compatible with surrounding uses, particularly the established residential uses to the north and north west. There are no concerns that the proposed dwellings would be prejudicial to adjacent agricultural uses or the commercial businesses on the opposing side of the A167, given that there is an established relationship between these and existing residential uses already within close proximity. The additional dwellings are unlikely to have any impact on the existing commercial uses. This element is considered in more detail elsewhere in this report.

b) Development does not contribute to coalescence with neighbouring settlement, would not result in ribbon development, or inappropriate backland development;

There is no concern that the proposals would contribute to coalescence with the neighbouring settlement given the significant distances involved. Whilst the development of the site could, to some extent be perceived as ribbon development, and the City of Durham Trust's comments are noted in this regard, it is not considered that the effects of this would be harmful in this case. The application site is a well contained parcel of land with a clear end point adjacent to a field entrance, that also coincides with the defined edge of settlement on the opposing side of the A167 where the commercial

units are presently located. As such, the extent of development provides a logical addition to the existing settlement whilst also providing a clear and defensible development limit, such that further encroachment south beyond this point would be considered an incursion into countryside and contrary to policy. In addition, the proposal would not be backland development.

c) Development does not result in the loss of open land that has recreational, ecological or heritage value, or contributes to the character of the locality which cannot be adequately mitigate or compensated for.

The application site does not fall within any designations for landscape quality or ecology value and is not within a conservation area, nor does it have any heritage value. Furthermore, the site is not open land and is currently rented out privately for allotment use by the current owner. Further discussion on the impact of the proposals on the character of the area is detailed elsewhere in this report.

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

The development is considered to be acceptable in this regard with more detailed consideration in this regard contained elsewhere in this report.

e) Development will not be prejudicial to highway safety or have a severe residual cumulative impact on network capacity;

The development is considered to be acceptable in this regard with more detailed consideration contained elsewhere in this report.

f) Development has good access by sustainable modes of transport to relevant services and facilities and reflects the size of the settlement and the level of service provision within that settlement.

Croxdale is a relatively small settlement with limited facilities comprising some local shops, pubs and a community centre, as well as the adjacent employment site. The nearest primary school is within Tudhoe, approximately 1.2 km away. However, the settlement is well served by bus routes being on the main thoroughfare connecting Durham City / Newcastle to the north and Spennymoor and Darlington to the south and as such benefits from regular services. On this basis the proposals are considered to have good access to sustainable modes of transport to nearby settlements to provide for required facilities. It is not considered that future occupiers at the dwellings would be solely reliant on private vehicles as a consequence. In addition, the quantum of development is reflective of the size of the settlement and level of services therein.

g) Development does not result in the loss of a settlement's or neighbourhood's valued facilities or services unless it has been demonstrated that they are no longer viable;

The development would not result in the loss of any facilities or services. Although the site is used as an allotment by the adjacent resident at no. 18, the site is not a designated allotment site and the current arrangement is a private arrangement which can be terminated at the behest of the land owner. As such there is no conflict with this criteria of the policy.

h. Development minimises vulnerability and provides resilience to impacts arising from climate change, including but not limited to, flooding;

There are no existing issues with flooding at the site and the proposals would not be expected to create likely issues in this regard.

- i. where relevant, development makes as much use as possible of previously developed (brownfield) land; and
- j. where appropriate, it reflects priorities for urban regeneration.

The development would be located on a greenfield site and whilst this does not represent previously developed land the policy does not provide a moratorium against development upon any greenfield site and as such any refusal based on the fact that the site does not relate to previously development land could not be sustained noting that the development is acceptable in all other respects.

63. On the basis of the above assessment, it is considered that the proposal would accord with the criteria set out in policy 6 and is therefore deemed acceptable in principle, subject to further considerations below.

#### Impact on the Character and Appearance of the Area

64. Policy 6c) requires that development should not result in the loss of open land that has recreational, ecological or heritage value, or contributes to the character of the locality which cannot be adequately mitigated or compensated for; whilst d. requires that it is appropriate in terms of scale, design, layout, and location to the character, function, form and setting of, the settlement. 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.
65. The settlement is noted for its strong regular linear pattern of two storey terraces fronting the main road. The existing terraces are simple in design and there is a noticeable use of local stone which creates a strong character and sense of place. The quantum of development at 6 dwellings, would be considered to be of a scale commensurate with the role and function at this part of the village. The impacts of the development on the townscape qualities would be considered positive, being reflective of the adjacent traditional stone terraced buildings, through design, scale and materials, with the layout on site continuing the strong linear frontage along the road.
66. Boundary treatments would consist of low stone wall with railings atop to the front with rear back gardens bounded by timber fences and existing hedgerow beyond. The development would be truncated by a parking courtyard, largely hardsurfaced with some planting included. Conditions would be applied for precise details of the various materials and hardsurfacing proposed.
67. In consideration of the above, the proposals are considered to accord with relevant parts of policy 6 and 29 of the CDP.

#### Landscape and Trees / Hedgerows

68. Policy 39 of the County Durham Plan states proposals for new development will be permitted where they would not cause unacceptable harm to the character, quality or distinctiveness of the landscape, or to important features or views. Proposals would be expected to incorporate appropriate measures to mitigate adverse landscape and visual effects. Development affecting AHLV will only be permitted where it conserves, and where appropriate enhances, the special qualities of the landscape, unless the benefits of development in that location clearly outweigh the harm.

69. 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.
70. The site lies adjacent to an Area of High Landscape Value, but not within the designation. It is surrounded on the east, south and west side by well established hedgerow, with a small break to the south to provide a gate access. The north boundary has open access to the private side garden area of property no. 18 Foster Terrace.
71. The AHLV is afforded strong protection within policy 39 of the CDP. Assessing the boundary of the AHLV in this area, it is noted that it tightly surrounds the settlement edge of Croxdale, including the boundary edges of the application site. As such the character of the AHLV at this part is characterised by a clear delineation between urban and rural. The erection of 6 dwellings in this location would not interrupt, but rather continue this relationship between the two distinct characters present at this point. With the AHLV bounding the southern point of the application site, it clearly demarcates an edge of settlement point.
72. The proposed development of the site would clearly result in loss of some boundary planting, particularly along the frontage. Concern was raised during the course of the application with regards the extent of hedgerow removal, particularly along the east boundary, abutting the AHLV. Amendments were sought to retain this line of hedgerow, noting that the species of planting could be cut back quite hard, without undue damage that could also regenerate within a season. An updated site layout plan has now been submitted indicating the retention of the eastern hedgerow.
73. Retaining the same hedgerow to the frontage has proved more problematic given the plant species along this edge as well as the drop in levels from the highway down to the application site. It is accepted that this line of planting would be lost to the development. However, it is proposed to include replacement planting behind the proposed stone wall and railing to compensate for this. Whilst this form of planting may take time to establish, it would nevertheless break up and soften, to a degree, the hard edge of development at this point. That said, it is noted that some of the terraces which run to the north of the site directly front the highway, whilst others have the benefit of a small front garden areas. The proposed frontage to the 6 dwellings is considered to be in keeping with the character and form of the existing terraces to the north.
74. Whilst the proposals would clearly extend built development south of the existing edge of the settlement, the proposed dwellings would be in keeping and reflective of the townscape qualities. Further to this, the proposals would maintain a similar relationship with the adjacent open countryside beyond, and with existing hedge retained to the east, it is not considered that it would cause unacceptable harm, in accordance with requirements set out in policies 39 and 40 of the CDP. A condition will be applied for protective fencing to be erected as well as a detailed landscape plan.

#### Impacts on Residential Amenity

75. Policies 29 and 31 of the CDP outline that development should provide high standards of amenity and privacy, minimise the impact of development upon the occupants of existing adjacent and nearby properties and not lead to unacceptable levels of pollution. A Residential Amenity Standards Supplementary Planning Document (SPD) has been adopted by the Council.

76. The nearest resident to the proposed development would be occupiers of the end terrace at No. 18 Foster Terrace. This dwelling has the benefit of a sizeable side garden separating it from the proposed development. The distance from the two-storey side gable of No. 18 to the boundary of the application site is 18 metres, with the nearest proposed dwelling (containing a gable end with single window serving a bathroom) a distance of 19.1 metres away. A condition would be applied to ensure this window is obscure glazed. Property no. 18 has two windows to the side of the property at first floor level, but the distances to the nearest proposed dwelling are in excess of requirements set out in the SPD. The conservatory to the side of no 18 at ground floor level is also sufficiently distant from the proposed development and would not experience undue harm from overlooking or overshadowing as a result of the proposal.
77. In terms of amenities of future occupiers, from assessing the layout and internal room sizes of the dwellings, they are considered to fully accord with the requirements set out in the National Design Space Standards. There are also requirements within policy 15 in terms of meeting the needs of older people, where sites of 5 or more units should provide 66% of dwellings to meet Building Regulation M4(2) standards. A condition will be applied to secure this.
78. In terms of external garden space, the SPD sets out that rear gardens should be usable, attractively laid out and conveniently located in relation to the property it serves. It should be of an appropriate size having regard to the size of the dwelling and character of the area. Whilst the SPD further states that the length of gardens will be dictated by minimum distancing standards it states that they should be no less than 9 metres unless site specific circumstances allow for a reduction in size.
79. In this case, the gardens for all properties would fall short of the 9 metres put forward in the SPD. Plots 1 and 2 to the north of the site would have gardens measuring over 8 metres in length, whilst plots 3-6 would measure between 5.3 to 6.2 metres in length. As plots 4-6 are wider, they would have reasonable garden widths ranging from just under 7 metres to 8.6 metres. Overall, although short of the SPD requirements, the garden sizes are considered reasonable, providing usable space, and with open countryside beyond, there would be no concerns with regards overlooking. In addition, the existing terraces further north have small courtyard spaces to the rear, and in this way the proposals in terms of layout reflect existing development in the area.
80. The Council's Environmental Health Section has commented noting the details contained within the noise impact assessment, which took into account noise from the adjacent A167 and commercial premises across from the development site. Whilst no issues were noted as part of the assessment in relation to the established commercial uses, noise associated with the A167 road was noted. Environmental Health section however were satisfied that the measures provided within the noise impact assessment would suitably mitigate noise impact from road traffic and requested that a planning condition be applied to ensure that sound attenuation in compliance with the noise assessment be carried out in full prior to occupation of the dwellings.
81. Concern was raised by nearby residents with regards the impact of noise from construction works taking place. Environmental Health concurred noting that clearance and construction works during the development phase could cause nuisance, by way of noise and dust, to existing nearby residents at Forster Terrace and Wayside. As such a condition for a Construction Management Plan has been sought along with a condition limiting hours of works.
82. Subject to the conditions noted above, the proposals are considered to appropriately accord with policies relating to protection of amenities for neighbouring and future occupiers in line with policies 29 and 31 of the CDP and Part 12 of the NPPF.

## Highways Safety and Access

83. Policy 6 requires that development will not be prejudicial to highway safety or have a severe residual cumulative impact on network capacity. Policy 21 states that development should: c) ensure that any vehicular traffic generated by new development, following the implementation of sustainable transport measures, can be safely accommodated on the local and strategic highway network and does not cause an unacceptable increase in congestion or air pollution and that severe congestion can be overcome by appropriate transport improvements. In relation to parking the policy states that car parking at residential development should ensure that a sufficient level is provided for both occupants and visitors, to minimise potential harm to amenity from footway parking. NPPF sets out at Paragraph 110 that safe and suitable access should be achieved for all people. 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.
84. The proposals would see the provision of 6 No. dwellings at the edge of the settlement served by a central off street parking courtyard. Access to the parking area would be taken from the A167 and it is noted that a 40mph limit applies at this point, becoming derestricted some 25 metres further to the south.
85. Significant objection has been raised from nearby residents and the City of Durham Trust with regards to the impact of the proposal upon highway safety along this stretch of road. Reference is made to the high volumes of traffic using this route, as well as vehicle speeds in excess of the 40mph speed restriction. Concern is also raised with regards to the potential for conflict with large trucks delivering vehicles to the car sales garage on the opposing side of the A167, as well as unacceptable access provision for bin collection.
86. Highways section assessed the details of the proposals, noting the comments received from adjacent residents. They have provided the following comments in response.
87. In relation to the concern that the additional dwellings would create highway safety risks through seeking to access the busy road from a new junction, the Highway Authority deem that the quantity of additional traffic, (even taking a higher trip rate), would only result in 4 extra vehicle movements in the peak hour, and so the impact on the highway network would be minimal.
88. In terms of road safety, the site falls within a 40mph limit, but is positioned close to where the limit transitions down from a 60mph. Speed surveys held by Durham County Council, together with a speed survey submitted by the applicant, show that the 85th percentile speed past the site is slightly higher than the 40mph limit (42mph northbound and 45mph southbound). However, the proposed access would allow for a visibility splay and stopping site distances that would be suitable for these speeds.
89. Some objectors refer to multiple accidents having taken place in the vicinity of the site. However, the Council's accident records show just one accident close to the site in 2019, which was caused by driver error with a driver performing a U-turn in the carriageway. Another accident is recorded in 2018 at the entrance to the roundabout where there was a rear end shunt, again caused by driver error. Therefore, there is no evidence to suggest that there is any accident problem on the highways adjacent to the site. Given the number of dwellings proposed, the impact of this development on the road network would be deemed minimal. The proposed access has been designed to meet technical standards, and it is not considered that it would cause any issues with

road safety. The Highway Authority also points out that applicant is only required to consider accidents which have occurred within the past 3 years.

90. Parking is provided in accordance with DCC standards, with 11 spaces provided for the 6 dwellings. The required 6 metres reverse distance is provided to allow vehicles to enter and exit the spaces easily.
91. Refuse collection would have to take place from the A167. While this is not ideal, given that it occurs once a week for a very short period of time, it is not considered to be a reason for refusal. The applicant has demonstrated that the required visibility and stopping site distance can be achieved so that if the refuse vehicle were stopped on the A167 to collect the refuse, drivers have the visibility to see this and adjust accordingly.
92. Based on the above assessment, the extent of development proposed would not be expected to create significant impacts on the highway network and suitable and safe access to the site can be achieved with appropriate levels of parking provided. The NPPF states that development should only be refused on highways grounds where there would be an unacceptable impact on highway safety, or the residual cumulative impact would be severe. In this case, it is considered that the proposals would not be considered to have an unacceptable impact and a refusal on highways grounds would not be warranted. Overall, although the concerns are noted, the highways impacts of the development are considered to be acceptable and in accordance with policies 6 and 21 of the CDP and Part 9 of the NPPF.

## Ecology

93. Part 15 of the NPPF requires that when determining planning applications, Local Planning Authorities seek to conserve and enhance biodiversity. CDP Policy 41 seeks to ensure new development minimizes impacts on biodiversity by retaining and enhancing existing diversity assets and features. Proposals for new development should not be supported where it would result in significant harm to biodiversity or geodiversity. Policies 29 and 40 of the CDP similarly seek to protect and create opportunities for wildlife.
94. The application was submitted with ecological reports alongside a Biodiversity Net Gain (BNG) assessment. Ecology assessed the details of the scheme and noted that there would be a confirmed loss of BNG credits, amounting to loss of habitat space through development of the site. However, the assessment goes on to propose a habitat enhancement on land within the ownership of the applicant in order to achieve +11.27% net gain in habitats, and +18.13% net gain in hedgerows. The planting and management of the net gain is detailed in a Biodiversity Management and Monitoring Plan submitted with the application and includes a mechanism for reporting to DCC in years 2, 5, 10, 20 and 30 following habitat creation in order to allow suitable monitoring and opportunities for remedial actions to ensure agreed habitats are achieved. Ecology section raise no objections to the proposals but request that this report is conditioned.

## Developer Contributions

95. Policy 25 of the CDP supports securing developer contributions where mitigation is necessary to make the development acceptable in planning terms including for social infrastructure such as affordable housing and open space needs, education and health facilities. Policy 15 relating to Addressing Housing Need states that affordable housing will be sought on sites of 10 or more units. It further states that in designated rural areas, schemes of between 6 and 9 units will provide a financial contribution towards the delivery of affordable housing.

96. As this scheme is for 6 units a contribution is required. The contributions are calculated based on the number, type and size of units to be delivered and their value and would need to be secured via a s106 agreement. The required contributions are under discussion and will be confirmed by the Housing Delivery Team, and finalised as part of the s106 agreement. The applicant has confirmed their agreement to this.
97. At this time there are no requirements for contributions towards open space in line with policy 26.

#### Other issues

98. Policy 44 of the CDP sets out development will be expected to sustain the significance of designated and non-designated heritage assets, including any contribution made by their setting. Development proposals should contribute positively to the built and historic environment and should seek opportunities to enhance and, where appropriate, better reveal the significance and understanding of heritage assets whilst improving access where appropriate.
99. The Archaeology Section commented that the site is within an area of high archaeological potential, due to cropmarks to the east of the site being interpreted as relating to possible prehistoric enclosures. A previous evaluation to the north found a number of post holes which were possible of prehistoric date. On this basis conditions are required to be applied seeking 'Strip, Map and Record' to be carried out, with details submitted to the Council for our consideration.
100. Policy 32 of the CDP 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.
101. Contamination land section assessed the details of the proposals and confirmed that full pre commencement conditions would be required to be applied to any approval granted, seeking detailed reports on contamination and remediation, with a verification report submitted post development.
102. The Police Architectural Liaison Officer provided comments on secure by design measures that could be introduced to the new build to improve safety in line with policy 29 of the CDP and Part 12 of the NPPF. The recommendations were provided to the applicant who made some amendments to boundary treatments to take account of measures suggested, including addition of trellis to tops of fences to allow surveillance across the parking area.
103. The application site is not located within a flood risk area. The size of the application is below the threshold for the Lead Local Flood Authority (LLFA) to comment. Building Regulation Approved Document Part H deals with Drainage and Waste disposal which includes a Hierarchy of Preference that requires surface water be discharged to a soakaway or infiltration system, or where it is not reasonably practicable, to a watercourse (either open or closed); or where it is not reasonably practicable to a Sewer.
104. Paragraph 05 of the NPPG in relation to the use of planning conditions states that "Conditions requiring compliance with other regulatory regimes will not meet the test of necessity and may not be relevant to planning. Use of informatives to remind the applicant to obtain further planning approvals and other consents may be more appropriate" Therefore, as the drainage will be controlled by the relevant Building

Regulations it is considered that the proposal would be acceptable in terms of drainage, and that the proposal is therefore compliant with Policy 35 and 36 of the CDP.

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## CONCLUSION

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105. 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).
106. The proposals have been assessed against relevant policies and are considered to accord with appropriate criteria and requirements, is acceptable in principle and would not have any unacceptable impact upon residential amenity, the character and appearance of the surrounding area, residential amenity, highway safety, ecology and contaminated land in accordance with policies 6, 21, 29, 31, 32, 35, 36, 40, 41 and 44 of the County Durham Plan and Parts 5, 6, 9, 12, 14, 15 and 16 of the NPPF.
107. Whilst the proposal has generated some public interest, the objections and concerns raised have been taken into account and addressed within the report. On balance the concerns raised were not felt to be of sufficient weight to justify refusal of this application. On balance, it is considered that proposals are acceptable and the application is recommended for approval.

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## RECOMMENDATION

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That the application be **APPROVED** subject to the completion of a S106 Legal Agreement to secure the following:

- A financial contribution towards securing provision of off-site affordable housing.

And subject to the following conditions:

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

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

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

*Reason: To define the consent and ensure that a satisfactory form of development is obtained in accordance with Policies 29 of the County Durham Plan and Parts 12 and 15 of the National Planning Policy Framework.*

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

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

4. Prior to the commencement of any part of the development or any works of demolition, a Construction Management Plan shall be submitted to and approved in writing by the local planning authority. The Construction Management Plan shall be prepared by a competent person and shall consider the potential environmental impacts (noise, vibration, dust, & light) that the development may have upon any nearby sensitive receptors and shall detail mitigation proposed, as a minimum this should include, but not necessarily be restricted to, the following:

- o A Dust Action Plan including measures to control the emission of dust and dirt during construction taking into account relevant guidance such as the Institute of Air Quality Management "Guidance on the assessment of dust from demolition and construction" February 2014.
- o Details of methods and means of noise reduction
- o Where construction involves penetrative piling, details of methods for piling of foundations including measures to suppress any associated noise and vibration.
- o Details of measures to prevent mud and other such material migrating onto the highway from construction vehicles;
- o Designation, layout and design of construction access and egress points;
- o Details for the provision of directional signage (on and off site);
- o Details of contractors' compounds, materials storage and other storage arrangements, including cranes and plant, equipment and related temporary infrastructure;
- o Details of provision for all site operatives for the loading and unloading of plant, machinery and materials
- o Details of provision for all site operatives, including visitors and construction vehicles for parking and turning within the site during the construction period;
- o Routing agreements for construction traffic.
- o Details of the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
- o Waste audit and scheme for waste minimisation and recycling/disposing of waste resulting from demolition and construction works.
- o Detail of measures for liaison with the local community and procedures to deal with any complaints received.

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

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

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

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

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

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

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

7. No development shall commence until a written scheme of investigation setting out a programme of archaeological work in accordance with 'Standards for All Archaeological Work in County Durham and Darlington' has been submitted to and approved in writing by the Local Planning Authority. The programme of archaeological work will then be carried out in accordance with the approved scheme of works.

Reason: To safeguard any Archaeological Interest in the site, and to comply with part 16 of the National Planning Policy Framework. Required to be a pre-commencement condition as the archaeological investigation/mitigation must be devised prior to the development being implemented.

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

Reason: To comply with Paragraph 205 of the NPPF, which requires the developer to record and advance understanding of the significance of heritage assets, and to ensure information gathered becomes publicly accessible.

9. The development shall not be occupied until the biodiversity enhancement works set out in the Biodiversity Management and Monitoring Plan (E3 Ecology Ltd, April 2022) received 28 April 2022 have been carried out and shall thereafter be retained.

Reason: In the interests of ensuring no protected species are adversely affected by the development and habitats are retained and improved in accordance with Policies 41 and 43 of the County Durham Plan and Part 15 of the National Planning Policy Framework.

10. No development shall take place beyond the damp proof course membrane until verification identifying which dwellings will be built to Buildings Regulations M4(2) standard,

from a suitably competent person, has been submitted to and approved in writing by the Local Planning Authority. The development shall then be implemented fully in accordance with the approved details.

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

11. Prior to the beneficial occupation of the development all sound attenuation measures detailed in the noise assessment produced by Apex Acoustics Ltd reference 9618.1 dated 7 February 2022 and published 6 April 2022 shall be fully implemented and permanently retained thereafter.

Reason: In the interest of the amenity of existing and future occupants in accordance with Policy 31 of the County Durham Plan and Part 15 of the National Planning Policy Framework.

12. In undertaking the development that is hereby approved:

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

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

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

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

Reason: 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.

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## **STATEMENT OF PROACTIVE ENGAGEMENT**

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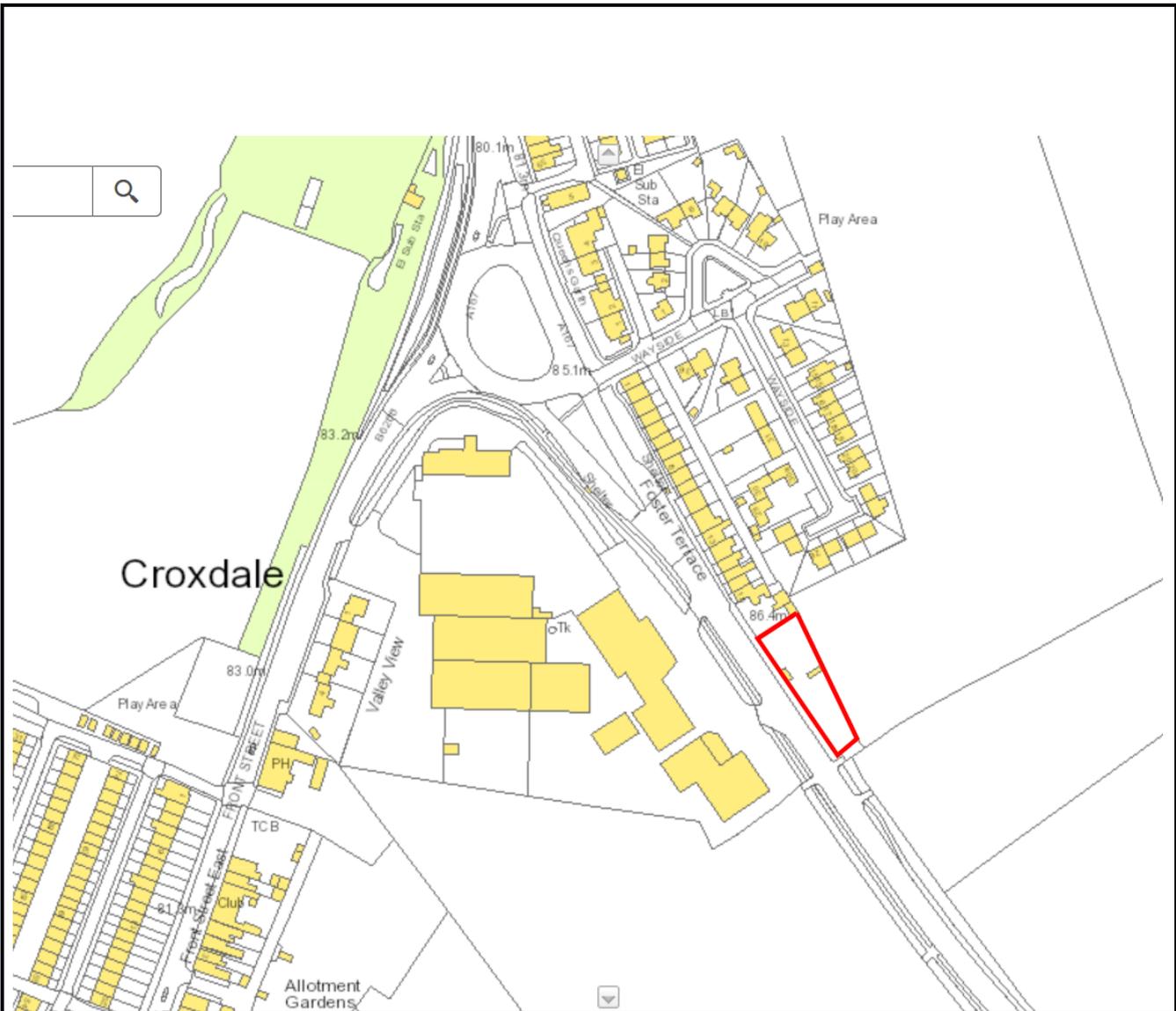
In accordance with Article 35(2) of the Town and Country Planning (Development Management Procedure) (England) Order 2015, the Local Planning Authority has, without prejudice to a fair and objective assessment of the proposals, issues raised and representations received, sought to work with the applicant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

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## **BACKGROUND PAPERS**

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- Submitted application form, plans supporting documents and subsequent information provided by the applicant.
- The National Planning Policy Framework (2021)
- National Planning Practice Guidance notes.
- County Durham Plan 2020
- Statutory, internal and public consultation response
- Residential Amenity Standards SPD (2020)
- County Durham Building for Life SPD (2019)
- County Durham Parking and Accessibility Standards 2019



**Planning Services**

Proposed New build development of 6 new dwelling houses in the form of 2 terraces of 3 units including 3 no 3 bed units and 3 no 2 bed units  
 Land South East of 18 Foster Terrace, Croxdale, DH6 5HP.  
 Ref: DM/22/01022/FPA

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**Comments**

**Date** 13 September 2022

**Scale** Not to Scale