



Area Planning Committee (Central and East)

Date Tuesday 8 November 2022
Time 9.30 am
Venue Council Chamber, County Hall, Durham

Business

Part A

1. Apologies for Absence
2. Substitute Members
3. Minutes of the meeting held on 11 October 2022 (Pages 3 - 10)
4. Declarations of Interest, if any
5. Applications to be determined by the Area Planning Committee (Central and East)
 - a) DM/21/03672/FPA - Land to the East of Sea View Walk, Murton, SR7 9LT (Pages 11 - 42)
Construction of 49 no. affordable dwellings (amended title).
 - b) DM/21/02447/FPA - 50 Hawthorn Terrace, Durham, DH1 4EQ (Pages 43 - 56)
Erection of an extension to the rear of the property and internal reconfiguration of lower ground floor and ground floor of existing HMO (C4 Use Class).
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
31 October 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

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 11 October 2022** at **9.30 am**

Present:

Councillor D Freeman (Chair)

Members of the Committee:

Councillors A Bell, L Brown, S Deinali, J Elmer, M McGaun (substitute for J Quinn), D McKenna, R Manchester, K Robson, K Shaw and A Surtees

Also Present:

Councillors R Crute and R Ormerod

1 Apologies for Absence

Apologies for absence were received from Councillors LA Holmes, I Cochrane, J Cosslett, C Kay and J Quinn.

2 Substitute Members

Councillor M McGaun substituted for Councillor J Quinn.

3 Minutes

Subject to the inclusion of reference to the Committee observing a minute silence as a mark of respect for Her Majesty, Queen Elizabeth II, the minutes of the meeting held on 13 September 2022 were confirmed as a correct record by the Committee and signed by the Chair.

4 Declarations of Interest

Councillor S Deinali noted in respect of Item 5a, she was a Local Member and a Member of the Monk Hesleden Parish Council, however, she was not a member of their Planning Committee and had not had any input in respect of application.

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

5a DM/22/01526 - Land to the North of 22, Coronation Avenue, Blackhall Colliery, TS27 4HR

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 application was a revised and resubmitted application, having been deferred by the Committee at its meeting 8 March 2022, for the erection of 5 No. 2.5 storey dwellings with associated hard and soft landscaping, boundary treatments and car parking and was recommended for approval, subject to conditions.

The Principal Planning Officer explained that additional information had been received in relation to ecological mitigation, with Officers now satisfied in relation to the protected habitat.

Councillor A Surtees entered the meeting at 9.39am

The Principal Planning Officer noted that, further to the report, Officers would ask that additional conditions relating to M4(2) accessibility, broadband and carbon reduction measures be included should the application be approved.

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

Councillor R Crute thanked the Chair and Committee, adding that he had spoken at the meeting in March where he had given a background to the application. He added that he remained fully in support of the application, with the site being in a sustainable location and the proposals being to bring a barren site back into use. He added there were no objections from residents, and he was very pleased that Planners and the applicant had worked to resolve a seemingly intractable position in relation to the protected habitat. He reiterated that he endorsed the proposals and the positive recommendation for approval by Officers.

The Chair thanked Councillor R Crute and asked the Committee for their comments and questions.

Councillor L Brown noted there was no condition referring to sustainability and asked whether it would be worded as per paragraph 124 of the report. She also asked as regards the proposed condition relating to broadband.

The Principal Planning Officer noted the condition was as per paragraph 124 and that the broadband condition would be the standard condition used.

Councillor J Elmer noted he was pleased that the applicant had taken the opportunity to work with Planners to come back with a scheme that Members, including himself, would not wish to oppose. He asked what could be done should the proposed mitigation in relation to the impact on the protected habitat prove to be unsuccessful, and how that would be monitored. The Principal Planning Officer noted that the current requirement would be for the developer to monitor, adding it would not be something that would be included within a s106 Agreement. He added that the Council's Ecologist felt the mitigation proposed would be successful and therefore the recommendation was for approval.

Councillor J Elmer moved that the application be approved, subject to the additional conditions referred to by the Principal Planning Officer. Councillor M McGaun noted that the revised proposals represented a great example of how planning can work, with an application having the issues successfully ironed out, and added the Committee had heard from the Local Member in support of the application and therefore he would support the application.

Councillor A Bell echoed the comments from Councillor M McGaun and seconded the motion for approval, subject to the additional conditions as referred to by the Principal Planning Officer.

Upon a vote being taken it was:

RESOLVED

That the application be **APPROVED**, subject to the conditions and s106 Agreement as set out within the report and additional conditions relating to M4(2) accessibility, broadband and carbon reduction measures.

5b 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 a revised scheme, having been deferred by the Committee at its meeting 12 July 2022, for the construction of roof balcony and installation of first floor balcony and French doors to rear and was recommended for refusal.

The Planning Officer explained that the revised scheme now omitted the previously proposed bay window, and the proposed roof terrace was now within the rear roof slope.

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 noted that the Committee had deferred the application at its meeting in July. He explained that he felt there had been substantial alteration made to the application and as the proposed roof terrace was at the rear, he felt that the proposals were now acceptable. He added that there was still an impasse, with Officers recommending refusal, however, he felt it was time for the Committee to approve the application and move the matter forward. He added that it was very telling that there had been no objections from any of the residents of Highgate, no objections from the City of Durham Parish Council and no objections from the City of Durham Trust.

Councillor R Ormerod explained that the properties at Highgate were not built as student accommodation and added that there had been a large number of the properties converted to homes in multiple occupation (HMOs). He added that if one wanted families to stay in the city then they should be supported in the alterations they required for their homes, in order to maintain balanced communities within the city. He concluded by noting he felt the application should be approved.

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

Mrs E Grimes reminded Members that the Committee had deferred the application and asked for a revised scheme to come forward. She explained that the works were to modernise their home for their growing family and to provide some much needed outside space. She added that, in relation to the rear balcony and attic conversion, they had been left with the feeling that Officers were satisfied, however, the report still recommended refusal. Mrs E Grimes explained that the City of Durham Trust had noted that they felt the proposals would enhance the Conservation Area (CA), and she gave examples of several areas in the city centre where such balconies were present. In reference to the attic space, there had been consultation with Council Officers and the position was moved as not to impact upon the World Heritage Site (WHS) and Framwellgate Peth. She added that the visual impact had been also checked from Wharton Park and the train station and it was only possible to see the proposed works from the back street, therefore not impacting on the CA or WHS. Mrs E Grimes noted that directly opposite Highgate, the newly constructed student properties and other riverside developments had balconies and roof terraces.

She noted that this seemed to give the message that such balconies and terraces were fine for large scale developers, however, not acceptable for small residential developments. She added that the pandemic had proven over the last two years the importance of access to outdoor space for mental wellbeing and added that parking regulations had resulted in the removal of the outside space that had existed for her property. She thanked Members for their time and asked that they would approve the application.

The Chair thanked Mrs E Grimes and asked the Committee for their comments and questions.

Councillor J Elmer noted he recalled the application when it had been previously considered by the Committee and noted that Members had deferred the application so that the applicant and Officer could look to bring the proposals in line with what would be acceptable. He added that it seemed clear that the applicant had made such alterations and frustratingly the recommendation was still for refusal. He noted that the balcony would only impact upon the rear of the property and explained he had walked to the rear of the property to look, and he felt it would not impact other than on the rear of the property. He noted his frustration in terms of the pressure on a household application that he felt was absolutely in line with policy, and noted he felt the pressure should be on large developers. He explained he was delighted with the changes that had been made to the original proposals and he felt that the revised scheme did not impact upon the WHS and CA. He noted he would be the first to object if he felt a scheme did impact negatively, however, in this case he would propose that that application be approved, contrary to the Officers' recommendation.

Councillor A Bell explained that he had not been a member of the Committee when the application had been considered in July, however, as noted by Councillor J Elmer, it appeared to him that the applicant had looked again at their proposals and moved the roof terrace to the rear of the property. He added that Conservation Officer had admitted within the report that there was no impact on the street scene and therefore he was puzzled why that the recommendation was for refusal. He noted that the application was finely balanced, and he would listen to comments from Members prior to making judgement.

Councillor K Robson noted he was at the meeting where the original application had been considered and he felt that the applicant had gone the extra mile to alter their application and therefore he would second Councillor J Elmer's motion for approval.

The Principal Planning Officer noted that the recommendation for refusal followed from the advice from Design and Conservation that the application still represented harm when applying policy, especially Policy H2 of the Durham City Neighbourhood Plan (DCNP) which noted proposals must enhance or improve the CA.

The Chair noted he felt that any impact on the CA would be negligible and that one would really struggle to find any impact. He noted that balconies within the CA were not unique and therefore the application would not be setting a precedent in that respect. He added that there were no objections from neighbours and therefore he would be minded to support the application.

The Legal Officer, Laura Ackermann noted that should Members be minded to approve there would be the requirement in terms of an appropriate suite of conditions and asked if the Members proposing approval would agree to delegate those conditions to Officers. Councillor J Elmer and K Robson agreed.

Upon a vote being taken it was:

RESOLVED

That the application be **APPROVED**, with delegated authority to Officers in relation to an appropriate suite of conditions.

5c DM/22/00367/FPA - Land North and East of Burnigill Cottages, Burnigill, Meadowfield, DH6 5JJ

The Senior Planning Officer, Jennifer Jennings, 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 ground stabilisation works to support the East Coast Main Line comprising sheet and bored piling; drainage improvement; new headwalls to the River Browney; landscaping and new vehicular accesses from the B6300 and was recommended for approval, subject to conditions. The Senior Planning Officer referred to an area within the 'limits of deviation' and noted that works within that area did not require planning permission.

She explained that the application represented works requiring planning permission that were proposed outside of the limits of deviation and added that the proposals were within an Area of High Landscape Value (AHLV), the Sunderland Bridge Conservation Area, and abutted the Burn Hall Conservation Area and Grade II Listed Park and Garden of Special Historic Interest. The Senior Planning Officer noted a typographical error in the report relating to the funding of the scheme, with the amount to read £15 million.

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

Councillor A Bell noted that the proposals represented much needed works and that they had been fully supported by the Council's Officers. He noted no objections from the public and therefore proposed the application be approved as per the report. Councillor L Brown noted that the application had an impact upon her Electoral Division, which neighboured the site, due to the disruption to traffic. She seconded the proposal for approval and noted she would wish that the works were completed as quickly as possible.

Councillor J Elmer noted he was very pleased in relation to the ecological improvements that were included within the scheme, enhancing the area, and that the additional planting would thicken the habitat band along the banks of the River Browney. He noted the applicant was doing the right thing and agreed that it was important to have the works completed as soon as possible to minimise the traffic chaos and therefore he would support the recommendation for approval.

Upon a vote being taken it was:

RESOLVED

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

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COMMITTEE REPORT

APPLICATION DETAILS

APPLICATION NO:	DM/21/03672/FPA
FULL APPLICATION DESCRIPTION:	Construction of 49 no. affordable dwellings (amended title)
NAME OF APPLICANT:	Mr Spawton, Partner Construction
ADDRESS:	Land to the east of Sea View Walk, Murton, SR7 9LT
ELECTORAL DIVISION:	Murton
CASE OFFICER:	Jennifer Jennings Senior Planning Officer 03000 261059 jennifer.jennings@durham.gov.uk

DESCRIPTION OF THE SITE AND PROPOSALS

The Site

1. The application site is presently an agricultural field located adjacent to the north east edge of the settlement of Murton. Sea View Walk abuts the western edge of the site and is a residential street with a line of 17 properties on its western side, with open front garden spaces fronting onto the road and overlooking the application site beyond this. North of the site there is a community woodland area which is also a designated Area of Higher Landscape Value, with some groupings of trees protected under Tree Preservation Order (TPO). The land east of the red line application boundary continues in the same agricultural use as the application site and stretches as far as the embankment for the A19 trunk road. To the south lies an open amenity grassed area, with an east-west public right of way (PROW) just south of this that leads to a footbridge over the A19. Further south of the PROW is a large open grassed space with sporadic tree planting, followed by a large allotment site, consisting of a wide array of shed buildings and garden plots. Two private dwellings exist at the eastern edge of the allotments.
2. There is a significant drop in site levels of some 10 metres from the south west corner towards the eastern edge of the site. The fall in levels, however, is far steeper towards the north east and east of the site, with the western part of the site consisting of a more gentle slope. A line of mature trees runs along the western edge adjacent to Sea View Walk on a grassed strip of land with no paved footway. A new 1.5 metres high timber fence has recently been erected to the rear of the trees, separating them from the field. The remainder of the boundaries at the site remain open.
3. Properties in the area largely consist of red brick and tile two storey semi detached dwellings, with front and rear garden spaces. The nearest bus stop to the site entrance is approximately 300 metres to the west, with the nearest primary school 900 metres to the west. Murton's main shopping street, Woods Terrace, is located approximately 830 metres away.

4. There are no designated or non-designated heritage assets within close proximity of the development site. The site is located 3.5 km from the Durham Heritage Coastline, which also contains internationally designated sites for nature conservation.

The Proposal

5. The application seeks full planning permission for the erection of 49 affordable dwellings, including open space provision to the east of the site, incorporating a SUDS basin and landscaping. A new highways access to the site would be taken from Sea View Walk.
6. The development would consist of 14 bungalows, largely located to the west of the site, with the remainder of the properties 2 storeys in height with nine 2-bed, twenty 3-bed and six 4-bed properties, finished in red brick and grey roof tile. Parking bays would exist to the front and side of each property with additional visitor parking provided throughout the site. Each property would have a rear garden space with allocated bin storage.
7. The SUDS area to the east of the site would incorporate additional tree planting along with an informal mowed pathway to connect with the PROW to the south east. A field access would be retained to the north east. An additional gravelled path would exist to the north west of the site and provide access to the northern edge of Sea View Walk, as well as the informal paths within the community woodland. Further tree planting is to be provided within the proposed residential area of the development site.
8. The application has been brought to the Planning Committee for consideration in accordance with the Council's Scheme of Delegation due to being a major development.

PLANNING HISTORY

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

PLANNING POLICY

NATIONAL POLICY

10. 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.
11. 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.

12. *NPPF Part 2 - Achieving Sustainable Development.* The purpose of the planning system is to contribute to the achievement of sustainable development and therefore at the heart of the NPPF is a presumption in favour of sustainable development. It defines the role of planning in achieving sustainable development under three overarching objectives - economic, social and environmental, which are interdependent and need to be pursued in mutually supportive ways. The application of the presumption in favour of sustainable development for plan-making and decision-taking is outlined.
13. *NPPF Part 4 - Decision-making.* Local planning authorities should approach decisions on proposed development in a positive and creative way. They should use the full range of planning tools available, including brownfield registers and permission in principle, and work proactively with applicants to secure developments that will improve the economic, social and environmental conditions of the area. Decision-makers at every level should seek to approve applications for sustainable development where possible.
14. *NPPF Part 5 - Delivering a Sufficient Supply of Homes.* To support the Government's objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed, that the needs of groups with specific housing requirements are addressed and that land with permission is developed without unnecessary delay.
15. *NPPF Part 6 - Building a Strong, Competitive Economy.* The Government is committed to 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.
16. *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.
17. *NPPF Part 9 – Promoting sustainable transport.* Encouragement should be given to solutions which support reductions in greenhouse gas emissions and reduce congestion. Developments that generate significant movement should be located where the need to travel will be minimised and the use of sustainable transport modes maximised.
18. *NPPF Part 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.
19. *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.
20. *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.

21. *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.

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

22. 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

23. *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.
24. *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.
25. *Policy 15 - Addressing Housing Need*. Establishes the requirements for developments to provide on-site affordable housing, the circumstances when off-site affordable housing would be acceptable, the tenure mix of affordable housing, the requirements of developments to meet the needs of older people and people with disabilities and the circumstances in which the specialist housing will be supported.

26. *Policy 19 - Type and Mix of Housing.* Advises that on new housing developments the council will seek to secure an appropriate mix of dwelling types and sizes, taking account of existing imbalances in the housing stock, site characteristics, viability, economic and market considerations and the opportunity to facilitate self build or custom build schemes.
27. *Policy 21 - Delivering Sustainable Transport.* Requires all development to deliver sustainable transport by: delivering, accommodating and facilitating investment in sustainable modes of transport; providing appropriate, well designed, permeable and direct routes for all modes of transport; ensuring that any vehicular traffic generated by new development can be safely accommodated; creating new or improvements to existing routes and assessing potential increase in risk resulting from new development in vicinity of level crossings. Development should have regard to Parking and Accessibility Supplementary Planning Document.
28. *Policy 25 - Developer Contributions.* Advises that any mitigation necessary to make the development acceptable in planning terms will be secured through appropriate planning conditions or planning obligations. Planning conditions will be imposed where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects. Planning obligations must be directly related to the development and fairly and reasonably related in scale and kind to the development.
29. *Policy 26 – Green Infrastructure.* States that development will be expected to maintain and protect, and where appropriate improve, the County’s green infrastructure network. Advice is provided on the circumstances in which existing green infrastructure may be lost to development, the requirements of new provision within development proposals and advice in regard to public rights of way.
30. *Policy 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.
31. *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.
32. *Policy 31 - Amenity and Pollution.* Sets out that development will be permitted where it can be demonstrated that there will be no unacceptable impact, either individually or cumulatively, on health, living or working conditions or the natural environment and that they can be integrated effectively with any existing business and community facilities. Development will not be permitted where inappropriate odours, noise, vibration and other sources of pollution cannot be suitably mitigated against, as well as where light pollution is not suitably minimised. Permission will not be granted for sensitive land uses near to potentially polluting development. Similarly, potentially polluting development will not be permitted near sensitive uses unless the effects can be mitigated.
33. *Policy 32 - Despoiled, Degraded, Derelict, Contaminated and Unstable Land.* Requires that where development involves such land, any necessary mitigation measures to

make the site safe for local communities and the environment are undertaken prior to the construction or occupation of the proposed development and that all necessary assessments are undertaken by a suitably qualified person.

34. *Policy 35 - Water Management.* Requires all development proposals to consider the effect of the proposed development on flood risk, both on-site and off-site, commensurate with the scale and impact of the development and taking into account the predicted impacts of climate change for the lifetime of the proposal. All new development must ensure there is no net increase in surface water runoff for the lifetime of the development. Amongst its advice, the policy advocates the use of SUDS and aims to protect the quality of water.
35. *Policy 36 - Water Infrastructure.* Advocates a hierarchy of drainage options for the disposal of foul water. Applications involving the use of non-mains methods of drainage will not be permitted in areas where public sewerage exists. New sewage and 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.
36. *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.
37. *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.
38. *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.
39. *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.
40. *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.

41. *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:

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

CONSULTATION AND PUBLICITY RESPONSES

STATUTORY RESPONSES:

43. *Highway Authority* – Raises no objection. Conditions are requested in relation to the estate roads and construction management plan.
44. *Local Lead Flood Authority* - Awaiting further calculations of surface water runoff across the site.

INTERNAL CONSULTEE RESPONSES:

45. *Affordable Housing* – in line with policy 15, the proposals relate to a site for 49 dwellings and further details on tenure type proposed, with details on demand for affordable housing types to be provided to ensure appropriate provision of affordable housing is secured via Section 106 agreement.
46. *Archaeology* – Following results received in relation to the geophysical survey, further archaeological works would need to be undertaken in the form of trial trenching. These works can be secured by means of pre commencement conditions.
47. *Design and Conservation* – Advice provided during Design Review process with amendments submitted. Details relating to simple house design and corner turners within the development as well as boundary treatments considered acceptable. No objections.
48. *Ecology* – No objections raised. The Biodiversity Net Gain (BNG) report confirms a net gain of 4.26 habitat units. A Biodiversity Management and Monitoring Plan (BMMP) has been submitted ensuring delivery of the BNG units. The installation of bat and breeding bird units as species enhancement under the NPPF have also been indicated on a plan. Conditions will need to be applied for details on precise units as well as adherence to the BMMP. Payments towards HRA nature conservation sites are also required to be secured through a Section 106 agreement.
49. *Environment, Health and Consumer Protection (Air Quality)* – Further details to be secured by means of condition for a detailed Construction Management Plan.
50. *Environment, Health and Consumer Protection (Pollution Control)* – The submitted noise assessment was considered appropriate. Noise issues would occur due to traffic noise however mitigation measures have been suggested to achieve the required threshold levels. Conditions should be attached in relation to noise mitigation measures,

as well as submission of a construction management plan and limits to construction hours.

51. *Environment, Health and Consumer Protection (Contaminated Land)* – Advise the submitted reports are acceptable. No requirement for a planning condition but an informative should be included in the event any contaminated land is discovered during works.
52. *Landscape Officer* – Notes there would be some landscape harm, but recommendations provided in relation to mitigation planting within and surrounding the development. The latest landscape plan shows a comprehensive arrangement of shrubs and hedges, with a native shrub mix to help soften development. Appropriate trees and densities are noted surrounding the site.
53. *Local Education Authority* – In assessing the proposed development against capacity within existing schools, it was confirmed that no contribution would be required in relation to primary schools, but a contribution of £98,064 would need to be secured via Section 106 to cover secondary school teaching accommodation.
54. *Public Rights of Way* – This proposed development is situated on land to the north of Murton bridleway 14. There are no PRow concerns with regards to the development.
55. *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 within acceptable parameters. They note requirements in relation to Affordable Housing and Open Space in the form of a financial contribution.
56. *Trees Officer* – Requires replacement planting along Sea View Walk for those trees lost to make way for access. Advises that trees within the development should have appropriate root barriers to protect foundations and ensure trees flourish.

EXTERNAL CONSULTEE RESPONSES:

57. *Environment Agency* – No comments or objections.
58. *NHS* – Requires funding to the sum of £23,667 to be secured through a Section 106 agreement to create extra capacity for provision of patient services in the area.
59. *Northumbrian Water Ltd* – No objections to the proposals but require the inclusion of a condition for implementation of the scheme in line with the drainage plan submitted.

PUBLIC RESPONSES:

60. The application has been advertised by way of a site notice, press notice and individual notification letters to neighbouring residents.
61. 21 objections have been received in relation to the first round of consultations, including objections from the MP Grahame Morris, the two local ward members and Campaign for the Protection of Rural England. The comments are as follows:

62. Grahame Morris MP objects to the scheme and shares concerns raised by constituents in relation to pressure on schools and GP services in the area. Further concerns raised with regards development of green field site close to A19.
63. Both Local Ward Members for the area have objected commenting that they consider the development of a green field site next to the A19 is not suitable. Access to the site is along one road in and out of the estate which is often obstructed with parked vehicles. Local schools are already at capacity and patients are struggling to see any GPs. Recent developments on Truro Avenue are all having a huge impact on local amenities.
64. CPRE comments that the site has previously been considered for housing as part of the SHLAA (Strategic Housing Land Availability Assessment) but was not allocated as a housing site within the County Durham Plan. Issues raised as part of the SHLAA stated that development on site would have adverse landscape impacts, and detract from the landscape context of Murton, extending the settlement into gateway views from the A19 corridor. CPRE support this assessment and consider the site would be an intrusion into the countryside. Concerns raised also over impact on European sites on the coast, and no suitable strategy provided to mitigate harm other than making a monetary contribution to the Council. CPRE challenge whether this adequately resolves the problem as it won't resolve pressure on the coast from development. They do not consider the site falls within Policy 6 consideration. Concerns also raised over what wildlife uses the site and loss of habitat. Housing would also not qualify under policy 11 of the CDP.
65. Objections from neighbouring properties are summarised as follows:
- The construction phase raises significant concerns on nearest residents who have to live through upheaval of this, particularly traffic congestion, noise and mess
 - Development would obscure views of the sea
 - Object to development on green belt land
 - Concerns over extra traffic and only one road in and out of Sea View Walk
 - Cars always parked on road meaning road is always single carriageway
 - Concerns over potential future inhabitants
 - Concerns over Highway safety/ inadequate parking and access /Traffic generated from the development itself / road issues including quality of the road surfaces in the area
 - Why develop green field arable land when brownfield sites available. Increasing carbon footprint doing this
 - Concerns over impact on local services including NHS and schools
 - Concerns scale of development will result in increased noise and disturbance
 - Impact of development on wildlife noted in the area
 - Land known to flood
 - Site used as industrial tipping ground
 - Air pollution resulting from development
 - Concerns over amount of new homes being built in Murton and impact of construction works.
 - Increased traffic damaging road and paths.
 - Concerns over safety of SUDS and impact on children exploring these water features
 - Concerns over potential overlooking and loss of privacy and loss of light
 - Concerns whether emergency vehicles could access existing residents with amount of extra traffic from construction and new residents
 - Difficulties pulling out from this area onto main road at Glebe Centre
 - Poor public transport in this part of Durham
 - Concerns over drainage and blocked culvert in area.

- Durham able to demonstrate a supply of over five years worth of housing sites. Already a large number of housing sites built in the area. The proposed housing mix does not meet a need for the area
- Access to buses and public transport is not good and requires long walks to nearest bus stops, in excess of recommendations of Institute of Highways and Transportation.
- Nearest shops and services a distant walk away
- The site has been identified as a flood risk from surface water.
- Proposals have not taken into account impacts of the development on flood risk in other areas, including Dalton le Dale. Concerns that culverts and sewage system not able to take additional development and already overwhelmed by other development in the area.
- Concerns over the loss of a green corridor of arable land either side of the A19, and visual impacts on entry points to Murton and Seaham.
- Concerns over impacts on wildlife through this development along with other housing schemes in the area, in particular on two local wildlife sites in the vicinity and European designated sites.
- Comments in relation to the SHLAA assessment of the site in 2019 which identified significant adverse landscape impacts from development.
- Concerns development would be an incursion into the open countryside and would lead to coalescence of settlements, with the development causing material and physical harm to the separation between Murton and Dalton le Dale.
- Concerns that the houses are to be built on the highest part of the site and would cause greatest visual harm as an incursion into the countryside.
- Retention of green corridor important to protect tourist credentials of Seaham and Dalton le Dale, where significant money has been spent to promote this.
- Issues with Japanese Knotweed noted on the site

66. Upon re-consultation on 9 September 2022, five further objections were received:

- Concern over parking and access to the site, along one access road in and out of the estate. New housing will lead to dangerous levels of traffic and lead to accidents.
- Concerns over loss of arable land which would be detrimental in the long term
- Schools are at full capacity
- Storm drains are unable to cope, with raw sewage running down the street in last month.
- Concerns with regards construction traffic and safety of children playing in the area.
- By product of development would be damaged and broken access road which is already in a very poor state of repair.
- Concerns over noise disruption to existing residents, during building work. A number of residents work night shifts and need to sleep during the day. Construction works will impact on their mental health and ability to function.
- Increased traffic and congestion lead to problems with local air quality.
- Impact on the natural environment and wildlife in the area
- Fields form part of the landscape with beautiful views if development will no longer be available
- Living conditions will be severely impacted with damage to landscape and noise.
- Concerns over floods and contamination of old waste site
- Concerns over NHS and dental services in the area
- Poor public transport links in the area.
- Development should be on brownfield sites.

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:

APPLICANTS STATEMENT:

67. The application proposes the construction of 49no. affordable dwellings, including much needed bungalows, and will deliver both affordable rent and Rent to Buy tenures on site.

Through extensive discussions with Planning Officers and Local Authority professionals, the scheme has been amended since its original submission, comprehensively responding to both consultee and public comments. Working closely with officers has resulted in the sustainable provision of much needed affordable housing within East Durham on an under-utilised site.

Following pre-application advice from the Local Planning Authority and feedback from the public consultation, the site proposes a singular access point from Sea View Walk. Dropped kerb crossing point with tactile paving has been provided at this entrance to encourage pedestrian access through Hesledon Walk to nearby Bus Stops. Pedestrian linkages have been provided on the north-western and south-eastern corners of the site. The site meets the Council's highways and parking standards.

In working closely with urban design and landscape officers, a large area of Public Open Space (POS), with associated SuDS Basin, has been provided on the eastern boundary of site, making use of the site's topography. Street-scenes and dwellings have been positioned to make use of views towards this area. A significant amount of landscaping has also been incorporated across the site; street trees have been interspersed to create aesthetic streets and structural planting around the open space successfully integrates the development within its surroundings.

The site positively addresses Sea View Walk. Bungalows have been set back behind the tree line and plotted along the western boundary to retain sea views at a first-floor level from existing dwellings.

The applicant has continued to work alongside Planning Officers to deliver a proposal which represents sustainable provision of 49no. affordable dwellings within East Durham, responding positively to the Local Authority's comments to ensure compliance with Policy 6 and other relevant Policies of the County Durham Plan.

PLANNING CONSIDERATIONS AND ASSESSMENT

68. 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.
69. 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 and landscape,

impact on residential amenity, highway safety and access, ecology, archaeology, developer contributions and other issues.

The Principle of the Development

70. Within the CDP the application site is treated as a windfall proposal as it is not allocated for housing within Policy 4. Policy 6 (Development on Unallocated Sites) and Policy 10 (Development in the Countryside) would both be relevant to assessing the proposal. This is in recognition of the definition of the built-up area within the CDP and that sites outside of, but well related to a settlement should be assessed against both policies. Policy 10 states that development in the countryside will not be permitted unless allowed for by specific policies in the Plan, and new housing in the countryside is only permissible where the development accords with Policy 6. This Policy states that *the development of sites which are not allocated in the Plan or in a Neighbourhood Plan which are either (i) within the built-up area; or (ii) outside the built-up area (except where a settlement boundary has been defined in a neighbourhood plan) but well-related to a settlement, will be permitted provided the proposal accords with all relevant development plan policies.* 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.

71. The application site is located at the north eastern edge of the settlement of Murton on an agricultural field. It directly abuts the residential road, Sea View Walk and can gain suitable access to the settlement from this point. The development of the site at this part of the settlement reads as a logical extension and at this eastern location is in closer proximity to the main retail / services hub of Murton at Woods Terrace and Dalton Park. Historically the site appears to have always been open land, but it is noted that a terrace of properties, known as Dene Terrace, existed to the south of the site, extending as far eastwards as the current proposals. Whilst these dwellings were demolished in the 1970s with the land now grassed with tree planting, there remains two isolated dwellings at the most eastern point known as Dene Villa and Dene Holme. The application site to the north would extend no further eastwards than the existing built development at this point. In addition and importantly, the development would not extend beyond the established and well defined northern edge of the settlement, also designated as AHLV, and would retain the strong demarcation between urban and rural character at this point. In this regard the proposed development of the site for housing would be deemed to relate well to the built form and settlement pattern at this part of Murton in physical and visual terms. An assessment of the proposals against policy 6 is therefore deemed appropriate.

72. 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 west. There are no concerns that the proposed dwellings would be prejudicial to the surrounding woodland to the north or agricultural field to the east.

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

A number of objections raised concern that development of the site would result in a coalescence of the settlement of Murton with nearest settlement Dalton le Dale to the

north east. Consideration has been given to the impact of this eastern extension at this point but the A19 trunk road presents as a clear barrier to any coalescence between the two settlements. At the eastern edge of the development site a SUDS area is proposed with tree planting to provide a new defined edge of settlement point, beyond which the land, which continues to fall heavily towards the A19 embankment, would remain undeveloped, providing a buffer between the road and the settlement.

To the eastern side of the A19 the land is designated as an AHLV and surrounds the dwellings associated with Dalton le Dale, which are a distance of over 400 metres at the nearest point from the development site to Dunelm Terrace. Given this distance, as well as the topography and terrain, it is not considered that the two settlements would be seen in any way to be visually linked and the protective AHLV designations along with the A19, would provide a defensible barrier to further development, preventing a merging of the two settlements.

Given its location and relationship to the existing built form along with the proposed layout of dwellings on site, the development would not be considered ribbon or backland development.

The proposals are not considered to conflict with the requirements of part b) of this policy.

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 or ecology value and is not within a conservation area of heritage value. It is noted however that a number of objections considered the site to be a haven for wildlife, but in assessing its current use as a working agricultural field for crops, it is considered that the land would have limited biodiversity merits in this regard. It is accepted that its openness and location next to a woodland would attract wildlife to access and cross the site and development of the land would impact on through routes for wildlife, however, there would remain a connection further east of the site, and there would be no grounds for refusal on this basis. Detailed reports were submitted in support of the application and no objection was raised to the development of the site subject to mitigation. Further assessment of the ecological aspects of the proposals are considered later on in the report.

The site would be considered to contribute to the character of the locality and development of the site would be considered to be transformative in visual terms, landscape section noting there would be harm to the local landscape. The test of the policy is for any development proposals to adequately mitigate and compensate for these impacts. 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 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.

Murton is a large settlement with many facilities available, including local shops, pubs, school, GPs and a community centre, as well as the large retail park, Dalton Park to the south. Measured from the most eastern point of the proposed development, the nearest primary school is the Ribbon Academy Primary school, approximately 1.2 km away, with nearest bus stops located approximately 500 metres away and services along Woods Terrace 900 metres away. From Woods Terrace access to a wider range of public transport services would also be available.

Whilst these distances are sizeable, they are not excessive. It is noted within an objection that the distance to the bus stops as part of this development would be in excess of the 400 metres that the Institute of Highways and Transportation recommends. Whilst this is accepted and is a standard the LPA often applies in our assessments of development, in this case, it is noted that the walking routes provided to all services referenced above is along paved lit pathways, within the urban environment, with options to walk through the estate and open amenity land away from roadways. In this regard, the proposed development would be well related to this large settlement which can provide ready access to a range of services. It is therefore not considered that future occupiers at the dwellings would be solely reliant on private vehicles as a consequence. In addition, the 49 dwellings proposed would be considered to be of a scale commensurate with the role and function 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. 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;

The site is not contained within Flood Zones 2 or 3 of the Environment Agency mapping system. From assessing the Strategic Flood Risk Assessment mapping layers associated with the Local Lead Flood Authority, there are no noted flood risk areas within the application site area, although an area of land to the north east of the site, within the community woodland area is marked as being at high risk of flooding. The application was submitted with full drainage details which have been assessed by the LLFA and NWL and deemed acceptable. There is no conflict with this part of the policy, but further consideration is provided below.

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.

A number of objections raised concern at the loss of a green field site, commenting that development should be located on brownfield sites. However, whilst the development would not be located on 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. Given that

the development is of a greenfield site, the proposal does not reflect any priorities for urban regeneration under criterion j).

73. 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

74. 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.
75. The application site presents as a green buffer between the settlement edge and the A19 road corridor and has visual merit when taken together with the surrounding green space, especially the designated AHLV to the north. The objections received have highlighted concerns over the loss of this green corridor and intrusion in the countryside. In particular, attention has been drawn to the Council's Strategic Housing Land Availability Assessment (SHLAA), undertaken to inform the County Durham Plan. The SHLAA assessed the site for its appropriateness for housing, scoring an amber classification, indicating it would be unsuitable for development with concerns raised that development of the site would detract from the landscape context of Murton. However it is noted that the area of land assessed was a larger land parcel extending to the A19 embankment and was seeking to accommodate circa 74 dwellings. The eastern edge of the current proposed application site would be set back from the A19 by some 160 metres, with the SUDS and tree planting proposed along this point, and housing set back a further 31 metres. In addition, at the highest point of the site, adjacent to Sea View Walk, the proposed dwellings are to be single storey bungalows, with the two storey dwellings located further eastwards into the site as the land falls, whilst dwellings along the northern end would be seen against the backdrop of the existing woodland, reducing to a degree visual impacts of the new development from distant views. On this basis the proposals are considered to be appropriately laid out on site with suitable set back distance from the A19, further aided by appropriate levels of planting to allow a continued green buffer that would connect with the adjacent AHLV, providing green gateway views at this part of the settlement.
76. In terms of the detailed design of the proposals, significant discussion took place as part of the Design Review process in line with policy 29n) of the CDP. This part of the policy seeks to secure as many green scores as possible, whilst minimising the number of ambers. Schemes with one or more red scores will not be acceptable and will be refused planning permission unless there are significant overriding reasons. The original Design Review process saw the scheme score four reds, four ambers, two greens and two unknowns. Further discussions took place and were aimed at improving the layout and arrangement of development on site, whilst also providing suitable connectivity with the wider settlement. Amendments to the layout have been provided which now integrate the SUDS area better with the development, whilst also ensuring dwellings suitably address street frontages within the site and with the adjacent settlement. This has been achieved through use of corner turners and suitable boundary treatments, including low rail fencing, trellis fencing and railings to keep open aspect to areas of public open space. The design of the dwellings was simplified with red brick walls and grey roof tile finishes proposed to be reflective of the character of dwellings in the wider settlement.

Further rearrangement was also undertaken to reduce the extent of car parking on street frontages and include more trees. In response to these amendments, the final Design Review score resulted in ten ambers and two greens.

77. Based on the amendments received, the proposals are considered to be appropriate in their scale, design and layout and would be reflective of the form and function as well as the townscape character of the existing settlement in accordance with policy 6c) and d) and policy 29 of the CDP. Conditions will be applied for final details on wall and roof materials, boundary and surface treatments.

Landscape and Trees

78. 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.
79. 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.
80. The site lies adjacent to an Area of High Landscape Value, but not within the designation. The AHLV land is defined by the community woodland tree belt and bounds the northern edge of the development site. To the east and south the land is open land with crops and grass respectively and does not fall within any protective landscape designation.
81. 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 northern settlement edge of Murton, including the northern 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 development of the site for residential dwellings in this location would not interrupt, but rather continue this relationship between the two distinct characters present at this point.
82. Further to this, the proposals associated with the SUDS area to the east of the site, including the tree planting and wildflower meadow, are considered to suitably mitigate for the loss of open land at this point, through provision of structured tree planting providing a visual connection with the woodland to the north as part of the AHLV. These planting proposals would also reflect requirements set out in policy 29I) which requires that landscape proposals in the case of edge of settlement development provide for an appropriate level of structural landscaping to screen or assimilate the development into its surroundings and provide an attractive new settlement boundary.
83. Landscape section have assessed the details and are satisfied with the proposals, noting that a suitable range and mix of planting is proposed, particularly along the eastern edge. Trees section commented that the loss of trees at the new point of access to the site should be replaced on a one-to-one basis further north along the western boundary, but upon further assessment concede that they could not be reasonably planted here due to the narrow grass strip at this point and the existence of underground wayleaves. It is noted that four additional trees are proposed just east of the highway

verge and would provide some additional amenity value at this point. Internally within the site, some concern has been raised over the size of the front garden areas and whether a suitable root protection zone for the trees proposed could be achieved in these locations. There may be some constraints that may impact on long term health of the trees, the trees officer raising this as an advisory but not objecting to the scheme.

84. Whilst the proposals would clearly extend built development east 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 as what currently exists, and with suitable mitigation by means of structure planting along the new east boundary of the settlement edge, it is not considered that it would cause unacceptable harm. A condition will be applied seeking full landscape details along with a scheme for implementation and management.
85. In consideration of the above, the proposals are considered to accord with relevant parts of policy 6, 29, 39 and 40 of the CDP.

Impacts on Residential Amenity of Existing and Future Occupiers

86. 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 along with the requirements for all new residential development to comply with Nationally Described Space Standards (NDSS).
87. The nearest residents to the proposed development would be occupiers along Sea View Walk with closest facing distances between these properties in excess of 30 metres, well over the requirements set out in the SPD document on residential amenity. In this regard there are no concerns relating to impacts of overlooking or loss of privacy to existing residents adjacent to the site. It is noted within the objections that concern was raised over loss of views to the sea as a result of the development, however it should be noted that protection of views is not a material planning consideration, but in any case, the layout of development on site has sought to place single storey bungalow dwellings at the highest point of the site, with the two storey properties located further within the site as the land starts to fall, reducing, to some extent, visual impact of the development site on properties along Sea View Walk.
88. Within the development site, careful assessment has been undertaken to ensure that all properties maintain the 21 metres facing distance between windows of habitable rooms for two storey dwellings and 18 metres for single storey dwellings, as well as suitable distance standards between main elevations and blank gables. These can all be achieved in accordance with the requirements, with suitable rear garden lengths throughout of 9 metres. All dwellings have been assessed against NDSS and accord with these as required by policy 29 of the CDP.
89. There are also requirements within policy 15 in terms of meeting the needs of older people, where sites of 10 or more units should provide 66% of dwellings to meet Building Regulation M4(2) standards, which can include a minimum of 10% towards housing options for older people, such as level access bungalows. A total of 33 of the proposed 49 properties, of which 14 are bungalows would achieve this standard, which equates to 67% of properties on the site. From assessing the levels plan, these properties would also have level access. In this regard the proposals would meet the requirement, but a condition would be applied to secure this.

90. The Council's Environmental Health Section has commented on the scheme noting the details contained within the noise impact assessment, which took into account noise from the adjacent A19. They 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 complies with the noise assessment, with a further condition applied for specific details on the acoustic glazing and ventilation to be installed.
91. Concern was raised by nearby residents with regards the impact of noise and disturbance from construction works taking place. These concerns are noted, with Air Quality section of Environmental Health requesting further details, particularly in relation to the management of dust. Updated information was provided but did not fully address queries raised. However the details required would be included as part of a detailed Construction Management Plan, for which a condition would be applied to any approval granted, as referenced in Condition 3 below. A condition would also be applied limiting hours of working to further protect amenities of existing residents.
92. 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.

Green Infrastructure

93. Policy 26 in relation to 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.
94. The site is identified in the Durham County Council Open Space Needs Assessment 2018 (OSNA) as being in the Murton Community Forest (OSNA2249) which is classified as Accessible Natural Green Space. The proposal would develop part of this designation. This brings into play Policy 26 (Green Infrastructure) of the CDP, which states that development proposals will not be permitted that would result in the loss of open space or harm to green infrastructure, unless the benefits of the development clearly outweigh that loss or harm and assessment has been undertaken which has clearly shown the open space or land to be surplus to requirements. This aligns with Paragraph 99 of the NPPF which states that existing open space, should not be built on unless there has been an assessment which has clearly shown it to be surplus to requirements, or it would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location. The applicant has sought to address this issue within their planning statement (para's 2.10 – 2.11) and on the basis that this portion of land was never part of the community woodland and also in private ownership with no access into the wider expanse of accessible green space to the north. Officers agree the site does not currently perform any function as accessible green space and is not part of the Murton Community Forest. It is therefore considered that its OSNA designation should not prevent development.
95. Policy 26 also requires proposals for new residential development to make provision for open space to meet the needs of future residents having regard to the standards of open space provision set out in the Open Space Needs Assessment (OSNA). The OSNA sets out the most up to date position in respect to open space provision across the county and provides a formula for calculating requirements on a site-specific basis.
96. In accordance with the policy, it is determined that the development should provide 1650sqm of amenity/natural green space on site and 55 sqm of children's play space,

alongside a financial contribution towards off site facilities including allotments, parks and sports grounds etc. The open amenity / SUDS space is noted as providing approximately 2,200 sqm of open space within the development, in excess of requirements set out in the OSNA, although this does not include provision of children's play space. As part of the financial contribution of £74,030 towards open space and green infrastructure, a portion could be assigned towards improvements of the nearby children's play space noted approximately 100 metres west of the entrance to the application site, with an additional children's play space a further 550 metres away to the west.

97. Also included within the scheme are informal footways that allow permeability through the site. These include a gravel path to the north west of the site allowing through access from the top corner of Sea View Walk, adjacent to informal paths at the community woodland site, across to the south east corner, through the SUDS open amenity space to the east of the application site. It is proposed to provide a mown footpath through this amenity space linking to PROW 14 to the south that leads to the footbridge over the A19 across to the AHLV and other PROWs at Dalton le Dale.
98. Subject to the section 106 payments, the proposals are considered to accord with the requirements set out in policy 26.

Highways Safety and Access

99. 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.
100. The proposals would see the provision of 49 dwellings at the edge of the settlement with a new access point taken off Sea View Walk. Each dwelling would benefit from in curtilage parking to the front or side of the dwelling, with visitor car parking provided throughout the site.
101. Significant objection has been raised from nearby residents with regards the impact of the development on the existing highway infrastructure, with concerns raised that Sea View Walk is already highly trafficked and cars parking on this street limit its width to a one-way road for the majority of the time. Concerns were also raised that the development both during construction and occupation will lead to congestion on the roads.
102. The proposals were submitted with a Transport Statement, alongside a draft construction management plan which also covered the management of transport during the construction period. Highways section assessed the details of the proposals, commenting that access to the site was acceptable with suitable residential and visitor parking provided within the development site. The provision of unadopted shared drives is noted and serves the maximum number of properties appropriate for these drives,

with bin collection points added for ready access on bin collection day. On the basis of the information and amended plans submitted no objections are raised from highways perspective. They have requested conditions in relation to precise engineering drawings to be submitted of the new estate roads, alongside details on highways management during the construction phase to be included within any Construction Management Plan.

103. In relation to the concern that the additional dwellings would create congestion on the highway, it has previously been highlighted in paragraph 72f) above, that the site is well related to the settlement of Murton with ready access to alternative means of transport modes other than the private car. Although from the eastern most dwellings on site, the distance to bus stops and services would be further than ideal, they are not excessively over and above recommended distances and it is considered that future occupiers of the proposed dwellings on site would have a genuine choice of transport modes to services, in line with requirements set out in paragraph 105 and 110a) of the NPPF and policy 21b) of the CDP.
104. 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 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

105. 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 minimises 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.
106. The application was submitted with ecological reports alongside a Biodiversity Net Gain (BNG) assessment. Ecology assessed the details of the scheme and were satisfied that the scheme will secure biodiversity net gain, through wildflower meadow provision as part of the SUDS area and inclusion of bird and bat boxes within the fabric of a number of the proposed dwellings on site. An updated plan has been provided indicating which houses would include these boxes and a condition will be applied requiring precise details of the bird and bat boxes to be submitted for approval.
107. 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.
108. The proposed development is also within the 6km Durham Coast HRA buffer therefore a financial contribution of £37,073.89 to the Coastal Management Plan is required to mitigate impacts as a result of new housing development. The applicant is agreeable to

making this contribution, secured through a section 106, to meet requirements set out in the Council's agreed HRA coastal mitigation strategy.

109. CPRE raised issue within their comments as to whether a monetary contribution towards coastal management is sufficient to mitigate harm from recreational pressure at the coast. It is advised that Durham County Council has carried out screening in compliance with the Habitats Regulations for housing developments in the County in order to inform the County Durham Plan. This work was done in conjunction with Natural England and after Appropriate Assessment, concluded that there is likely to be a significant effect on the Northumbria Coast SPA and Durham Coast SAC from new housing development within 6 km of the coastal European sites due to increased recreational impacts including dog walking and coastal erosion. It was agreed and endorsed by the Inspector as part of the enquiry into the adoption of the County Durham Plan that the mitigation strategy should apply for those identified impacts upon the European protected sites. The strategy includes options to provide alternative green space suitable for off lead dog walking and / or a financial contribution to the coastal management plan designed to limit the identified impacts. A guidance document detailing this methodology explains the requirements of the mitigation strategy 'HRA: Guidance and Requirements for Developers in County Durham'. The mitigations detailed in this document are therefore considered to suitably address the requirements set out in the Conservation of Habitats and Species Regulations 2017 (as amended) and the monetary contributions of £37, 073.89 would accord with policies 41 and 42 of the CDP and part 15 of the NPPF.

Flooding and Surface Water

110. 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.
111. 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.
112. Durham County Council's Drainage and Coastal Protection Team act as the Local Lead Flood Authority (LLFA) and along with NWL have assessed the various plans and information submitted in support of the scheme. Throughout the planning process amendments have been sought accompanied by updated calculations to determine appropriate management of surface water across the site. The SUDS has also been redesigned to suitably address the requirements set out in the Sustainable Drainage System Adoption Guide to ensure such schemes maximise amenity, biodiversity as well as flood relief benefits to the local area. Submitted drainage plans are deemed to be acceptable, but at the time of writing the latest calculations have not been received for assessment by the LLFA, a verbal update will be provided on this point.
113. NWL have confirmed that they have no objections to the proposals but have requested the inclusion of a condition to ensure works are carried out in relation to the latest drainage plan submitted.

Other issues

114. 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, including those of archaeological interest, whilst improving access where appropriate.
115. The Archaeology Section requested receipt of a geophysical survey report prior to any decision being issued. These details were provided and were further assessed by Archaeology section. The findings revealed interesting results potentially relating to unknown settlements from the prehistoric past, indicating that further archaeological evaluation of the site is required to better understand its importance. On this basis, trial trenching works will be required, and a pre commencement condition will be applied for a schedule of works to be provided and undertaken. Subject to this, the proposals would adhere to policy 44 of the CDP.
116. Policy 27 of the CDP requires new residential development to be served by a high-speed broadband connection unless it can be demonstrated that this is not appropriate. The development would be located in an edge of settlement location characterised by both residential and commercial development. Similar, requirement in terms of broadband connectivity and broadband connectivity would be delivered in this wider context. As such it does not appear that there any significant constraints to delivering the connectivity in accordance with the requirements of policy 27 although the submission and agreement of precise detail in this regard could be secured through planning condition. Subject to the inclusion of a planning condition in this regard the development is considered to accord with the aims of policy 27 of the CDP.
117. 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.
118. Contamination land section assessed the details of the proposals and various reports submitted in support of the scheme, along with additional information requested throughout the application process. They were satisfied that sufficient information was provided to confirm that there would be no requirement for a contaminated land condition. An informative will be applied nonetheless in the event that unforeseen contaminated land is encountered during construction works.
119. One of the objections to the application considered that the site was in the Greenbelt. Whilst the site is Greenfield in that it is previously undeveloped, it does not fall within a Greenbelt

Developer Contributions

120. 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.
121. **Affordable Housing** –In accordance with policy 15 based on the proposals for the construction of 49 dwellings, it would be expected that the scheme would provide five

dwelling as affordable home ownership whilst three would be provided as affordable rent. It is noted that the proposals are presented as 100 per cent affordable housing provision and the applicant would be using Homes England grant to deliver the scheme, although a Registered Provider is not currently signed up. Notwithstanding this, the requirement under Policy 15 in a medium viability area is for 10% affordable home ownership and 5% affordable rent and no weighting has been attributed to any additionally in the assessment of the scheme. It would therefore be appropriate for just the Policy compliant (15% total) amount of the units to be tied as affordable housing via a section 106 agreement and to ensure that they remain so in perpetuity.

122. The Housing Delivery Team sought additional information in relation to the tenure breakdown of the scheme as well as demand / need data for the area to confirm that the affordable offer is what is required in the local area. At the time of writing, this information was not available, but these negotiations can be finalised as part of completing the section 106 agreement as required.
123. **Open Space / Green Infrastructure** – Policy 26 states that proposals for new residential development will be required to make provision for open space to meet the needs of future residents having regard to the standards of open space provision set out in the Open Space Needs Assessment (OSNA). Where it is determined that on-site provision is not appropriate, the council will require financial contributions secured through planning obligations towards the provision of new open space, or the improvement of existing open space elsewhere in the locality. To this end, a financial contribution of £74,030 is required towards open and amenity space and green infrastructure including enhancement of children’s play and would need to be secured through a Section 106 agreement.
124. **Education** - Paragraph 95 of the NPPF confirms that the government places great emphasis on ensuring that sufficient choice of school places is available to meet the needs of existing and new communities and requires LPAs to proactively meet these requirements. Objections have been received from existing residents that the development would result in additional pressures upon school places. The Councils Education School Places Manager has advised that whilst there is sufficient capacity within local primary schools in the area, a financial contribution would be required in relation to secondary school provision. On this basis, a payment of £98,064 towards this would be required to be secured through a Section 106 agreement.
125. **NHS North Durham Clinical Commissioning Group** - Residents have raised concerns over the impact of the development upon existing healthcare facilities within the locality from increased population. Consequently, the NHS have been consulted as part of the planning process and have advised that a development of this size would put additional pressure on local services. On this basis a contribution of £23,667 would be required to go towards improvement of GP access and upgrading of existing surgeries.
126. **European Protected Coastal Habitats** – As discussed previously and in line with policies 41 and 42, the proposed development is within the 6km Durham Coast HRA buffer therefore a financial contribution to the Coastal Management Plan is required to mitigate impacts as a result of new housing development, for which the applicant is agreeable to enter into a Section 106 to secure contributions of £37,073.89.

CONCLUSION

127. 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).

128. The proposals have been assessed against relevant policies and are considered to accord with appropriate criteria and requirements, is acceptable in principle and, subject to conditions, would not have any unacceptable impact upon the character and appearance of the surrounding area, residential amenity, highway safety, ecology, flooding and surface water, archaeology and contaminated land in accordance with policies 6, 21, 29, 31, 32, 35, 36, 39, 40, 41 and 44 of the County Durham Plan and Parts 5, 6, 9, 12, 14, 15 and 16 of the NPPF.

129. Whilst the proposal has generated 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.

RECOMMENDATION

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

- 10% Affordable home ownership and 5% Affordable Rent provision on site;
- £74,030 towards open space and green infrastructure including children’s play space;
- £98,064 towards secondary school provision;
- £23,667 towards health provision in the local area; and
- £37,073.89 towards management of coastal habitats.

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 approved plans listed in Part 3 - Approved Plans.

Plan	Drawing No.	Date Received
Biodiversity Management Plan		21/10/22
Engineering layout	D001 Rev 5	14/10/22
Proposed levels plan	D100 Rev 2	14/10/22
Proposed drainage plan	D204 Rev 2	14/10/22
1500 close boarded fence details (with and without 300 mm trellis)	BT/Sheet 14	14/10/22
Boundary railing detail	BT/Sheet 01	14/10/22
House type NDS-13(FA) proposed floor plans and elevations	NDS-13(FA) Rev D	14/10/22
House type NDS-19 proposed floor plans and elevations	NDS-19 Rev D	14/10/22
House type NDS-31(M4(2)) proposed floor plans and elevations	NDS-31 Rev E	14/10/22
House type NDS-33(M4(2)) proposed floor plans and elevations	NDS-33(M4(2)) Rev D	14/10/22
House type NDS-36 hipped proposed floor plans and elevations	NDS-36 Rev C	14/10/22
House type NDS-36 proposed floor plans and elevations	NDS-36 Rev C	14/10/22
Proposed boundary treatment and external hard landscaping plan	003 Rev M	14/10/22
Proposed external materials	004 Rev K	14/10/22

Proposed site layout	002 Rev X	14/10/22
Landscape masterplan	R/2299/1K	14/10/22
Site section A-A	009	14/10/22
Site sections B-B and C-C	011	14/10/22
Retained trees shown on proposed layout with protective measures indicated	AMS TPP REV C	22/10/21
Noise Assessment	NJD21-0151-001R	22/10/21

Reason: To define the consent and ensure that a satisfactory form of development is obtained in accordance with Policy(ies) 6, 29 and 39 of the County Durham Plan and Parts 12 of the National Planning Policy Framework.

3. 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:
 - 1.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.
 2. Details of methods and means of noise reduction
 - 3.Where construction involves penetrative piling, details of methods for piling of foundations including measures to suppress any associated noise and vibration.
 - 4.Details of measures to prevent mud and other such material migrating onto the highway from construction vehicles;
 5. Designation, layout and design of construction access and egress points;
 6. Details for the provision of directional signage (on and off site);
 - 7.Details of contractors' compounds, materials storage and other storage arrangements, including cranes and plant, equipment and related temporary infrastructure;
 - 8.Details of provision for all site operatives for the loading and unloading of plant, machinery and materials
 - 9.Details of provision for all site operatives, including visitors and construction vehicles for parking and turning within the site during the construction period;
 10. Routing agreements for construction traffic.
 - 11.Details of the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
 - 12.Waste audit and scheme for waste minimisation and recycling/disposing of waste resulting from demolition and construction works.

13.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 and for the purposes of ensure highway safety in accordance with Policy 31 and 21 of the County Durham Plan and Part 15 of the National Planning Policy Framework.

4. 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 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.

5. The development shall not be occupied until the post investigation assessment of archaeological works 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.

6. No development shall commence until full highway engineering, highway drainage, highway structure details, street lighting and constructional details of the streets (including areas of hardened waste bin collection points for each shared private drive and 1m hardened step off strips to the rear of non-allocated visitor parking) proposed for adoption by the local highway authority have been submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall be constructed in accordance with the approved details,

Reason: To ensure a satisfactory form of development in accordance with Policy 21 of the County Durham Plan and Section 9 of the NPPF.

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

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

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

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

Trees, hedges and shrubs scheduled for retention.

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

Details of planting procedures or specification.

Finished topsoil levels and depths.

Details of temporary topsoil and subsoil storage provision.

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

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

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

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

Reason: In the interests of the visual amenity of the area and to comply with Policy 29 of the County Durham Plan and Part 12 of the National Planning Policy Framework. Required as a pre commencement condition to ensure that an appropriate scheme is agreed and can be implemented.

8. 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.

9. The biodiversity enhancement works set out in Biodiversity Management Plan (OS Ecology, October 2022) received 21 October 2022, shall be undertaken in the first available planting season following the practical completion of the development. The works shall be carried out strictly in accordance with this Plan and shall thereafter be retained and managed as detailed.

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 proceed beyond the installation of the damp proof course of any of the dwellings until details of the bat and bird boxes to be installed within the fabric of the dwellings identified within approved plan, reference 003 Rev M, entitled 'Proposed Boundary Treatment and External Hard Landscaping Plan' (received 14 October 2022) have been submitted to and approved in writing by the Local Planning. The agreed scheme shall thereafter be implemented prior to the first occupation of any part of the building and maintained in accordance with the agreed details for the lifetime of the development.

Reason: To ensure a satisfactory form of development in accordance with Policies 41 and 42 of the County Durham Plan and Section 15 of the NPPF (2021).

11. Notwithstanding any details of materials submitted with the application no development shall proceed beyond the installation of the damp proof course of any of the dwellings 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.

12. No development shall proceed beyond the installation of the damp proof course of any of the dwellings until such time as a scheme detailing the precise means of broadband connection to the site has been submitted to and agreed in writing by the local planning. Thereafter, the development shall be carried out in accordance with the agreed detail.

Reason: To ensure a high quality of development is achieved and to comply with the requirements of policy 27 of the County Durham Plan.

13. No development shall proceed beyond the installation of the damp proof course of any of the dwellings hereby approved until details of a scheme to minimise greenhouse gas emissions, with the aim of achieving as close as possible zero carbon buildings, shall be submitted and approved in writing by the Local Planning Authority. The scheme shall include, but not be limited to, provision of renewable and low carbon energy generation and electric car charging points. The renewable and low carbon energy measures shall be installed in accordance with the approved details thereafter.

Reason: To comply with requirements to minimise greenhouse gas emissions in line with details set out in policy 29c) of the CDP

14. No development shall proceed beyond the installation of the damp proof course of any of the dwellings until a scheme of sound proofing measures has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include precise details of the proposed acoustic glazing and ventilation measures that are to be installed within the properties. The development shall be carried out in accordance with the approved scheme and shall be permanently retained thereafter.

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

15. Prior to the beneficial occupation of the development all sound attenuation measures detailed in the noise assessment produced by NJD Environmental Associates reference NJD21-0151-001R dated 22 October 2021 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.

16. Prior to the first occupation the development hereby approved, details of all means of enclosure of the site shall be submitted to and approved in writing by the Local Planning Authority. The enclosures shall be constructed in accordance with the approved details thereafter.

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.

17. No development shall be occupied until details of the surface treatment and construction of all hardsurfaced areas (including unadopted footways, driveways and garden spaces) has been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be undertaken in accordance with the approved details prior to first occupation.

Reason: In the interests of the visual amenity of the surrounding areas in accordance with Policy 29 of the County Durham Plan and Parts 12 and 15 of the National Planning Policy Framework.

18. No dwelling built to the Building Regulations M4(2) standard (as shown on Drawing 002 Rev. X 'Proposed Site Layout' received 14 October 2022) shall be occupied until a further verification confirming that the identified dwellings have been 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 verification shall include sufficient plans and details which demonstrate compliance with the Building Regulations Standard M4(2) requirements.

Reason: In the interests of the residential amenity of future occupiers in accordance of Policies 15, 29 and 31 of the County Durham Plan and Part 12 of the National Planning Policy Framework.

19. Development shall be implemented in line with the drainage scheme contained within the submitted document entitled "Proposed Drainage Plan" dated "11th October 2022". The drainage scheme shall ensure that foul flows discharge to the combined sewer at manhole 4506 and ensure that surface water discharges to the combined sewer at manhole 4506 and the surface water sewer at manhole 2602. The surface water discharge rate shall not exceed the available capacity of 3.4 l/sec and 5 l/sec respectively that have been identified in these sewers. The final surface water discharge rate shall be agreed by the Lead Local Flood Authority.

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

20. All trees and hedges, indicated on the approved tree protection plan (Retained trees shown on proposed layout with protective measures indicated, ref AMS TPP C received 22 October 2021) as to be retained, shall be 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. Any works within the root protection areas shall be the subject of a detailed construction methodology which shall be submitted to and approved in writing before any such works commence and shall be undertaken thereafter entirely in accordance with the approved construction details.

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.

21. 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.

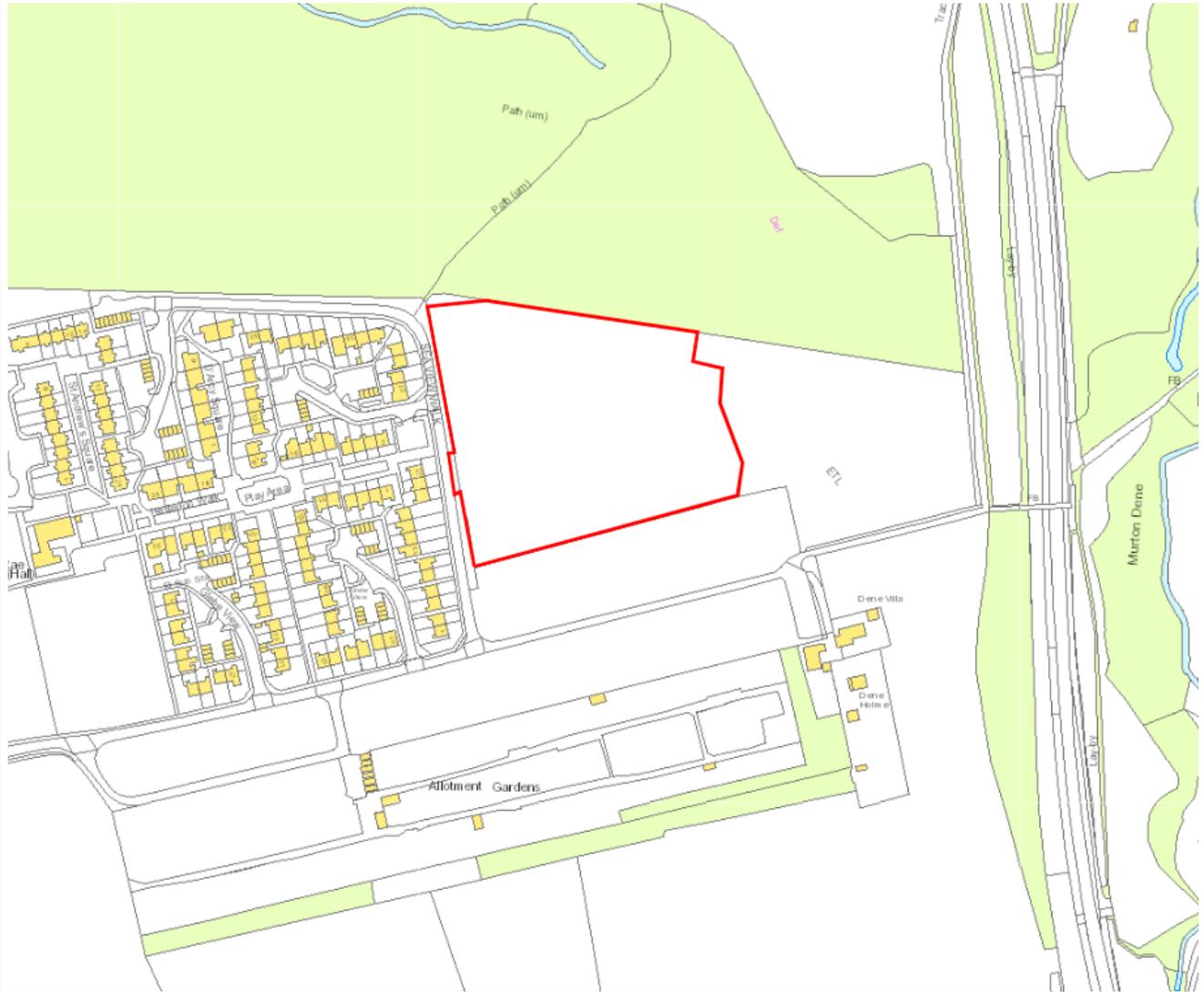
Reason: To protect the residential amenity of existing and future residents from the development in accordance with Policy 31 of the County Durham Plan and Part 15 of the National Planning Policy Framework.

STATEMENT OF PROACTIVE ENGAGEMENT

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

BACKGROUND PAPERS

- Submitted application 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 responses
- Residential Amenity Standards SPD (2020)
- County Durham Building for Life SPD (2019)
- County Durham Parking and Accessibility Standards 2019
- HRA: Guidance and Requirements for Developers in County Durham 2017.



Planning Services

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Proposed construction of 49 no. affordable dwellings (amended title)
 Land to the East of Sea View Walk, Murton, SR7 9LT.
 Ref: DM/21/03672/FPA

Comments

Date 8 November 2022

Scale Not to Scale

Planning Services

COMMITTEE REPORT

APPLICATION DETAILS

APPLICATION No:	DM/21/02447/FPA
FULL APPLICATION DESCRIPTION:	Erection of an extension to the rear of the property and internal reconfiguration of lower ground floor and ground floor of existing HMO (C4 Use Class).
NAME OF APPLICANT:	Mr Robin Durie
ADDRESS:	50 Hawthorn Terrace Durham DH1 4EQ
ELECTORAL DIVISION:	Neville's Cross
CASE OFFICER:	Michelle Penman Planning Officer Michelle.penman@durham.gov.uk 03000 263963

DESCRIPTION OF THE SITE AND PROPOSALS

The Site

1. The application site comprises a mid-terrace three-storey property on Hawthorn Terrace, to the west of Durham City Centre and lies within the Durham City Conservation Area. The property is surrounded by residential properties and fronts Hawthorn Terrace which is accessed from the A690. There are parking bays for permit holders located along the terrace to the front of the property. A conservatory has been erected to the rear of the property previously and there is also a modest yard.
2. The property is currently in use as a 5-bedroom student House in Multiple Occupation (HMO), therefore falling with a C4 use class.

The Proposal

3. Planning permission is sought for a two-storey rear extension to allow internal reconfiguration of the lower ground and ground floors of the property. Originally the proposals included a full height rear extension with dormer windows and the creation of an additional bed space. However, during the application process the proposals were amended to remove the net increase in bedspaces and due to concerns raised regarding design and impact of the development on the conservation area.
4. The application is referred to Planning Committee at the request of the City of Durham Parish Council who consider the proposal to be contrary to relevant local plan policies, in particular Policies 29 and 31 of the County Durham Plan and the adopted Residential Amenity SPD (2020).

PLANNING HISTORY

5. 4/86/0779/FP - Conservatory extn. & new wall to rear yard. Approved 17.10.1986.

PLANNING POLICY

NATIONAL POLICY

National Planning Policy Framework

6. The following elements of the National Planning Policy Framework (NPPF) are considered relevant to this proposal:
7. 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.
8. 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.
9. NPPF Part 11 Making Effective Use of Land - Planning policies and decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions. Strategic policies should set out a clear strategy for accommodating objectively assessed needs, in a
10. NPPF Part 12 - Achieving Well-Designed Places. The Government attaches great importance to the design of the built environment, with good design a key aspect of sustainable development, indivisible from good planning.
11. 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.
12. 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:

13. The Government has consolidated several 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; historic environment; design process and tools; determining a planning application; healthy and safe communities; neighbourhood planning; noise; and use of planning conditions.

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

LOCAL PLAN POLICY:

The County Durham Plan

14. Policy 16 (Durham University Development, Purpose Built Student Accommodation and Houses in Multiple Occupation) seeks to provides a means to consider student accommodation and proposals for houses in multiple occupation to ensure they create inclusive places in line with the objective of creating mixed and balanced communities.
15. 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 the Parking and Accessibility Supplementary Planning Document and Strategic Cycling and Walking Deliver Plan.
16. Policy 29 (Sustainable Design) requires all development proposals to achieve well designed buildings and places having regard to SPD advice and sets out 18 elements for development to be considered acceptable, including: making positive contribution to areas character, identity etc.; adaptable buildings; minimising greenhouse gas emissions and use of non-renewable resources; providing high standards of amenity and privacy; contributing to healthy neighbourhoods; and suitable landscape proposals. Provision for all new residential development to comply with Nationally Described Space Standards
17. 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.
18. Policy 44 (Historic Environment) seeks to ensure that developments should contribute positively to the built and historic environment and seek opportunities to enhance and, where appropriate, better reveal the significance and understanding of heritage assets. The policy advises on when harm or total loss of the significance of heritage assets can be accepted and the circumstances/levels of public benefit which must apply in those instances.

Neighbourhood Plan

19. The following policies of the Durham City Neighbourhood Plan are considered relevant to the determination of this application.
20. Policy S1 (Sustainable Development Requirements of all Development and Redevelopment Sites Including all New Building, Renovations and Extensions) seeks to sets out the economic, social and environmental criteria that development proposals will be required to meet.
21. Policy D4 (Building Housing to the Highest Standards) seeks to ensure that all new housing, extensions and other alterations to existing housing must be of a high-quality design relating to the character and appearance of the local area, aesthetic qualities, external and internal form and layout, functionality, adaptability, resilience and the improvement of energy efficiency and the reduction of carbon dioxide emissions.
22. Policy H2 (The Conservation Areas) expects development within the City Centre Conservation Area to sustain and enhance its special interest and significance identified within the conservation area character appraisal taking account of sustaining and enhancing the historic and architectural qualities of buildings, continuous street frontages, patterns, boundary treatments, floorscape and roofscapes, avoiding loss or harm of an element that makes a positive contribution to its individual significance and surrounding area, using appropriate scale, density, massing, form, layout and materials, using high quality design sympathetic to the character and context, its significance and distinctiveness.
23. Policy T2 Residential Car Parking seeks to ensure that proposed development would be served by sufficient car parking spaces.

<https://www.durham.gov.uk/media/34069/County-Durham-Plan-adopted-2020-/pdf/CountyDurhamPlanAdopted2020vDec2020.pdf?m=637424969331400000>

CONSULTATION AND PUBLICITY RESPONSES

STATUTORY RESPONSES:

24. DCC Highway Authority– raised no objection to the proposals noting that the property is located within a highly sustainable location within the City Centre and within the Controlled Parking Zone.
25. City of Durham Parish Council - objected to the original proposals, for erection of a full height extension with additional bedrooms proposed, on the grounds that the proposals would result in further imbalance to the community and would breach the standards (separation distances) laid down in the Residential Amenity Standards SPD, contrary to Policy 16(3), 29, and 31 of the CDP and paragraph 127 (f) of the NPPF.
26. Following amendments to the proposals, which included a reduction in the height of the rear extension, the PC wished to maintain their objection on the grounds that the amended application would still breach the standards in the SPD and Policy 29 of the CDP. However, they acknowledged that the application no longer proposes an additional bedroom and therefore removed their objection on those grounds

27. It is also noted that the PC initially referred to the public representation submitted as being received from the occupants of 9 John Street to the rear of the application site, however, the objection came from no. 7 John Street.

INTERNAL CONSULTEE RESPONSES:

28. DCC Design and Conservation Section - objected to the original proposals on the grounds that the development would cause harm to the character and appearance of the conservation area. However, following amendments to the proposals and a reduction in the scale of the rear extension the proposals were considered to be generally acceptable from a design perspective.
29. DCC HMO Data Section - confirm that within a 100m radius of, and including 50 Hawthorn Terrace, 66.7% of properties are Class N exempt student properties as defined by Council Tax records. There are 144 properties within 100m of the application site and 96 currently benefit from a Class N exemption. The application site currently benefits from this exemption.
30. DCC HMO Licencing Section - commented that the dwelling will be capable of forming a 6-bed licensable house in multiple occupation. However, they have provided advice and guidance to assist the applicant in ensuring compliance with all relevant amenity and fire safety standards relating to a licensed HMO of this type. However, it is noted that upon amendment to the scheme which removed the proposed additional bedspace, these comments are no longer relevant.
31. Environmental Health (Nuisance Action Team) Section - are not aware of any statutory nuisance matters to date that have been raised concerning the premises. As such, subject to a suitable condition in relation to the construction phase, the information submitted demonstrates that the application complies with the thresholds stated within the TANS which would indicate that the development will not lead to an adverse impact and is unlikely to cause a statutory nuisance.

PUBLIC RESPONSES:

32. The application has been advertised by means of site notice and by notifying neighbouring residents by letter. Neighbours have also been re-consulted on the amended proposals. Two letters of objection were received in relation to the original proposals from The City of Durham Trust and one member of the public. The comments are summarised as follows:
- bedroom 3 is below HMO licensing standards so proposals technically seek an increase in two bedrooms.
 - no heritage statement/section provided within D & A Statement.
 - the application appears to meet the requirements of clauses (d) to (g) of Policy 16.
 - the D & A Statement is inaccurate and interprets Policy 16 incorrectly.
 - crime statistics outlined in D & A Statement do not present the full picture.
 - applicant is glossing over the cumulative effect of increasing number of bedrooms.
 - the design of the proposed extension fails, and the infill breaks the important roofline
 - it is contrary to County Durham Plan Policy 16.3 and none of the exceptions apply.
 - it fails to recognise the extent of anti-social behaviour in this area.
 - it is poorly designed and certainly not fit for this conservation area.
 - it would compromise the privacy of existing residents.
33. Following receipt of amended plans the Trust was re-consulted and wished to maintain their objection on the grounds that the amended proposals would still fail to meet the SPD requirements in terms of separation distances and impacts on residential

amenity. However, they acknowledged that following amendments no additional bedrooms are proposed and so their arguments in relation to Policy 16(3) are no longer relevant.

34. An objection was also received from the resident of no. 7 John Street who raised concerns in relation to the impact of the development on the privacy and amenity of neighbouring occupants, overlooking of neighbouring bedroom windows, the impact on the balance of the community, anti-social behaviour and noise impacts which would be exacerbated by the proposals. Following amendments to the application no further public representations were received.

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/simpleSearchResults.do?action=firstPage>

APPLICANT'S STATEMENT:

35. None provided.

PLANNING CONSIDERATIONS AND ASSESSMENT

36. 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. In assessing the proposals against the requirements of the relevant planning guidance and development plan policies and having regard to all material planning considerations it is considered that the main planning issues in this instance relate to the principle of development, the impact on the character of the Durham City Centre Conservation Area, impact on residential amenity, and impact on parking and highway safety.
37. The County Durham Plan (CDP) was adopted in October 2020 and as such represents the up-to-date local plan for the area along with the Durham City Neighbourhood Plan, which is also now adopted, both are the starting point for the determination of this planning application. Consequently, the application is to be determined in accordance with relevant policies set out within the CDP and NP. Paragraph 11(d) of the NPPF is not engaged.

Principle of Development

38. The property in question is currently in use as a small 5-bed HMO (C4 Use Class) which are defined as small, shared houses occupied by between three and six unrelated individuals, as their only or main residence, and who share basic amenities such as a kitchen or bathroom. Originally, the proposals included an increase in bed spaces. However, following amendments to the application no additional bed spaces are now proposed. The property will remain in C4 use and as such this application does not propose any material change in the use of the property.
39. Part 3 of Policy 16 (Houses in Multiple Occupation) of the CDP is of most relevance to the proposal and seeks to promote, create and preserve inclusive, mixed and balanced communities and protect residential amenity. The policy states that applications for extensions that result in specified or potential additional bedspaces will not be permitted if including the proposed development, more than 10% of the total number of residential units within 100 metres of the application site are exempt from council tax charges (Class N Student Exemption).

40. The proposals as originally submitted included the construction of a full height extension with dormer window to the rear of the dwelling, to facilitate internal alterations to the existing accommodation and provide an additional bedroom, taking the total to six bed-spaces. However, during the application process the proposals were amended and consequently no additional bedrooms are now proposed. The proposals, as amended, will facilitate improvements to the existing layout of the lower ground floor to provide open plan kitchen and living area with shower room and utility, and the size of the 2 no. bedrooms to the ground floor with addition of shower space. In addition, no alterations are now proposed to the first floor which continue to provide 3 no. existing bedrooms and shower room.
41. Concerns were initially raised regarding the potential for the property to be altered later to provide additional bedspaces. Part 3 of Policy 16 refers to the creation of potential additional bed spaces which is explained further in the supporting text at paragraph 5.159. This confirms that Policy 16 not only applies to extensions to an HMO to provide for additional bedspaces, but also to extensions which result in additional floorspace which means the property could be reconfigured to accommodate additional bedroom space. In this context, even if the extended part of the property is not intended to accommodate a bedroom or bedrooms, if a proposed extension would enable an internal reconfiguration of the property with the result of the creation of additional bedroom or bedrooms, then the policy would apply. The text goes on to explain that in determining whether an extension is of a scale such that a property may be reconfigured to accommodate additional bedspaces, the council will have regard to evidence such as the Nationally Described Space Standard which sets out bedroom sizes and which provides a guide to the interpretation of this policy.
42. The plans as amended have been carefully scrutinised and it is not considered that there is scope to provide any additional bedspaces. As shown on the original plans, now superseded, at ground floor level when alterations are made to provide 3 no. bedrooms, they would not meet NDSS requirements in terms of room widths. This was also raised with the applicant prior to them submitting the current amended plans. The lower ground floor is intended to be amended to provide an open plan kitchen and living space with shower and utility rooms. However, the overall footprint will not be increased. In addition, no alterations are proposed to the existing first floor which accommodates 3 no. bedrooms. On that basis, the proposed extension is unlikely to allow an additional bedspace and student to reside in the property. Nevertheless, a condition is proposed which restricts the number of bedspaces within the property to no more than 5. This approach has been applied by the Planning Inspectorate in allowing a previous appeal against the council's decision to refuse planning permission for the change of use from C3 dwelling to C4 HMO at No. 1 Wearside Drive, Durham. Subject to the inclusion of a planning condition in this regard the development would not lead to additional bedspaces or the potential for additional bedspaces in accordance with the aims and objectives of Policy 16 of the CDP.
43. Noting that the proposal would not result in any additional bedspaces or the potential for additional bedspaces, it is not considered that the requirements of Policy 16 criterion d) to g) apply in this instance and the development is acceptable in principle subject to proper consideration of the material considerations discussed below.

Impact on the conservation (CA) area and world heritage site (WHS)

44. Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) requires that in discharging their planning responsibilities an LPA must pay special attention to the desirability of preserving or enhancing the character or appearance of the conservation area.

45. Part 16 of the NPPF requires local planning authorities, in determining planning applications, to take account of the desirability of sustaining and enhancing the significance of heritage assets and Part 12 states good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.
46. Policy 44 Historic Environment (Conservation Area) of the CDP states development proposals should respect and reinforce the established positive characteristics of the area in terms of appropriate design. Whereas Policy 29 (Sustainable Design) states all development proposals will be required to contribute positively to an areas character, identity, heritage significance and townscape, and that extensions and alterations to residential property should ensure the development is sympathetic to the existing building and the character and appearance of the area in terms of design, scale, layout, roof design and materials.
47. Policy H2 (The Conservation Areas) of the Durham City Neighbourhood Plan (DCNP) seeks to ensure that proposals within the Durham City Conservation area sustain, conserve, and enhance the significance of the Conservation Area. In addition, Policy D4 (Building Housing to the Highest Standard) seeks to ensure that all new housing, extensions and other alterations to existing housing must be of a high-quality design.
48. The property is unlisted but is located within the western part of Durham City Centre Conservation Area. This area is characterised by tight-knit intimate Victorian terraced streets in grid patterns with connecting back lanes and are important components of the townscape of the city representing its 19th/20th century residential expansion. In this respect, the subject property forms an integral part of an important terrace which first appears on the 3rd edition Ordnance Survey map circa 1898 and was one of the first terraces to be constructed in this part of the city. Hence it contributes positively to the character and appearance of the surrounding conservation area and its significance as a designated heritage asset.
49. The rear street elevation taken in its entirety has been unsympathetically altered and extended over time that has weakened its historic character and integrity. That said, Nos. 48, 49, 50 and 51, display a different rhythm of built form to the rest of the terrace. They have repeated projecting cat-slide offshoots and recessed “nooks” that are consistent across this grouping, marginally disturbed by poor quality modern one storey infill additions, but overall, the legibility of this distinctive pattern of rear development remains strong that is important to conserve.
50. The Design and Conservation officer was consulted on the application and commented that there is a well-established planning history within Hawthorn Terrace for extending the properties to the rears and there are many examples of existing rear extensions within the surrounding streets, so extending the subject property in principle is not opposed. However, the Conservation officer considered that the size, scale and design of the development as originally proposed paid no regard to the character of the area and would cause minor and localised harm to the character and appearance of the conservation area.
51. Following amendments to the proposals the Conservation officer was re-consulted and considered that the revised proposals to have overcome the main concerns. The scale of the extension has been reduced by omitting the first-floor that will retain the recessed nook above, the principal roof form, and the preserved repetitive character to the rear of this group of terraced properties. The extension is more comparable to the neighbouring extensions, appearing far less discordant than the original proposal in this respect. It would then be considered that when compared to the existing single storey conservatory, of lower quality, there would be an aesthetic benefit. The officer

did also suggest that the extension should be set back from the main rear element to provide a visual break. However, the current scheme does not include such a setback and it was not considered that the development as proposed would be so harmful to sustain refusal of the application in the event that the applicant was unwilling to make that alteration.

52. Policy H2 of the Durham City neighbourhood plan is clear that it requires proposals to sustain and enhance the conservation area and provides a set of criteria to consider in this regard. For the reasons discussed above, it is considered that the development would sustain and provide an enhancement to the rear elevation in terms of replacing the existing low-quality conservatory with a higher quality extension that will preserve the character of this group of terraced properties.
53. In terms of the overall design of the development, the extensions would be sited to the rear of the property and would not therefore appear prominent in the street scene. The extensions would be subordinate to the host dwelling and would comply with the general design principles as outlined in the SPD guidance.
54. Taking the above into account, it is considered that the amended proposals would to some extent enhance, the character, appearance, and significance of the conservation area. Therefore, the development would accord with the aims of Sections 12 and 16 of the NPPF, Policies 29 and 44 of the CDP, Policy H2 of the DCNP and Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

Impact on residential amenity

55. Paragraph 126 of the NPPF advises that planning decisions should create places that have a high standard of amenity for existing and future users.
56. Policy 31 of the CDP states 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. Proposals will also need to demonstrate that future occupiers of the development will have acceptable living conditions.
57. In addition, criterion e) of Policy 29 states that all development proposals will be required to provide high standards of amenity and privacy and minimise the impact of development upon the occupants of existing adjacent and nearby properties. Policy 29 also requires that all development proposals will have regard to supplementary planning documents, which includes the council's Residential Amenity Standards Supplementary Planning Document (SPD) referred to in Paragraph 5.303 of the CDP. This sets down standards for alterations, extensions and distances between new dwellings.
58. Concerns have been raised by the Durham City Parish Council, the City of Durham Trust and a local resident in relation to the impact of the proposed development on the amenity and privacy of existing neighbouring properties and their occupants. It is suggested that the separation distance between the proposed rear elevation of the application dwelling and rear elevations of the properties in John Street opposite would fall below the required distances as set out within the Council's adopted Residential Amenity SPD.
59. The SPD guidance suggests that between main facing elevations, containing window/s serving habitable rooms, a distance of 21m between two storey dwellings and 18m between bungalows is recommended. The distance between the proposed rear extension and rear elevation of the neighbouring property opposite, 9 John Street,

is approximately 14 metres which falls below the recommended distances. To the ground floor of 9 John Street is a narrow lounge window and to the first floor is a bedroom window. There is also a dormer window located in the roof which serves an additional bedroom in the roof space. Due to the scale and position of the lounge window in 9 John Street, together with existing boundary treatments and walls, it is not considered that the proposed extension would result in a significant overlooking impact.

60. With regards to the proposed extension there will be a first-floor window serving the existing bedroom which will be brought closer to the rear elevations of those properties at John Street due to the depth of the extension matching that of the existing ground floor element. It is noted that the first-floor elements of both dwellings are comparable in terms of levels and therefore there would be some potential for intervisibility between the application site and No. 9 John Street. However, it is noted that there has been no objection received from the occupiers of this property which is understood to be in use as a C4 HMO. Objection has been received from the resident at No. 7 John Street who raises concerns in relation to a subsequent loss of privacy. However, it is noted that given the orientation of the properties in question which are offset, any intervisibility would not be direct.
61. Notwithstanding the above, paragraph 3.5 of the SPD confirms that it is not intended to apply the standards rigidly and distances may also be relaxed having regard to the character of an area. Shorter distances than those stated above could be considered in those urban areas typified by higher densities. It will however be important to ensure that the amenity of existing residents is not significantly impacted upon. Following a site visit by the case officer it is noted that the properties in this terrace have been extended at two storey height in an identical manner to the proposed and appear to contain habitable room windows. This area is characterised by tight-knit terraced streets and, as such, it is considered that there is an established character in Hawthorn Terrace which presents separation distances below those outlined within the SPD as commonplace.
62. Based on the above, it is therefore considered that while the proposed separation distance would fall below those recommended in the SPD, on balance, it is considered that these distances are acceptable, due to the general character of the built form in this area. It is also noted that no. 9 John Street has a dormer window serving a bedroom in the roof space and therefore there is already an established degree of mutual overlooking. On balance, it is not therefore considered that the development would result in any significant adverse impacts on the amenity and privacy of neighbouring residents to warrant refusal of the application in this instance.
63. In relation to the amenity of future occupants of the development, compliance with the requirements of the governments Nationally Described Space Standards is relevant in assessing the suitability of internal space provided in the context of policy 29(e) of the CDP. This requires new development to provide high standards of amenity and privacy. NDSS is a government introduced nationally prescribed internal space standard which was created with the aim of improving space standards within new residential development across all tenures. Following the proposed alterations to the lower ground floor and ground floor, the development would still meet the minimum recommended floor spaces while providing improvements to the quality of the accommodation provided.
64. Other concerns were initially raised in relation to potential noise and anti-social behaviour that could be generated by the development. The property is a mid-terraced property located within a residential area and is already in use as an HMO, as such the existing use is already noise sensitive. Following amendments to the scheme no

specified or potential bedspaces are proposed and therefore in respect of the elements that are subject to consideration in this application, namely the rear extension to improve the existing accommodation, it is not considered that this would amount to any additional increase in noise and the concerns initially raised are therefore no longer considered to be relevant.

65. In summary, the proposals have been assessed against SPD guidance and although do not fully comply with recommended privacy distances, it is not considered that the proposals would be unacceptably harmful in terms of the amenity and privacy of neighbouring occupants. In addition, the development would improve the quality of accommodation currently provided and would therefore provide a high standard of amenity for future occupants. On that basis, the proposals are considered to accord with the aims of Part 15 of the NPPF and Policies 29 and 31 of the CDP.

Parking and Highways Safety

66. The property is located within a highly sustainable location within the City Centre and within the Controlled Parking Zone. There are also double lines to prevent illegal parking. Colleagues in DCC Highways Development were consulted on the proposals and initially requested details of cycle parking to be submitted to the LPA.
67. Since the proposals, as amended, do not include any additional specified or potential bedrooms, as already noted the criteria in Policy 16 is no longer relevant. On that basis, the development would not result in any unacceptable harm regarding highway safety and would therefore accord with the aims of Part 9 of the NPPF, Policy 21 of the CDP and Policy T2 of the Neighbourhood Plan.

CONCLUSION

1. Section 38(6) of the Planning and Compulsory Purchase Act 2004 sets out that planning applications be determined in accordance with the development plan unless material considerations indicate otherwise.
2. In summary, following amendments to the scheme, the principle of development is considered to comply with Policy 16 of the CDP and the criteria therein. The extension would be considered to a degree enhance, the character and appearance of the Durham City Centre Conservation Area. The development would therefore accord with the aims of Section 72 of the Listed Building Act, Parts 12 and 16 of the National Planning Policy Framework, Policies 16, 29 and 44 of the County Durham Plan, and Policy H2 of the Durham City Neighbourhood Plan.
3. While the development would not entirely comply with guidance within the Council's Residential Amenity SPD, on balance, taking account of the character of the area it is not considered that the development would result in significant adverse impact on the amenity of neighbouring occupants to a degree that would warrant refusal of the application in this instance. There would also be no impact on parking or highway safety in this instance. As such, the development would accord with the aims of Parts 9 and 15 of the NPPF and Policies 21, 29 and 31 of the CDP.
4. Whilst the concerns raised by the City of Durham Parish Council, City of Durham Trust, and local resident are noted, for the reasons discussed within this report they are not considered sufficient to sustain refusal of the application.
5. Considering the above, the application is reported to the Committee with a recommendation to approve the application, subject to conditions.

RECOMMENDATION

That the application be **APPROVED**, subject to the conditions detailed below:

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 16, 29, 31 and 44 of the County Durham Plan.

3. Notwithstanding the approved floor plans as shown on Drawing No. 101 Rev C which illustrates that the dwelling will comprise a total of 5 bedspaces upon completion of the works hereby approved, no further works or internal room subdivisions shall take place that would result in the creation of additional bedspaces in excess of a total of 5.

Reason: To protect the residential amenity of surrounding occupiers and the balance of the community in accordance with the aims of policies 16, 29 and 31 of the County Durham Plan.

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

Reason: In the interests of the visual amenity of the surrounding areas in accordance with Policy 29 and 44 of the County Durham Plan and Parts 12 and 16 of the National Planning Policy Framework.

5. In undertaking the development that is hereby approved:

No external construction works, works of demolition, deliveries, external running of plant and equipment shall take place other than between the hours of 0730 to 1800 on Monday to Friday and 0730 to 1400 on Saturday.

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

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

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

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

STATEMENT OF PROACTIVE ENGAGEMENT

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

BACKGROUND PAPERS

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

Statutory, internal and public consultation responses

The National Planning Policy Framework (2021)

National Planning Practice Guidance Notes

County Durham Plan (2020)

Residential Amenity Standards SPD (2020)

Durham City Neighbourhood Plan (2021)



<p>Planning Services</p>	<p>50 Hawthorn Terrace Durham DH1 4EQ</p>	
<p>This map is based upon Ordnance Survey material with the permission of Ordnance Survey on behalf of Her Majesty's Stationary Office © Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceeding. Durham County Council Licence No. 100049055 2005</p>	<p>Erection of an extension to the rear of the property and internal reconfiguration of lower ground floor and ground floor of existing HMO (C4 Use Class).</p>	
	<p>Date October 2022</p>	<p>Scale NTS</p>