



Area Planning Committee (Central and East)

Date Tuesday 13 December 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 8 November 2022 (Pages 3 - 16)
4. Declarations of Interest, if any
5. Applications to be determined by the Area Planning Committee (Central and East)
 - a) DM/22/01830/FPA - Taylormade Timber Products, Old Colliery Yard, Sherburn Hill, Durham, DH6 1PS
(Pages 17 - 60)
Replacement sawmill to west of site, construction of co-products bunkers to north at former Cooks Hold Farm site, new access road from site entrance to co-product bunkers, with associated landscape, drainage and car park.
 - b) DM/21/04311/FPA - Blagdon Depot, Frankland Lane, Durham, DH1 5TA (Pages 61 - 92)
Demolition of 6no. existing industrial units and erection of 4no. commercial units (Use Class B2), with associated parking, landscaping and boundary enclosures.
 - c) DM/22/03029/FPA - 1 Oxford Terrace, Bowburn, Durham, DH6 5AX (Pages 93 - 104)
Change of use from dwelling to mixed use as dwelling/café (use class sui generis).

- d) DM/22/02292/VOC - 5 North Road, Durham, DH1 4SH
(Pages 105 - 114)
Variation of condition 2 of planning permission
4/99/00534/FPA to allow a change in opening hours.
 - e) DM/22/01509/FPA - Silver Howe, Heathways, High
Shincliffe, Durham, DH1 2PQ (Pages 115 - 132)
Demolition of existing bungalow and replacement with
dormer bungalow.
6. Such other business as, in the opinion of the Chair of the meeting, is of sufficient urgency to warrant consideration

Helen Lynch
Head of Legal and Democratic Services

County Hall
Durham
5 December 2022

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

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

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

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DURHAM COUNTY COUNCIL

AREA PLANNING COMMITTEE (CENTRAL AND EAST)

At a Meeting of **Area Planning Committee (Central and East)** held in **Council Chamber, County Hall, Durham** on **Tuesday 8 November 2022** at **9.30 am**

Present:

Councillor D Freeman (Chair)

Members of the Committee:

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

Also Present:

Councillor R Adcock-Forster

1 Apologies for Absence

Apologies for absence were received from Councillors I Cochrane, S Deinali, J Cosslett and C Marshall.

2 Substitute Members

Councillor L Fenwick substituted for Councillor S Deinali.

3 Minutes

The minutes of the meeting held on 11 October 2022 were confirmed as a correct record by the Committee and signed by the Chair.

4 Declarations of Interest

Councillor L Brown noted in respect of Item 5b, she had been Chair of the City of Durham Parish Council's Planning Committee when the objections were put forward by the Parish Council and therefore would leave the Chamber at that point and take no part in that item.

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

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

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 Senior Planning Officer advised that Members of the Committee had visited the site and were familiar with the location and setting. The application was for the Construction of 49 no. affordable dwellings (amended title) and was recommended for approval, subject to s106 legal agreements and conditions as set out in the report.

The Chair thanked the Senior Planning Officer and asked Councillor R Adcock-Forster, Local Member, to speak as regards the application.

Councillor R Adcock-Forster thanked the Chair and Committee and explained that unfortunately his fellow Divisional Member, Councillor J Griffiths was unable to attend the meeting. He explained that the proposed development would negatively impact residents and noted there were a number of concerns raised by local residents. He noted that while there was a need for affordable housing it was felt the proposed location was the wrong place for such housing. He explained that it was felt the proposals would impact on the character of the area and that Believe Housing were erecting 70 properties within 200 metres of the site. Councillor R Adcock-Forster noted that previously the site had been deemed unsuitable for development under the Strategic Housing Land Availability Assessment (SHLAA) in 2013. He added that reasons given had related to impact on the landscape, impact upon the neighbouring woodland and impact on the A19 dual carriageway. He explained that residents had concerns relating to infrastructure, with additional strain on GPs in terms of appointments, dentists and also school places, with 90 local secondary age students not able to secure a place at either the local Seaham or Easington Academy schools.

Councillor R Adcock-Forster noted that the site was some distance from the nearest bus stop and there was poor access to services, which therefore encouraged use of personal car.

The Chair thanked Councillor R Adcock-Forster and asked Kelly Monahan, Local Resident, to speak on the application.

K Monahan drew the Committee's attention to page 22 of the Committee Papers adding that she felt it was misleading. She noted that the A19 formed a barrier between Seaham and Murton preventing coalescence, with a green corridor to either side. K Monahan explained that development within that corridor would erode the only gap of green land on the Murton side of the A19 and therefore such land was very important. She explained that on the other side of the A19, 75 houses had been constructed, adding that the proposed development would result in the loss of habitat and access corridor for wildlife. K Monahan added that the site was within the six kilometre buffer zone of a Special Conservation/Protection Area, a European designation aimed at protecting rare and endangered birds and habitats. K Monahan noted that the Council had been asked to designate the area Green Belt and had been ignored, with the Authority insisting that the amber designation would prevent development, she asked was that was indeed the case. K Monahan explained that approval would set a dangerous precedent and noted residents had been fighting applications for development of the site for the last 20 years. She asked the Committee to refuse the application as it represented intrusion into the countryside and was beyond the settlement boundary.

The Chair thanked K Monahan and asked Steve Robson, representing the Sea View Action Group, to speak in relation to the application.

S Robson noted he was a local Parish Councillor and represented the Sea View Action Group who objected to the proposed development. He explained that he lived at Sea View Walk and noted the issues faced by a number of other residents, including anxiety and depression, that the area of land in question help to alleviate, providing a safe space for them. He added that there were a number of families with young children in the area, and the site and surrounding area provided a place for them to play safely. He explained that there was a dread amongst residents in terms of the development going ahead, especially in terms of road safety. S Robson noted that the proposed access was via a 45 degree bend from Glebe View and noted that there had been numerous accidents on this road. He added that there were terrible conditions, including no road markings, with incidents on a near daily basis. He noted that therefore the proposals were an accident waiting to happen with the young children in the area.

He added that the development would mean an extra 100 to 140 extra car journeys per day, reiterating the point made that the site was in an unsustainable location, with no public transport, with the nearest bus stop being 400 metres and shops around 600 metres.

The Chair thanked S Robson and asked A Franklin, Agent for the Applicant, to speak in support of the application.

A Franklin thanked the Chair and Committee and noted that the proposals represented a 100 percent affordable housing development by Partner Construction. He explained that the Officer's recommendation for approval was welcomed and noted the final proposals were as a result of extensive consultation with the Council. He added that Partner Construction worked with organisations such as Homes England, Local Authorities and others in delivering such affordable housing schemes. He thanked Officers for addressing the concerns raised in respect of the development within their report, setting out the work that had been carried out to address those issues. A Franklin noted the financial contributions in excess of £230,000 toward local amenities, including: GP provision; open space, including play space; school place provision; and management of coastal habitats.

A Franklin noted that the 100 percent affordable homes were needed, with the 49 properties being a mix of affordable rent and rent to buy. He noted local residents had raised concerns as regards highway safety, landscaping and drainage, and explained that those were addressed via conditions, and Construction Management Plan (CMP). He noted that Northumbrian Water Limited (NWL) and the Council, as Flood Authority, had noted that surface water requirements had been achieved, including an allowance for climate change, and would help prevent flooding off-site. In respect of landscaping, A Franklin noted a number of trees were to be planted and a large public open space would be provided, open to all residents. He noted a 77 percent net increase in biodiversity, greater than the 10 percent increase recommended.

In relation to coalescence, A Franklin noted that issues were addressed at paragraph 72(b) of the Officer's report and paragraph 72(j) dealt with issues relating to other potential brownfield sites, adding such sites were not likely to be able to give 100 percent affordable housing. A Franklin concluded by noting the application met all the requirements, including drainage improvements, and the scheme presented limited impact and therefore he asked that the application be approved as per the Officer's recommendation.

The Chair asked Officers for their comments on the issues raised by the speakers.

The Senior Planning Officer noted that, in reference to harm to the character and quality of the area, paragraph 72(b) dealt with the issue, with the A19 identified as a clear buffer. She added that to the east of the A19 there was the Area of High Landscape Value (AHLV) and the application site was set back from the A19 to provide sufficient distance in terms of a buffer from this road. She noted that the report referred to the SHLAA, with the amber reading, and explained that the application site was for a smaller area, for fewer dwellings than previous considered as part of the SHLAA, and the current proposals contained additional planting and sustainable urban drainage systems (SUDS) which in turn increased the quality of the green buffer.

The Principal DM Engineer, David Battensby explained that a risk based approach was taken when looking at the highways implications of planning applications. He noted that accident records were referred to and he had noted that, for the area proposed, there had been no accidents with personal injury recorded over the last 10 years and therefore there did not appear to be any particular problem in the area. He added that children playing in streets in residential areas was not atypical, however, it was not felt the proposals generated additional risk such to recommend refusal on highway grounds.

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

Councillor J Quinn asked for clarification on the distance to the nearest bus stop and as regards the position of the bungalows within the site, to be closer to the bus stop. The Senior Planning Officer noted that paragraph 72(f) of the report contained the relevant information, with the links to Murton and amenities at Woods Terrace. Members were referred to the appropriate map on the projector screen and noted distances of 1.2 kilometres to the nearest school, 500 metres to the nearest bus stop, and 900 metres to Woods Terrace. She acknowledged that the recommended minimum distance to bus stops was 400 metres, however, given the small additional amount over that distance together with good pathways in the area, there was reasonable assurance in terms of pedestrian access to the bus stop. She noted an improved surface at Woods Terrace and added that it was felt there were options in terms of transport modes.

Councillor J Elmer noted the proposals had a number of good points, in terms of insulation standards, being better than Building Regulation requirements, especially important in terms of the rising costs associated with heating. He added that the biodiversity net gain was welcomed as was the SUDS to create a wetland habitat. He noted the site to the east would remain as arable land in the ownership of the original landowner and noted a missed opportunity to extend the biodiversity buffer up to the Great North

Forest site. Councillor J Elmer noted that the 100 percent affordable housing for the site was very good and needed.

He explained he had been on the site visit and noted the previously blocked culvert and asked for advice from Officers in that regard. He added he shared the concerns raised in terms of road safety, with an increase in the number of vehicles not being likely to present no risk. Councillor J Elmer noted there was no reference to photovoltaic cells or battery storage, adding that as much as possible needed to be done to help residents with their energy bills. He asked how the properties were to be heated, gas or heat pump, and asked on what basis the previous applications had not met the SHLAA criteria.

The Chair allowed the Agent for the Applicant, J Ridgeon to respond to some of the queries raised by Councillor J Elmer.

J Ridgeon noted that the final design process would determine the heat source, with likely a combination of PV and air source heat pump, though he was not sure as regards gas. He noted Building Control regulations and the associated conditions that would require, noting that details in those terms had yet to be agreed. He pointed out that the nearest bus stop was 300 metres from the closest edge of the proposed development.

The Chair thanked J Ridgeon and asked the Drainage and Coastal Protection Manager, Brian Weatherall to respond to some of the issues raised.

The Drainage and Coastal Protection Manager noted that the Council, as Local Flood Authority, were consulted on the proposals and he explained that there was a requirement to demonstrate that any proposal would not increase flood risk. He noted that the requirement was for a flow offsite of 3.4 l/s in all storm events, including one in one hundred year events, and with an additional 40 percent to account for the impact of climate change. He noted there was a viable connection with a NWL combined sewer and therefore the culvert mentioned was not required. He noted that NWL had confirmed there was capacity in their system and therefore the proposals were in line with policy and national guidelines. He noted that while there had been flood events downstream of the site, the proposals would in some events decrease flood risk to a small extent.

The Planning Area Team Leader, Sarah Eldridge noted that the SHLAA assessment had considered the application site as part of a considerably larger site which extended all the way up to the A19 and north of the site. She added that larger site, yielding 92 properties, had been deemed represent significant adverse landscape impact and would detract from the gateway of the A19.

Councillor C Kay noted he had not yet reached a decision on the application, though he quite liked the application. He noted Members had heard as regards PV and air source heat pumps from the Agent and added that from his experience that those types of pumps did not work. He noted that many properties with such technology may have to go back to gas and asked why gas was not proposed, and whether it was an issue in terms of connection of the service to the site.

The Chair allowed J Ridgeon to respond to the queries raised by Councillor C Kay.

J Ridgeon noted that there could be a lot of issues when retrofitting air source heat pumps to existing buildings, however, with newly constructed dwellings it was possible, as in this case, to specify increased insulation to help match up with PV and air source heat pump technology. Councillor C Kay noted the application was a full planning application. J Ridgeon added that the development would meet and exceed building regulations. The Area Team Leader noted that Condition 13 required the submission of further details relating to a scheme to minimise greenhouse gas emissions and therefore the Authority would retain control going forward.

Councillor D McKenna asked if the Applicant had looked at alternative, brownfield sites in the area.

The Chair allowed J Ridgeon to respond to the queries raised by Councillor D McKenna.

J Ridgeon explained that the developer had looked at a number of sites, however, the site chosen was such to be able to offer 100 percent affordable housing. He added that brownfield sites can often be tricky with a number of constraints to such sites, and therefore it would be unlikely such site could offer 100 percent affordable properties.

Councillor A Surtees asked why the area directly south of the application site was not included within the development. The Senior Planning Officer noted that the area contained a number of manholes and inspection covers. She added that the area was part in Council ownership and the primary reason was retaining access to those engineering works.

Councillor D McKenna explained he knew the area well and noted issues of flooding, citing incidents at the Times Inn at Dalton-le-Dale and noted likely increased incidents as a result of climate change. The Drainage and Coastal Protection Manager reiterated that guidance relating to development for major sites was to not increase flood risk. He noted that there would be

reduced flow from pre-development work, noting SUDS storage such for a 3.4 l/s flow.

He noted normal rates were greater than 100 l/s and therefore the proposals would give a lower rate over a longer timescale. He noted that the proposals were in accord with policy, and he did not have concerns as regard flood risk.

Councillor L Brown asked, given the highway safety concerns raised, if it was possible to have banksmen on the road during construction of the site.

The Chair allowed J Ridgeon to respond to the queries raised by Councillor L Brown.

J Ridgeon noted that Condition 3 within the report referred to a CMP and such issues would be taken into account within the CMP, adding there would a package of actions, such as not having deliveries at peak school times, that would work together in terms of delivering the proposals safely.

Councillor K Shaw noted his previous role as Portfolio Holder for Housing and explained there was a huge demand for affordable housing, adding that there were 10,000 people registered on the waiting list, with 3,000 of those applications having specific needs, such as for older persons or for those with disabilities. He explained that therefore such development, where it was viable, should be supported. He added he understood the concerns raised by Local Members and residents, and noted similar issues in his Electoral Division, with competing demands in terms of those residents objecting to applications and those residents in need of such housing in their local area. He noted the impact of the proposals, however, there were elements to mitigate the impact in terms of the s106 monies. He noted in particular the impact on secondary school places and an associated s106 allocation and asked how it was calculated and how it could address need, especially as current need in that regard was not being met.

Councillor J Elmer noted he agreed with Councillor K Shaw and added that air source heat pumps could be efficient if the property was sufficiently thermally insulated and coupled with other technologies such as PV and battery storage. He reminded Members of the Climate Emergency as declared by the Authority and the ongoing COP27 Climate Summit currently taking place.

In response to Councillor K Shaw, the Area Team Leader explained that there were documents alongside the County Durham Plan (CDP) that gave an explanation of how pupil yields were calculated. She emphasised that any contribution would be to address any need arising from the proposed development, and not to address any previous need.

Councillor A Bell noted that the issue of school places was an increasing large one, and agreed it was not for this developer to address the wider issue, noting they had agreed in terms of the contributions required for the proposals. He added it was an issue to be addressed outside of Committee and reiterated that it was an important issue. He noted another issue was that he felt the level of contributions as set out in policy did not seem to be sufficient to cover the cost of new classrooms and added it would be matter he would raise at a future meeting of the Chairs and Vice-Chairs of the Planning Committees.

Councillor A Bell explained he was in agreement with the comments from Councillor K Shaw and noted that while Officers had noted no issues in terms of highway safety, the issue of no road marking had been brought forward and asked if that was something that could be addressed. He asked as regards the type of SUDS proposed and noted that in heavy downpours some types could become a risk in terms of water safety. He noted the comments relating to brownfield sites, understanding that such sites often had an upfront financial cost, for example in terms of the cleaning up of an industrial site. Councillor A Bell noted that he felt on balance the proposals were in line with policy and therefore proposed that the application be approved in line with the Officer's recommendation.

Councillor K Shaw noted he too felt, on balance, that the Committee should be supporting the application as the need for affordable housing was massive across all communities within the county and therefore he would second the motion for approval.

Upon a vote being taken it was:

RESOLVED

That the application be **APPROVED**, subject to the conditions and s106 Legal Agreement as set out within the report.

Councillor L Brown left the meeting at 10.45am

b DM/21/02447/FPA - 50 Hawthorn Terrace, Durham, DH1 4EQ

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 Planning Officer advised that Members of the Committee had visited the site and were familiar with the location and setting.

The application was for the 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) and was recommended for approval, subject to the conditions as set out in the report.

The Chair thanked the Planning Officer and asked Parish Councillor Susan Walker, to speak as regards the City of Durham Parish Council's objections to the application.

Parish Councillor S Walker thanked the Chair and Committee and explained that the Parish Council very much welcomed the removal of additional bed spaces within the amended application. She noted that, however, the Parish Council still maintained objection to the application in terms of the impact upon residential amenity. She added that the National Planning Policy Framework (NPPF) advised to create high standards for existing and future users. She explained that therefore there should be no negative impact in terms of overlooking and visual intrusions unless there was satisfactory mitigation to provide high amenity standards and privacy for nearby residents. Parish Councillor S Walker noted that was the crux of the matter and added that the proposals broke the Residential Supplementary Planning Document (SPD) standards, those being 21 metres separation distance, with the distance proposed being only 13.4 metres, representing only 63 percent of the minimum requirement. She added it was felt this was shocking to be deemed acceptable and the Parish Council disagreed that the proposals were 'characteristic' and that as the area was so bad the proposals did not make the area so much worse. Parish Councillor S Walker reminded the Committee of the hard won policies within the CDP and noted that they should not now be forfeit, adding they must be applied to new applications. She explained that a nearby resident, Professor Weeks, had raised serious concerns as regards sight lines to two windows, being the bedrooms of his property. She concluded by noting the Parish Council would urge refusal of the application as it was in breach of CDP Policies 29 and 31, the Residential SPD, and Paragraph 127(f) of the NPPF.

The Chair thanked Parish Councillor S Walker and asked Roger Cornwell, representing the City of Durham Trust, to speak as regards the objections raised by the Trust.

R Cornwell thanked the Chair and Committee and reminded Members that one of the purposes of the CDP was to '*provide the blueprint to deliver long-lasting improvements*', a direct quote from the CDP introduction. He added that this was likewise for the Durham City Neighbourhood Plan (DCNP) and explained that proposals that might have passed under earlier development plans had to be judged against the latest versions of those Plans and their supporting documents.

He noted that the Parish Council broadly agreed with the Officer's report, until the discussion of impact upon residential amenity, beginning at paragraph 55 of the report. R Cornwell noted that paragraph 60 stated there had been no objections from 9 John Street to the application, this was not a surprise as Mr Durie was the owner of both properties in question.

R Cornwell noted the same paragraph of the report stated '*It is noted that the first-floor elements of both dwellings are comparable in terms of levels*'. He noted that, in fact, Hawthorn Terrace stood 3.8 metres, or over 12 feet, higher and Members would have noticed this on their site visit. He explained there was a lower ground floor which was roughly at the same level as the ground floor of the buildings on John Street. R Cornwell added that consequently the ground floor of 50 Hawthorn Terrace was level with, if not slightly above, the first floor of the properties in John Street. He noted that meant that it looks over the wall in the yard into the windows of the houses beyond.

In reference to paragraph 61 of the report, R Cornwell noted it quoted the Residential SPD to say that the standards should not be applied rigidly, however, the proposals took a separation distance that was already, at 16 metres, short by 5 metres of the current standard and pushed it 2.6 metres closer to John Street. He stressed that this was less than two-thirds of the standard, going beyond 'relaxed' or being 'rigid'.

R Cornwell noted that Professor Weeks had stated that '*The proposed extension would add a further two windows with a line of sight into my bedroom and that of my daughter*'. He noted those windows were still in the revised plans and they were considerably closer than 21 metres to Professor Weeks' house at 7 John Street.

R Cornwell noted that the conclusion within the report stated that '*the development would not entirely comply guidance within the Council's Residential SPD*'. He put it to the Committee that the application did not comply, full stop, and while there was some flexibility, the existing building had used all available flexibility and then some. He reminded Members that the CDP and SPD were in place to drive up standards and therefore the application should be refused as it fell so short of the requirements of CDP Policy 29 and the Residential SPD that the get-out clause of flexibility could not be used. He noted the City of Durham Trust urged the Committee to refuse the application.

The Chair thanked R Cornwell and asked the Planning Officer to respond to the issues raised.

The Planning Officer noted that it was acknowledged that separation distances were below the recommendations within the SPD, however, those recommendations were not intended to rigidly applied and paragraph 3.6 of the SPD noted that the distances could be relaxed given reference to characteristics of the area. She noted that within the terrace there were a number of properties with extensions at the second floor height and already with separation distances less than those set out in the SPD. She concluded by noting that therefore the separation distances were considered acceptable and not sufficient to warrant refusal of the application.

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

Councillor J Quinn noted that the site visit had been particularly valuable in this instance. He explained that the property stuck out within the terrace more than neighbouring properties as itself did not have an extension. He noted that he felt that as long as the conditions within the report were adhered to, and given there were no additional bedspaces proposed, he would support the application.

Councillor C Kay noted the points raised by the Parish Council, and agreed they were very valid. He added he felt uncomfortable in the minimum separation having been reduced from 21 metres to 13 metres. He noted that the figure of 21 metres had not been 'plucked out of the air' and rather had been arrived at after consideration.

Councillor A Bell asked for the street view of the property to be shown on the projector screen. He noted that the properties either side had been extended and noted that while he had much respect for the Parish Council and City of Durham Trust, he felt he would have to go against their recommendation of refusal. He added he felt that perhaps a three-storey extension may have been more appropriate, however, he would move that the application be approved as set out within the report.

Councillor J Elmer noted he had attended the site visit and that the neighbouring properties had the same type of extensions as proposed in the application. He noted that however, those neighbouring extensions had been approved under different schemes and regulations and therefore a decision needed to be made against the existing CDP, DCNP and the Residential SPD. He noted the minimum recommended separation distance of 21 metres and that the distance proposed was a significant diversion from that recommended within the SPD. Councillor J Elmer noted it was a case of deciding where one would draw the line and added he felt that it was not acceptable to say the development was ok just because previous regimes had allowed for similar extensions in the area. Accordingly, he moved that the application be refused. He was seconded by Councillor C Kay.

Councillor A Surtees noted she had listened to the arguments put forward and seconded the motion for approval as put by Councillor A Bell.

The Chair noted the motion for refusal had been put and seconded first, therefore that motion would be considered first, and asked Councillor J Elmer for his proposed refusal reasons. Councillor J Elmer note he felt the application was contrary to Policy 29 in that the development failed to comply with separation distances.

The Lawyer (Planning and Highways), Neil Carter asked Councillors J Elmer and C Kay whether the issue was the impact on amenity from reduced separation distances. Councillor C Kay noted he felt the application was contrary to various policies, including Policy 31 and Part 127 of the NPPF. He added that there were issues in terms of privacy, noting he would not wish for such small separation distances to his daughter's bedroom, adding he would not wish for 19th Century standards for our residents, rather for applications to comply with modern standards. The Lawyer (Planning and Highways) asked if the reasons were the same, with the Principal Planning Officer, Paul Hopper confirming Policy 31 referred to residential amenity. Councillor J Elmer noted his refusal proposal was on the basis of the application being contrary to Policy 31.

Upon a vote being taken, the motion for refusal was **LOST**.

The Chair noted the motion for approval by Councillor A Bell, seconded by Councillor A Surtees, upon a vote being taken it was;

RESOLVED

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

6 Additional December Meeting

The Chair noted that as previously mentioned, and due to the number of applications to be considered, there would be a requirement for a Special meeting to be held in December, in addition to the scheduled meeting. He asked if a date had been determined. The Committee Services Officer noted that a number of dates were being looked at in terms of suitability and that, following confirmation with Chair, Committee Members would be advised of the additional December date in due course.

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COMMITTEE REPORT

APPLICATION DETAILS

APPLICATION No:	DM/22/01830/FPA
FULL APPLICATION DESCRIPTION:	Replacement sawmill to west of site, construction of co-products bunkers to north at former Cooks Hold Farm site, new access road from site entrance to co-product bunkers, with associated landscape, drainage and car park
NAME OF APPLICANT:	Mr Michael King
ADDRESS:	Taylor-made Timber Products, Old Colliery Yard, Sherburn Hill, Durham, DH6 1PS
ELECTORAL DIVISION:	Sherburn
CASE OFFICER:	Jennifer Jennings Senior Planning Officer 03000 261059 jennifer.jennings@durham.gov.uk

DESCRIPTION OF THE SITE AND PROPOSALS

The Site

1. This application relates to the Taylor-made Timber site which is located to the north of Sherburn Hill and is a long-established timber manufacturing business, predominantly engaged in the manufacture of bespoke timber fencing, pallets and packaging as well as the production of associated bi-products such as bark, sawdust and woodchip. The red line application site is located to the west of the main operational area and includes an open area of land that received planning permission in 2019 for use for storage. The red line boundary extends from this point northwards taking in the site of the former Cooks Hold Farmstead which was recently acquired by the applicant, and continues eastwards towards the existing access point on East View. In total the red line boundary covers approximately 10 hectares. The full landholdings associated with the business amount to approximately 19.6 hectares.
2. The majority of the application site is open land, with some hardstanding areas to the south and also in the location of the former farmstead area and the remaining areas to the northeast forming part of the former colliery. The buildings and sheds associated with the farmstead were subject to a prior notification for demolition and these works are now complete. The wider Taylor-made site is heavily planted around the boundaries to the north and northeast and there exists lines of hedgerow field boundaries within the application site itself. New planting associated with the 2019 permission exists to the west and north-west of the application site.
3. To the east of the application site is the main operational area associated with Taylor-made Timber and includes the existing sawmill building, with associated offices, a log grader machine and other buildings for timber treatment, kilns and workshop and storage. Abutting the south boundary of the site is an existing Public Right of Way (PROW) followed by the rear gardens associated with nos. 23 to 28 Kell Crescent.

The land to the north and west of the site is in agricultural use and extends as far north as Pittington and west as Sherburn Village.

4. A key feature of the site is a noted change in land levels, with a significant drop from south to north, of some 19 metres falling from the rear of Kells Crescent down towards Cooks Hold Lane. West of the application site, the topography follows a similar pattern falling steeply in a northerly direction from Sherburn Hill village, then more gradually toward Sherburn Village.
5. The application site does not feature within any protective ecology, tree or landscape designations and is not within or adjacent to any conservation areas or listed buildings. From the site, there is visibility across to the Durham Cathedral World Heritage Site at a distance of 6 kilometres to the west. Two PROWs abut the south and west boundary of the site, the latter recently having been subject to diversion which realigned the route to its current position.

The Proposal

6. Planning permission is sought for the installation of a new sawmill building and attached office building, along with a co-products building for collection and storage of chip, dust and bark in the site of the former Cooks Hold Farmstead. A new car parking area would be provided to the north of the new sawmill building, with a new access road creating a link from the west of the site to the existing access at East View, measuring approximately 420 metres.
7. The proposed new sawmill would be positioned to the west of the main operational area of the business and would measure 155 metres long by 60 metres wide, with an additional 22 metres mill feed structure at the southern end of its east elevation. It would have a maximum height to ridge of 15.8 metres on the north elevation and a height of 7.7 metres at the south elevation, the change in height resulting from the building being set into the existing landform. The sawmill would be clad in green with Solar PV panels on the roof. At the northern end of the west elevation, a new office block is proposed, measuring 14 x 28 metres and would be three storeys in height, with mono pitched roof rising from 9.2 metres at eaves height to 11.3 at maximum height. This building would be finished in timber with a grey zinc standing seam roof. The existing sawmill would thereafter be removed.
8. The co-products building would be to the north of the site, measuring 60m x 30m with a maximum height of 13.8 metres. It would also be clad in green.
9. The remainder of the works would relate to engineering works to construct the new access road and car park area, along with areas of concrete hardstandings around the proposed sawmill and to the front of the co-products building. In addition, various earthworks and regrading of the land would be undertaken to provide new embankments with planting to help screen the building from views from the west. A new SUDS pond is also proposed along with additional planting within the site.
10. The application is being reported to the Central and East Planning Committee as it is a major development with a site area in excess of 4 hectares. The Local Ward Member also requested for the application to be considered at Planning Committee.

PLANNING HISTORY

11. The following provides a comprehensive summary of relevant planning history relating to the site:

- 4/1979/00289 Sawmill and ancillary office buildings Approved 20th April 1979
- 4/98/00903/FPA Erection of undercover timber treatment area and associated guard rail Approved 13th April 1999
- 4/00/00092/FPA Erection of undercover timber treatment area and associated guard rail Approved 27th April 2000
- 4/00/00812/VOC Variation of condition No 14 of Planning Permission 4/79/289 to permit extended working hours up to 1 a.m. daily. Approved 11th May 2001
- 4/00/00902/FPA Erection of extensions to existing sawmill building to house drop sorter machinery Approved 4th April 2001
- 4/01/00514/FPA Retention of covered timber drying area. Approved 17th August 2001
- 4/02/00218/FPA Erection of timber treatment building Approved 26th June 2002
- 4/04/00104/FPA Erection of timber treatment building Approved 23rd March 2004
- 4/04/01162/FPA Erection of extension to existing sawmill building Approved 3rd December 2004
- 4/05/01124/FPA Change of use of land to provide extended storage area including diversion of right of way, demolition of derelict buildings, re-siting of gatehouse, erection of boundary fences and gabion walls, creation of car park and removal and planting of trees Approved 16th March 2006
- 4/06/00146/FPA Erection of machine shed Approved 24th March 2006
- 4/06/01187/VOC Variation of planning approval 4/00/812/VOC to permit extended working hours of 6am to midnight Monday to Thursday, 6am to 4pm on Friday and 7am to noon on Saturday and Sunday Approved 10th January 2007
- 4/07/00318/FPA Retention of kiln, erection of enclosed bark store and creation of additional storage area with associated lighting. Relocation of weighbridge and gatehouse and revised access arrangements Approved 17th May 2007
- 4/07/00562/FPA Erection of single storey pitched roof extension to existing treatment building Approved 30th July 2007
- 4/08/00652/FPA Regrading of existing mound and construction of tarmac surface with associated access to provide additional storage, re-siting of existing boundary fence including diversion of public right of way and associated new highway access Approved 4th September 2008
- 4/11/00630/FPA Extension of Sawmill building, extension of outside storage area, new road, re-siting of log grading line and bark store and construction of weighbridge Approved 11th November 2011
- 4/12/01105/FPA Erection of external lighting scheme, including 4 no. freestanding lighting columns and 8 units on existing buildings Approved 12th March 2013
- 4/13/00565/FPA Closure of existing secondary access and formation of retaining wall. Approved 7th August 2013

- DM/14/00034/FPA Biomass boiler Approved 19th March 2014
- DM/14/00742/FPA Office extension Approved 22nd May 2014
- DM/16/00527/FPA External lighting adjoining right of way to east of site. Approved 25th May 2016
- DM/17/02440/FPA Erection of new building Approved 26th September 2017
- DM/18/00880/FPA Replacement building of increased height and amended size to form a timber pressure treatment building (amended from previous approval DM/17/02440) Approved 10th May 2018
- DM/18/01797/FPA Industrial building for timber pressure treatment. Approved 15th August 2018
- DM/19/02394/FPA Demolition of dwelling and extension to timber storage area, replacement log sorting line, alterations to access, new boundary fence, landscaping and drainage works, including SUDS pond, diversion of Bridleway Approved 20th November 2019
- DM/20/00717/VOC Application to vary Condition 2 (Approved Plans) of Planning Permission DM/19/02394/FPA to amend the site access arrangements, divert the public right of way and alterations to the position of some boundary treatment. Approved 1st September 2020
- DM/20/03072/FPA Retention of surface water attenuation pond, drainage channels and associated works Approved 12th April 2021

PLANNING POLICY

NATIONAL POLICY

12. 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.
13. 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.
14. *NPPF Part 2 - Achieving Sustainable Development*. The purpose of the planning system is to contribute to the achievement of sustainable development and therefore at the heart of the NPPF is a presumption in favour of sustainable development. It defines the role of planning in achieving sustainable development under three overarching objectives - economic, social and environmental, which are interdependent and need to be pursued in mutually supportive ways. The application

of the presumption in favour of sustainable development for plan-making and decision-taking is outlined.

15. *NPPF Part 4 - Decision-making.* Local planning authorities should approach decisions on proposed development in a positive and creative way. They should use the full range of planning tools available, including brownfield registers and permission in principle, and work proactively with applicants to secure developments that will improve the economic, social and environmental conditions of the area. Decision-makers at every level should seek to approve applications for sustainable development where possible.
16. *NPPF Part 6 – Building a strong, competitive economy.* The Government is committed to securing economic growth in order to create jobs and prosperity, building on the country's inherent strengths, and to meeting the twin challenges of global competition and a low carbon future.
17. *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.
18. *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.
19. *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.
20. *NPPF Part 12 – Achieving well-designed places* The Government attaches great importance to the design of the built environment, with good design a key aspect of sustainable development, indivisible from good planning.
21. *NPPF Part 14 – Meeting the challenge of climate change, flooding and coastal change*
- The planning system should support the transition to a low carbon future in a changing climate, taking full account of flood risk and coastal change. It should help to: shape places in ways that contribute to radical reductions in greenhouse gas emissions, minimise vulnerability and improve resilience; encourage the reuse of existing resources, including the conversion of existing buildings; and support renewable and low carbon energy and associated infrastructure.
22. *NPPF Part 15 - Conserving and Enhancing the Natural Environment* - Conserving and enhancing the natural environment. The Planning System should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes, geological conservation interests, recognising the wider benefits of ecosystems, minimising the impacts on biodiversity, preventing both new and existing development from contributing to or being put at unacceptable risk from pollution and land stability and remediating contaminated or other degraded land where appropriate.

23. *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.

24. *NPPF Part 17 - Facilitating the Sustainable Use of Minerals* - It is essential that there is a sufficient supply of minerals to provide the infrastructure, buildings, energy and goods that the country needs. Since minerals are a finite natural resource, and can only be worked where they are found, best use needs to be made of them to secure their long-term conservation.

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

25. 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

26. *Policy 2 - Employment Land* - Supports business, general industrial and storage and distribution development within specified employment allocations and also protects other existing employment sites from being changed to non-employment uses, unless appropriate marketing has been undertaken or that the use would not compromise the main employment use and would comply with retail Policy 9 where main town centre uses are being proposed. Where a non-employment development is proposed on the protected employment sites, any existing jobs on site must be relocated.

27. *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. Provision for economic development includes: agricultural or rural land based enterprise; the expansion of an existing business falling beyond the scope of a rural land based enterprise, where it can be clearly demonstrated that it is or has the prospect of being financially sound and will remain so. All development to be of design and scale suitable for intended use and well related to existing development.

28. *Policy 14 - Best and Most Versatile Agricultural Land and Soil Resources* - Development of the best and most versatile agricultural land, will be permitted where it is demonstrated that the benefits of the development outweigh the harm, taking into account economic and other benefits. All development proposals relating to previously

undeveloped land must demonstrate that soil resources will be managed and conserved in a viable condition and used sustainably in line with accepted best practice.

29. *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.
30. *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.
31. *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.
32. *Policy 28 - Safeguarded Areas-* Within safeguarded areas development will be subject to consultation with the relevant authority and will be permitted where it can be demonstrated that it would unacceptably adversely affect public safety, air traffic safety, the operation of High Moorsley Meteorological Officer radar.
33. *Policy 29 – Sustainable Design.* Requires all development proposals to achieve well designed buildings and places having regard to SPD advice and sets out detailed criteria which sets out that where relevant development is required to meet including; making a positive contribution to an areas character and identity; provide adaptable buildings; minimise greenhouse gas emissions and use of non renewable resources; providing high standards of amenity and privacy; contributing to healthy neighbourhoods; providing suitable landscape proposals; provide convenient access for all users; adhere to the Nationally Described Space Standards (subject to transition period).
34. *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.
35. *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.

36. *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.
37. *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.
38. *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.
39. *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.
40. *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.
41. *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.
42. *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.

43. *Policy 45 - Durham Castle and Cathedral World Heritage Site* - seeks to ensure that developments within the world heritage site sustain and enhance the significance of the designated asset, are based on an understanding of, and will protect and enhance the outstanding universal values (OUVs) of the site in relation to the immediate and wider setting and important views into, and out of the site. Any harm to the OUVs will not be permitted other than in wholly exceptional circumstances.

NEIGHBOURHOOD PLAN:

44. The application site falls within the Sherburn Neighbourhood Plan area. However, this plan has not progressed further than the area being designated.

CONSULTATION AND PUBLICITY RESPONSES

STATUTORY RESPONSES:

45. *Coal Authority* – No objections. The submitted information and the professional opinions contained therein are sufficient for the purposes of the planning system and meet the requirements of the NPPF in demonstrating that the application site is, or can be made, safe and stable for the proposed development
46. *Highway Authority* – Sufficient information provided in support of the proposals. The application does not propose an increase in throughput, and no net increase in HGV vehicle movements. A condition is recommended to limit HGV movements, with some flexibility in line with the HGV movements noted in the planning statement. A further condition is requested in relation to the Construction Management Plan. Sufficient parking would be made available. No highways objection offered in relation to the proposals.
47. The submission of the additional Transport Statement has been assessed but makes no changes to the original comments received.
48. *Drainage and Coastal Protection* – Sufficient details provided and no objection is offered.

EXTERNAL CONSULTEE RESPONSES:

49. *County Durham and Darlington Fire and Rescue Services* – No issues with fire safety arrangements at the site. The Fire Authority is always consulted during the Building Regulations stage of the project and have no further comments in relation to the planning application.
50. *High Moorsley Met Office* – The proposals are approximately 2900 m from the Met Office radar at High Moorsley and below the beam of the radar at its lowest elevation. There will be no impact on data derived from the radar, so there are no objections to the proposal.

INTERNAL CONSULTEE RESPONSES:

51. *Environment, Health and Consumer Protection (Contaminated Land)* – Advise that all reports have been received and are acceptable. A Phase 4 Verification Report should be provided post occupation.

52. *Environment, Health and Consumer Protection (Nuisance Action Team)* – A full detailed assessment has been undertaken of relevant reports received, in relation to noise, lighting and dust during both operational and construction phase. The Principal Public Protection Officer is satisfied, based on the information submitted with the application, and with the addition of suitably worded conditions, that the operational phases of the development are unlikely to cause a statutory nuisance. In relation to the Construction Environment Management Plan (CEMP), they are satisfied that appropriate measures can be employed to ensure that statutory nuisance does not arise. Further details contained within the main body of the report. No objection was raised to the slight repositioning of the acoustic barrier to southern boundary.
53. *Environment, Health and Consumer Protection (Air Quality)* – Information received sufficient to inform the application. A condition will need to be applied in relation to provision of further information as part of the Construction and Environment Management Plan in relation to the construction phase. No objections raised with regards impact on air quality from operational phase given no net increase in vehicle movements.
54. *Durham County Council Landscape Section* – The application was submitted with a detailed Landscape Visual Impact Assessment and fully assessed. The proposals would result in harm to the intrinsic character and beauty of the countryside. Mitigation has been proposed, but it is recognised that this would only be beneficial progressively over time. Conditions are recommended for adherence to the proposed planting plans and for details of materials schedule and colour to be submitted. Further details contained within the main body of the report.
55. *Durham County Council Public Rights of Way Section* – Note the Inspectors decision allowing the diversion of the Public Rights of Way 38 and 5. They confirm that there would be adverse impacts on future footpath users, but a long term planting schedule is proposed which would mitigate these impacts. No objection offered to the scheme.
56. *Durham County Council Heritage and Design Section* – Assessed the latest assessment submitted in relation to potential impacts on the Outstanding Universal Values associated with the World Heritage Site. The assessment demonstrates as best as possible that no harm will result from the proposal.
57. *Durham County Council Archaeology Section* – All reports and survey work completed. No conditions required to be applied to any approval granted.
58. *Durham County Council Ecology Section* – Sufficient information received; no objections offered to the scheme. A condition should be applied to ensure adherence to the Biodiversity Monitoring and Management Plan submitted.

PUBLIC RESPONSES:

59. The application has been advertised by way of a site notice and individual notification letters to neighbouring residents. Six letters of objection have been received, including one from the local ward member. The following concerns are raised:
60. The ward member (Cllr Kellett) commented as follows:
- Company has long history on this site and they have admitted to not abiding by Council decisions in the past.
 - Difficulty in enforcing conditions applied to any approval.

- Concerns over dangerous nature of the work on site, making it difficult to have full open access to problem areas.
- One major concern relates to vehicular traffic using the site, in particular the huge multi wheel wagons carrying logs, taking place 24 hours a day, 7 days a week. Large truck travel along country lanes which are not designed for such vehicles.
- Request that limitations be placed on number of wagons using the site, but still concerned it will not be possible to measure accurately.

61. Other residential comments include:

- Issues regarding noise/light pollution:
 - Concerns that the site has made an immense amount of noise causing many complaints in the past.
 - Concerns that an increase in the size and production of the company will be detrimental to the local community as the noise level could double with a new sawmill and the traffic load will increase with more employees and deliveries.
 - Note that noise has increased with new log grader installed. Whilst efforts by Taylormade have been undertaken to alleviate, there continues to be noise emanating from the site. The new proposals raise significant concern with these residents as mitigation by means of planting may not be sufficient.
 - Raise concern that the Noise management plan omits projection as to impact on Littleton and Littleton House.
 - Request that planning be refused unless firm guarantees are given around amelioration of any noise include during the construction and operation phase.
 - Company has expanded hugely and has become a massive concern by comparison to operations in the early days.
 - Issues with lights being on which were visible from Sacriston. Lighting at the site has impacted on wildlife.
 - Concern over noise from trucks which can be heard away from the main roads.
 - Issues with noise and reversing vehicles.
 - The size of the expanded site will almost be the size of Sherburn Hill.
- Issues around highway safety:
 - Roadways around the local area have been damaged by the excess amount of HGVs which is caused by the company.
 - HGVs do not abide by local speed limits and have no concern for safety.
 - Concern that the application does not include a Transport Statement even though it was intended to be included. This is despite a 900% increase in production since moving into the site.
 - No details provided in relation to construction traffic and suggested routes.
 - Concerns over how future HGV site traffic numbers can be monitored if current figures not available.
 - Concern that although some information available in terms of noise and lighting is provided, the issues with HGV traffic and its continuing detrimental impact on local communities continues to be ignored.
 - Concerns over new access road to the north-north east of the site. Concerns over impact of construction period as well as the loss of trees to make way for it. New trees to be planted would take 10 years to mature before they would be able to provide buffer required.
 - Concern that the vehicles are travelling through small villages at speeds and concerns that logs could be dislodged when trucks go over road bumps
 - Trucks often dump debris on the pavements which causes a mess with paths rarely swept allowing weeds to grow.
 - Reference made to an incident in relation to a log load being unstable next to shop, causing traffic to be diverted.
 - Roads unable to take existing traffic and with larger processing plant, this is going to double.

The above is not intended to repeat every point made and represents a summary of the comments received on this application. The full written text is available for inspection on the application file which can be viewed at: <https://publicaccess.durham.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=QU6BIIGD0BK00>

APPLICANTS STATEMENT:

62. The proposal is to replace an outmoded sawmill central to the site, this upgrade will improve efficiencies, health and safety, environmental practices and also protect the business and employment for the future.

The proposals are part of a wider plan to upgrade and modernise the site whilst enabling the continuation of production. The main force behind the plan is not to significantly increase production output, but instead to drive efficiencies, minimise risks of obsolescence (which is a major issue to the business), and lower production costs, which is essential in a highly competitive market place. The business faces a number of key pressures, including increased competition from other countries, as well as those within the UK. It is for these reasons that the failure of this planning application would threaten the future of the Taylormade Timber business at Sherburn Hill and all those it employs directly and the local supply chain.

There are a range of benefits associated with the proposal, not least the survival of the business and the employment and economic benefits associated with it. It should be noted that in the last few years, the business has worked extensively with the Authorities to bring about improvements to site working practices outside of the scope of this application.

Solar panels are proposed on the roof of the proposed new sawmill building and this system is projected to result in a saving of 300,561 kg / year CO₂ emissions.

Whilst an additional 7 hours is proposed on Fridays compared with current operating hours, there is an overall reduction of 14 hours on a weekend, with no Sunday working. This is a significant improvement for local residents.

The new sawmill, due to a number of factors detailed in the application will result in an overall reduction in noise emissions from the site.

As overall site output will not be increased, there will be no material increase in traffic movements or heavy goods vehicles using the local road network or travelling through the local villages. In response to a local objector, a transport statement was provided which confirmed that this was the case.

Community involvement was central to the preparation of the application. In addition to a thorough public consultation exercise, extensive pre- and post-application discussions took place with officers. This has meant that the development has an acceptable impact on the landscape, biodiversity, and heritage assets.

The public benefits of the scheme as detailed in the application are significant, and a powerful material planning consideration weighing in favour of the proposed development. We therefore hope that Members will support this application.

PLANNING CONSIDERATIONS AND ASSESSMENT

63. 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. Decisions should be made in accordance with the development plan unless material considerations indicate otherwise. In accordance with the National Planning Policy Framework (NPPF), the policies contained therein are material considerations that should also be taken into account in decision making. Other material considerations include representations received. In this context, it is considered that the main planning issues in this instance relate to the principle of the development, impact on the character of the area, including landscape and visual impacts and impact on heritage assets, residential amenity, highway safety and access, PROW, ecology, flooding and drainage and other issues.

Principle of the Development

64. The County Durham Plan (CDP) was adopted in October 2020 and as such represents the up-to-date local plan for the area and the starting point for the determination of this planning application. The NPPF is a material planning consideration. 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.

65. The proposal would therefore need to be assessed for conformity with the CDP unless material considerations dictate otherwise. One such material consideration is the NPPF. Relevant paragraphs include but are not limited to:

66. NPPF Para. 81 - Planning policies and decisions should help create the conditions in which businesses can invest, expand and adapt. Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development.

67. NPPF Para. 84. Planning policies and decisions should enable: a) the sustainable growth and expansion of all types of business in rural areas, both through conversion of existing buildings and well-designed new buildings; b) the development and diversification of agricultural and other land-based rural businesses;

68. NPPF Para. 85. Planning policies and decisions should recognise that for sites to meet local business and community needs in rural areas, they may have to be found adjacent to or beyond existing settlements, and in locations that are not well served by public transport;

69. The existing timber yard falls within Sherburn Hill Industrial Estate which is protected employment land under Policy 2 of the CDP. Policy 2 is permissive towards B1 (Business), B2 (General Industrial) and B8 (Storage and Distribution) uses unless specifically stated on both protected and allocated employment sites. It is important to recognise that within the updates to the use class order, whilst B2 and B8 uses remain unchanged, B1 uses now fall within the new Class 'E' (Commercial, Business and Service)

70. Some of the proposed development as part of the masterplan is contained within the employment site. However, significant elements of the proposal, including the new sawmill and finished storage area are situated to the west of the protected employment land, with the co-products bunkers lying to the north of the tree belt (which lies to the

north of the existing sawmill) and therefore is also located outside of the protected employment site. These elements of the proposal are located within the countryside and as such Policy 10 of the CDP would be relevant to the determination of the application.

71. The CDP requires that sites which are not allocated in the Plan or in a Neighbourhood Plan are carefully considered in the context of both Policy 6 (Development on Unallocated Sites) and Policy 10 (Development in the Countryside). Policy 6 could apply for sites that are either (i) within the built-up area; or (ii) outside the built-up area but well-related to a settlement. In such instances such proposals will be permitted provided the proposal accords with all relevant development plan policies and criteria a) to j). However, the proposal is not within the built-up area and is not well-related to the settlement. Whilst the proposed new sawmill lies just to the west of the existing sawmill and lies to north of the village it is not functionally well related and lies in open and upon elevated land. The co-products bunkers are distant from the settlement. On this basis Policy 10 would be applicable.

72. Policy 10 states that development in the countryside will not be permitted unless allowed for by specific policies in the Plan or where the proposal relates to one or more of the stated exceptions. It is considered that the timber business which is directly connected with forestry is a rural land based enterprise. Criterion a) is permissive towards “the provision of new or the extension of existing buildings, structures or hard standings required for the functioning of the enterprise”. The policy also advises that, “In all instances the resulting development must be of a design, construction and scale which is suitable for and commensurate to the intended use. In respect to (a), (b) and (c) any resulting buildings, other structures and hard standings must be well related to the associated farmstead or business premises unless a clear need to ensure the effective functioning of the business for an alternative location can be demonstrated by the applicant”.

73. Whilst not specifically referring to businesses relating to forestry, CDP paragraph 5.76 appears specifically relevant to the approach which should be given to all rural land based industries, it advises: “As well as providing leisure and recreational opportunities, the countryside is a constantly changing workplace. It is necessary to balance and integrate the requirement to protect the countryside with the need to sustain and encourage the vitality and viability of the rural economy including through agriculture and tourism. The modernisation and diversification of existing activities as well as the creation of new activities, will be supported where this can be achieved in a sustainable manner and, where applicable, will enable their retention as a viable use. New, and improvements to existing, infrastructure will also be supported especially where this will bring about wider economic and social benefits”.

74. The site area to the west of the existing sawmill site, which is identified for the proposed new sawmill building, already benefits from planning permission from 2019 to provide a sawn timber and log storage area which has been implemented. The site therefore is established as an expanded part of the sawmill operations. The proposals seek to erect a new large building to house new, modern and updated sawmill equipment to replace the existing sawmill which is deemed to be outmoded. As clarified within the Planning Statement submitted in support of the application, the new equipment will allow for greater efficiencies in process and improve health and safety and environmental practices. The proposals equate to a significant investment into the business at the site to protect its future operations and employment in the area.

75. The building proposed to house the new sawmill equipment is large and extensive in size equating to an approximate footprint of 9,500 square metres, with an additional 400 square metres office block to the side. Design drawings of the internal sawmill equipment were provided upon request to help understand the need for a building of

this magnitude and it is accepted in this case that the proposed design, construction and scale is suitable for and commensurate to the intended use. The milling equipment requires a sizeable area to allow a linear processing line from input of logs, through various operational phases to the final output of finished cut timber. Sufficient space would also be required above the equipment to allow for cranes to be installed allowing for maintenance as required.

76. The proposed office block is to be attached adjacent to the west elevation of the proposed sawmill building and would be associated with the management and functioning of the business, with the proposed location allowing visibility over the working area of the sawmill equipment. At present an existing office area exists in a similar location next to the existing sawmill building allowing ready visible access and inspection of the operations of the sawmill plant. A similar overlooking relationship is now sought between the proposed new office and sawmill, with the western elevation identified by the applicant as providing the most suitable location relative to the wider operations of the site. Having assessed the proposed location, it is accepted that the western elevation provides the most suitable siting for the building, due to the plant and equipment on the eastern elevation, and access doors to the north and south elevations.
77. The proposed new office space is noted as being larger than what currently exists adjacent to the existing sawmill, but it is understood that office accommodation in the wider complex is spread across several locations, including temporary portocabins. The proposed new space is to rationalise the office accommodation within a single building with suitable access to meeting rooms and other office facilities. Overall, the addition of the new office accommodation, in terms of its size and scale, is considered to be commensurate to the business function.
78. The co-products building located to the north would introduce a northern extension of operations onto a former farmstead area. The footprint of the proposed building and hardstanding area would be largely located on the footprint of the former farmstead dwellings, outbuildings and yard area. The co-products building would be used in direct connection with the sawmill, by means of a connecting overhead sealed 'tubulator' that would carry bark, chip and sawdust from the sawmill for storage within bunkers within the co-products building. The principle of introducing this new building within this area as part of the functioning of the wider enterprise would be considered acceptable in principle and in line with NPPF and CDP policies as already identified.
79. A range of other significant engineering works are proposed within the site, including large areas of hardstanding surrounding the proposed sawmill and to the front of the co-products building as well as a new access road leading to this building and a car parking area beyond this. New landscape bunding is also proposed to help screen and nestle the building into the sloped landform. These aspects of the development are also directly related to the functioning of the enterprise, facilitating operations on site as well as helping to mitigate the impacts of the development, in line with policy 10 of the CDP.
80. In consideration of the proposals outlined above, as a rural land-based industry, there is policy support for the development in this open countryside location as part of policy 10 and the NPPF. Subject to other considerations below, the proposals are considered acceptable in principle.

Impact on the character and appearance of the area

81. Key policies in consideration of impacts on the character and appearance of the area include Policies 29 (Sustainable Design) and 39 (Landscape), as well as Policy 44

(Historic Environment) and Policy 45 (Durham Castle and Cathedral World Heritage Site). Further design principles are highlighted within Policies 10.

82. Policy 10 sets out a series of general design principles for new development in the countryside, including requirements for development, by reason of their siting, scale, design and operation, not to give rise to: unacceptable harm to the heritage, biodiversity, intrinsic character, beauty or tranquillity of the countryside either individually or cumulatively, which cannot be adequately mitigated or compensated for; result in merging of settlements or ribbon development; impact adversely upon the setting, including important vistas or form of a settlement which cannot be adequately mitigated for.
83. Policy 29 requires that development contributes positively to an area's character and landscape features with development proposals required to respond creatively to topography and to existing features of landscape interest and wildlife habitats. The policy further requires landscape proposals, in the case of edge of settlement development, to provide for an appropriate level of structural landscaping to screen or assimilate the development into its surroundings and provide an attractive new settlement boundary.
84. Policy 39 states that proposals for new development will be permitted where they would not cause unacceptable harm to the character, quality or distinctiveness of the landscape, or to important features or views. Proposals will be expected to incorporate appropriate measures to mitigate adverse landscape and visual affects. The policy further requests that development proposals should have regard to the County Durham Landscape Character Assessment and County Durham Landscape Strategy and contribute, where possible, to the conservation or enhancement of the local landscape. The remainder of the policy relates to Area of Higher Landscape Value areas, which is not applicable in this case.
85. Policy 40 relating to 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.
86. Views of the Durham Cathedral and Castle World Heritage Site (WHS), located 6.2 kilometres away, can be attained from the application site. Policy 44 relating to the Historic Environment requires that development sustains the significance of designated heritage assets, including any contribution made by their setting. Policy 45 in relation to the Durham Castle and Cathedral World Heritage Site seeks to ensure that developments within the world heritage site sustain and enhance the significance of the designated asset, are based on an understanding of, and will protect and enhance the outstanding universal values (OUVs) of the site in relation to the immediate and wider setting and important views into, and out of the site. Any harm to the OUVs will not be permitted other than in wholly exceptional circumstances.
87. The CDP policies accord with relevant parts of the NPPF, in particular para. 174 in relation to landscape protection and para. 197 and 201 relating to heritage assets.

Landscape impacts

88. A key issue for assessment relates to the impact of the proposed new sawmill building on the wider visual amenities of the area. It is considered that the proposed development for a building of substantial size, both in terms of height and volume has potential to have significant impacts which will need to be carefully considered and

addressed, in particular taking into account whether the proposed location of the building is optimally sited so as to minimise potential impacts in this regard.

89. As already outlined within the Principle of Development section above, there is policy support for new buildings, hard surfaces and extensions to existing rural land-based enterprises as exists here. However, given the size of the building proposed, a key consideration relates to whether the proposed building is to be suitably located within the site itself. In discussions with the applicant, it is acknowledged that there is a business requirement for the existing sawmill to remain fully operational during the process of constructing the new sawmill, with a period of overlap where both are running to allow a smooth transition to the new sawmill before decommissioning the old mill. With this in mind a substantial area of the site would therefore be unavailable for development. From further assessing the current layout of operations on site, including the newly commissioned log grader to the north-east of the site, it is clear that no alternative locations are available within the current operational area. The area to the north of the log grader, adjacent to the former farmstead, was deemed a potential option, given it sits low in the landscape and maximises distance from nearest residents. However, upon further assessment, it is accepted this area would have limited space to be able to fully accommodate the required size and width of the building along with the required concrete apron to allow access for trucks for loading and unloading logs from the building. In addition, the location of the building at this part of the site would make it highly exposed along the public roadways with limited opportunity to provide landscape mitigation. On this basis the proposed location to the west of the existing site provides a suitable option to accommodate the new sawmill building.
90. Notwithstanding this, there are considered to be significant landscape impacts associated with its location at this western part of the site, given the topography of the land and its visibility from numerous points in the wider area. A full detailed Landscape and Visual Impact Assessment (LVIA) was submitted in support of the application along with a series of visualisations. The LVIA sought to determine the significance of change in the landscape, by assessing the value and nature of the landscape and its sensitivity to change, against an assessment of the type of effect of the development and magnitude of the resultant change. Detailed assessment was provided comparing impacts of the development on various viewpoints in the short and long term, taking into account mitigation associated with the proposed planting plan within and around the site. The LVIA was assessed by the Principal Landscape Officer and considered to be undertaken to an appropriate methodology, taking into consideration all recommended viewpoints to assess the impacts. The Landscape officer views are summarised below.
91. The proposed building to house the new sawmill is positioned on site to make use of the topography allowing it to be set into the existing slope. In doing this, however, the proposals would still entail a substantial modification of the natural topography to accommodate this with excess material used in a screening bund. This has been designed with moderate outer slopes to help assimilate the building but would remain a notably engineered feature. It is proposed to plant the mound comprehensively which would help to assimilate it further over time. The proposed co-products bunker to the north of the site would have a much lesser impact on landform, with minor mounding proposed at this point. The access road would entail additional areas of cutting and embankment. These would be largely in areas where the landform was affected by the colliery reclamation and would also be planted to assimilate them over time.
92. It is noted that a substantial number of trees would be removed to facilitate the development, the majority being conifers in the edges of woodlands in the north and east of the site that would be felled to construct the access road together with some

trees around the site of the farm and tree lines along the edges of the former Lambton Railway in the centre-north of the site. The majority of these are in poor condition although a small number are of better quality. Around 200m of hedge would also be removed to accommodate the sawmill building and associated earthworks. The loss of some individual trees as well as the hedgerow would be regrettable, but it is not anticipated that their loss would be significant in wider views.

93. In mitigation substantial areas of new woodland are proposed north and west of the sawmill, north of the co-product building, and north and east of the access. New hedges are proposed on the western boundary of the site and adjacent to the diverted bridleway.
94. The effects on landscape character in accordance with the LVIA are deemed by the landscape officer to be broadly accurate. The LVIA highlighted that the application site itself is assessed as being of low sensitivity due to the nature of existing and approved uses. The effect of the development is assessed as highly negative due to the scale of the proposed sawmill building. The overall significance of change is therefore seen as being low.
95. By comparison, the local landscape surrounding the application site is assessed as being of moderate sensitivity. The effect of development is assessed as being moderately negative. The significance of the effect is therefore assessed as being moderate, due to the fact that the development would not completely overshadow the original landscape features identified in the local area, which would still prevail. The LVIA acknowledges that due to the size and scale of the new sawmill and additional buildings in the development, initially, in the short to medium term, there would be a significant detrimental change to a limited area within the wider landscape character area. However, recent and proposed planting along with the earthmounds once established will help in the long term to assimilate the development and the potential impact will be reduced.
96. Further analysis was undertaken to assess impact on long viewpoints of the proposed sawmill building, noting that it would be prominent and incongruous in many views of the local landscape. In views from the north, it would sit below the skyline and would be seen against rising ground. The proposed visually recessive dark green cladding would help assimilate it into the view. In these views the visualisations submitted in support of the application demonstrate that a light coloured cladding for the offices would make them conspicuous. A darker colour closer in weight to the main cladding colour would reduce that impact. A condition for final colour finish for the main building and the office block would be deemed required in this case.
97. In views from the west, the proposed building would be more often seen close to, or or partly above the skyline. The dark green colour would help assimilate it against the rising ground but would make it conspicuous where it was seen against the sky. The offices would again be better assimilated in these views in a darker colour. The proposed planting would offer less mitigation when viewing the building from higher ground than lower ground.
98. To summarise this element of the landscape assessment, Landscape section consider the impact to equate to a medium-high negative effect in the short-medium term (moderate/substantial significance) falling progressively to around medium negative in the longer term (moderate significance).
99. Assessing the close-range visual effects from surrounding footpaths and residential properties, the Landscape Officer comments that the findings highlighted in the LVIA are also deemed broadly accurate.

100. There would be some locally significant effects on visual amenity and particularly on users of nearby footpaths and residents of properties on the northern and western edge of the village. Mitigation planting would reduce those effects over time in varying degrees, but there would be likely to be some significant residual effect in the long term (>10 years). A medium negative effect is predicted for properties at Kell Crescent and properties on the western edge of Sherburn Hill. A major negative effect is predicted for PROW 38/5 which will follow the site boundary to the west and south and medium negative effects are predicted for PROW 33 and 35 located southwest of the site.
101. In discussion with the applicant, it has been agreed that some minor amends to boundaries adjacent to PROW 38 could be made to improve the visual amenities at this point, and this would include moving the close board fence back from the footpath boundary and provide a planting belt to soften the appearance of the high fence at this point. An updated Planting Plan has been submitted to reflect this.
102. Additional planting was also sought for an exposed area of the existing operational site where its southern boundary directly abuts property nos. 29-33 Kell Crescent with no visual barrier between the two. Whilst this area of land falls beyond the application site boundary, an updated planting plan was submitted indicating inclusion of new planting at this point to improve the visual amenities and outlook for these residents.
103. Further to this, discussions separate to the planning process have taken place seeking surface improvements works to footpath 33 to the southwest of the site. Although the applicant is agreeable to undertake these works, should planning permission be granted, it is considered beyond the remit of this planning application to require such works by means of condition. Such a requirement would not meet the appropriate tests for applying conditions, with the works not considered to be necessary or directly relevant to the current scheme.
104. Overall, the Principal Landscape Officer concludes that the mitigation proposed in respect of the colour of the main building, earth mounding and tree planting is appropriate. It is unlikely that the effects of the proposals could be reduced further by minor design changes as they flow primarily from the scale and location of the new sawmill building. As noted above the colour of the cladding to the sawmill building and office building would further help to assimilate into the surroundings and a condition would be applied for precise details on this. Given the importance of planting in helping to mitigate harm associated with the development a condition will be applied ensuring strict adherence to the latest planting plan, received 23 November 2022. In addition to ensure the planting scheme is successful, a separate pre commencement condition will be required for details on soil handling, ensuring suitable storage of sub and top soils is undertaken and appropriate construction of mounds for future planting.
105. Assessing the proposals against policy 10, it is considered that they would entail some harm to the intrinsic character and beauty of the countryside which would only be mitigated progressively over time and then not fully. Whether that level of harm would be considered acceptable in respect of criterion L would depend on the wider planning balance. There would be some adverse impact on the setting of the village in wider views from the north and west and immediate views from properties and footpaths on the northern edge of the village, and in this regard, there would be some conflict with criterion O of the policy.
106. Against policy 39, the proposals would cause some harm to the character and quality of the local landscape. Appropriate mitigation measures are proposed but would only reduce the level of harm progressively over time. Again, whether that level of harm would be considered acceptable would depend on the wider planning balance. The Principal Landscape Officer assessed the effect on the local landscape as being

medium-high negative in the short-medium term (moderate/substantial significance) falling progressively to around medium negative in the longer term (moderate significance). Given that there remains some conflict with the policy, this aspect will need to be weighed as part of the wider planning balance to determine whether the benefits of the scheme overcome concerns raised in this regard.

107. With regards policy 40, the proposals would not entail loss of trees of high landscape or amenity value but would nonetheless involve the loss of trees and woodland. This would be compensated for by replacement planting of a substantially larger area and would be consistent with that element of Policy 40. Around 200m of hedgerow would be lost. The hedges are not of particularly high landscape value. The loss would be compensated for by a greater length of new hedgerow and would be consistent with that element of Policy 40. Similarly, the extent of planting proposed would be considered to accord with policy 29) in relation to provision of an appropriate level of structural landscaping to screen or assimilate development into its surroundings.

Impacts on World Heritage Site (WHS) and Heritage Assets

108. As the proposals are extensive in nature, it has been identified that there is potential for impact on heritage assets and their setting at close and medium range. It has already been noted that there are distance views of the Cathedral Towers attainable from the application site at a distance of 6.2km away, and on this basis, a detailed analysis has been sought to determine potential for harm resulting from the proposals.
109. In relation to the WHS, the applicant was requested to provide a detailed impact assessment, taking into account key public vantage points (as recommended by DCC), where intervisibility between the application site and the WHS has the potential to occur. In particular, an assessment was required to take into account views where the proposed development may form part of the backdrop to views and/or including both the WHS and the proposed development. These locations included both historic pilgrim routes and topographical high points. Design and Conservation assessed the details submitted and confirmed that sufficient analysis had been undertaken to establish the potential impact of the development proposal.
110. Having reviewed the information submitted in relation to the impact of the development on the setting of, and the associated Outstanding Universal Value's of the WHS, it has been demonstrated as best as possible that no harm will result from the proposal. It is clear that unexpected and glimpsed views of a development of this scale may occur if consent is granted, however, these would not result in any degree of harm to those most readily identifiable and appreciated key views. It is considered that the application accords with the requirements of Policy 45 of the CDP and on this basis no objection is raised from Heritage standpoint.
111. With regards nearest heritage assets, these include the War Memorial at Sherburn Hill, some 560 metres away to the south and the Conservation Area and listed buildings associated with Hallgarth, 1000 metres to the north. The War Memorial would have no visual links with the proposed development and would not be harmed or impacted as a result. The LVIA addresses impacts on the listed structures and Conservation Area at Hallgarth and notes that there would be visibility across to the application site from this area. However, the development would not negatively impact on the setting of the heritage assets or be harmful to their distinctive qualities. In this regard there is no conflict with policy 44 in relation to protection of heritage assets, and the LPA is considered to have discharged its duty under Sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 to pay special attention to the desirability of preserving or enhancing these assets as part of their planning function.

112. Given the above, plus how broad in scale the heritage assets are, the overall impact would be judged as being minor and not at a level that would create harm to the designated heritage assets significance nor setting in accordance with NPPF Section 16 and County Durham Plan Policy 44 and Sections 66 & 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.
113. To conclude in relation to the impacts on the character and appearance of the area, some conflict has been identified in relation to parts of policy 10 and 39, and the extent to which these would warrant a refusal of the scheme will have to form part of the wider planning balance. However, any approval is recommended subject to conditions as already referenced above. Subject to this, the proposals are considered to accord with requirements set out in parts of policy 10 and 39, as well as policies 29, 40, 44 and 45 of the CDP.

Impact on residential amenity

114. Policy 10 states that development should not impact adversely upon residential or general amenity. Policy 29 seeks for development to provide high standards of amenity and minimise the impact of development upon the occupants of existing adjacent and nearby properties.
115. 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.
116. Nearest residential properties to the application site are located along Kell Crescent with property nos. 23 to 28 directly abutting the south boundary of the site. These properties would be approximately 115 metres away from the rear or south elevation of the new sawmill building. Property nos. 29 to 34 Kell Crescent abut the existing operational area of the business, east of the application site. Further east from Kell Crescent lies North View, a line of terraced dwellings, that currently overlook agricultural fields, with oblique views west to the existing Taylormade site. Southwest of the application site lie properties along Hastings Close and these are approximately 280 metres away from the proposed new building.
117. North of the site, nearest residential properties of Littletown House would be located about 700 metres from the northern most elevation of the new sawmill, with the settlement of Littletown itself a further 200 metres away. To the north/northwest, Littletown Farm and a series of stable blocks are located 700 metres away, with the settlements of Hallgarth and Pitlington over a kilometre away from the site. Nearest properties at Sherburn Village are also over a kilometre away to the west.
118. It is noted that from objections received concerns were raised with regards noise from the site, noting that there had been an immense amount of complaints with regards noise in the past. Concerns were raised that with the increase in the size of the operational area, there could be an increase in noise from production at the site as well as from HGVs coming and going from the site.
119. The application was submitted with a suite of documents assessing impacts of noise, dust and lighting associated with the new development. An assessment is provided below in relation to each element, with impacts considered separately in relation to operational phase and construction phase.

120. The submitted noise impact assessments contain an analysis of noise associated with the operation of the new sawmill, assessing the various functions associated with the plant and primary sources of noise from it. This includes noise from extractor units, in and out feeds and roller doors. Ambient noise levels were monitored and an analysis was undertaken of various noise barrier specifications as required. Noise monitoring was undertaken at various locations, identifying nearest sensitive receptors (NSR), which encompassed over 300 properties from within Sherburn Hill as well as Littletown House and a separate assessment for the settlement of Littletown itself.
121. A further Noise Management Plan document was submitted to determine ambient noise threshold levels to allow management and monitoring of noise propagating at the boundary of the site. This document is noted as a 'live' document, allowing updates as required during the course of operations on site, to allow improvements to operations and further actions to be put in place where new issues arise. The document is also intended to provide a means of communication with the public to handle complaints should they arise.
122. The Principal Public Protection Officer (PPO) assessed the details and undertook a site visit as part of the assessment. He confirmed that the information submitted indicates that the development is likely to breach the thresholds within the Technical Advisory Notes (TANS) in relation to noise and dust, which would indicate that the development may, without further controls, lead to a significant impact. In assessing the documents received, he confirmed that the various assessments have been undertaken by appropriately qualified and competent consultants and that they have followed appropriate methodologies.
123. As part of the review the PPO notes that the company's operations are undertaken on a site of historical industrial use and as such the noise from the site forms part of the acoustic character of the area. Notwithstanding this, the site is within very close proximity to sensitive receptors to the south and the company has been subject to many complaints relating to operational noise over many years, which has resulted in the service of abatement notices in relation to noise from some operations impacting upon residents both to the north and south of the current site. It should be noted that the former site of Cooks Hold Farm is now within the ownership of the company the buildings have since been demolished with the land being incorporated into the current proposed development.
124. The PPO further comments that whilst the company undertook appropriate steps to comply with previous abatement notices, and developed an effective noise management plan, intended as a dynamic document and submitted with the application, complaints relating to noise recur, with some being as recent as July 2022. These complaints were considered to amount to annoyance rather than nuisance. Nevertheless, the PPO confirms that in his role as a regulatory inspector of the site for many years in relation to Environmental Permitting controls, following the site visit on 28 July 2022, it is acknowledged that there is a marked improvement in relation to noise from the existing operations on the site. It is accepted however, that noise can continue to be an issue for nearby sensitive receptors, even though this would not equate to a statutory nuisance.
125. Notwithstanding the above, the noise assessment associated with the new sawmill and processes demonstrates that there is likely to be a marked improvement in operational noise impact upon sensitive receptors, provided that the mitigation measures described within the reports are implemented and followed. The decommissioning of the old sawmill provides significant opportunity to improve efficiencies and processes to optimise noise mitigation within and beyond the site. In

particular the proposed benefits of the new sawmill by comparison to the existing operations are outlined within the planning statement and include the following improvements:

- The sawmill infeed at present is not situated within a building and as such is one of the noisier areas within the site. As part of the new development, this area is to be enclosed.
- The existing sawmill building is not insulated. The proposed new building would be fully insulated which offers benefits in terms of noise emission.
- The position of the outfeed from the proposed new sawmill has been designed to be able to take advantage of the natural slope of the land to the west and to mitigate any noise from the outfeed behind a significant noise bund.

126. The noise bund, referenced in the last point above, relates to the installation of a 4 metres high absorptive noise barrier to the south of the sawmill, which would be located between the residents of Kell Crescent and the outfeed location of the proposed sawmill. The barrier would be approximately 78 metres north of nearest residents, with the rear elevation of the sawmill a further 30 metres at its nearest point. Given that level differences drop significantly from south to north, with ground floor level of dwellings at Kells Crescent at a height of approximately 123m AOD dropping to a finished floor level at the sawmill of 116m AOD, the natural topography also provides a mitigating factor at this point.

127. Overall, the noise impact assessment has been able to demonstrate that nearest properties to the development will benefit from a reduction in overall daytime site noise, equating to an estimated average fall of 70 per cent in sawmill generated noise. Further to this, there is an intention to change the operating hours which would see an increase in operational hours on a Friday but a cessation of operations on a Sunday, the predicated noise assessment demonstrates that the change on a Friday, whilst being noticeable it is not likely to amount to an adverse impact and will certainly lead to an improvement on a Sunday. The new hours are outlined below:

- Monday – Thursday – 6am until 12 midnight – no change
- Friday – 6am until 11pm – an additional 7 hours
- Saturday – 8am until 6pm – reduction in 2 hours
- Sunday – No operations – reduction in 12 hours

128. The development would also require a phase of operations that would involve both the existing sawmill and the new sawmill to be in operation at the same time. The noise impact assessment demonstrates that this phase (Phase 1) will not lead to a detrimental impact upon NSRs by way of operational noise and will also likely lead to a reduction in noise impact upon receivers.

129. The PPO is in agreement with the findings and conclusions of the consultant's reports relating to noise and following a full review of the documents which includes repositioning of the acoustic barrier previously approved. No objection is therefore raised in relation to the proposal from a noise perspective, or to the change in hours of working at the new sawmill. Any approval would need to ensure a condition is attached for the mitigation measures put forward in the noise assessment to be implemented and maintained in perpetuity. This includes references to the attenuation measures for the new sawmill building and the Absorptive Noise Barrier, with the noise barrier constructed as described within the report and maintained in perpetuity. In addition to this a condition is also requested for an updated Noise Management Plan & Thresholds detailing the precise means of noise attenuation and working practices across the site to be submitted to and agreed in writing by the Local Planning Authority. Any plan would also need to include an appropriate means to monitor the level of noise generated by the site post development.

130. Although objections have raised general issues with regards to noise at the site, the PPO's review of the history of the site has highlighted that abatement notices have been served for these existing operations and are now considered to be adhered to. As stated previously, the PPO comments that there remains potential for some outstanding noise issues that nearby residents can experience from the site, but these would not be considered to amount to a statutory nuisance, and where they are, there are legislative means to address these. In any case, the existing operations on site fall outside the current red line application boundary and cannot be controlled by means of this current scheme.
131. That said, in relation to the current application site, the submitted reports have demonstrated a reduction in noise resulting from the new sawmill, and alongside a further reduction in weekend working, it is considered that there would be an overall improvement in the noise environment associated with operations on site, particularly when the old sawmill is decommissioned. The instalment of the new sawmill offers an opportunity to bring about these benefits and improvements to the wider area.
132. A further point of objection was raised with regards noise from the log grader machinery approved in 2019 and recently installed to the north-east area of the site. It should be noted however that this equipment lies outside the application site boundary and is subject to its own set of conditions in relation to hours of operation and adherence to its own specific noise management plan. The objector raising concerns with regards to this plant has been directly contacted by Environmental Health and offered the opportunity to submit a formal complaint that would be fully investigated. At the time of writing, it is understood the Council's EHO is not considering any complaint in this regard. The applicant has also met with the concerned resident to seek to address issues raised.

Traffic Noise – Operational Phase:

133. The supporting Planning Statement comments that there is no intention as part of the proposals to increase onsite production significantly, and consequently there would be no increase in vehicular movements involved with the operational phase of the development. There would be a rerouting of some traffic within the northern part of the site, along the proposed new access track that would lead to the co-products bunker and the new staff car parking area. The new internal track would be contained behind a 55 metres wide planted tree belt, that would help to screen these movements. In terms of noise implications, the roadway would be situated at the furthest point from nearest residents at Kell Crescent and North Terrace, located some 400 metres to the south and southeast respectively, and 460 metres from Littleton House to the north.
134. Given these distances and the fact that there would be no material change in traffic movements to and from the site, there is no requirement for a noise impact assessment in relation to this element of the proposals. Further details on traffic movements to and from the site is discussed in the highways section below.

Dust – Operational Phase

135. At present, collection of timber products, such as bark, chippings and sawdust, takes place adjacent to the existing sawmill. Whilst there has been some recent investment in a new extraction system to collect these products within sealed trailers, there remains two bunkers that are not enclosed. The proposals seek to move these bunkers to relocate within a new co-products shed, north of the site, on the footprint of the former Cookshold Farm. This shed would ensure that the bunkers would be enclosed on 3 sides. However, the applicant has been advised that sawdust from sawmill operations must be discharged to a fully enclosed container, transferred pneumatically

and should never be moved with the use of open loading shovels. It is noted that the transfer of these products would take place along a fully enclosed tubulator, extending from the proposed sawmill building across to the co-products store.

136. Controls in relation to dust are regulated as part of a Part B permit subject to the Environmental Permitting (England & Wales) Regulations 2016. The Part B permit contains conditions which control emissions of dust to air, and the PPO has recommended an advisory for the company to liaise with the Environment Protection Team in relation to proposed variations to the existing Part B permit to ensure that all operations are in compliance with the EP Regulations.
137. The relocation of the co-products collection point at the northern end of the site is considered an improvement to the existing situation, keeping these elements of the process further from residential properties to the south. This element of the proposals is considered acceptable and in accordance with policy 31 of the CDP and para. 188 of the NPPF which notes that planning decisions should focus on whether proposed development is an acceptable use of land, rather than the control of processes, as controlled by separate permitting regimes.

Lighting – Operational Phase:

138. The application was submitted with a full lighting strategy, along with a series of visualisations to demonstrate light intensity and extent of light spill. Given the location of the site at the edge of the settlement adjacent to both residential properties and open countryside, the scheme has been designed to comply with 'Environmental Zone – E2' which sets a standard for appropriate levels of lighting pursuant to the area. In this case, E2 refers to rural areas, where there is low district brightness often associated with village or relatively dark outer suburban locations. The standards limit the extent of sky glow for these areas as well as extent of light intrusion and luminaire intensity.
139. The PPO assessed the details of the documents submitted and is satisfied that they meet the requirements set out for this Environmental Zone and adhere to the Technical Advice Notes in relation to lighting. A condition is requested to be applied to any approval granted requiring full compliance to these documents to ensure that lighting is installed as detailed. A further condition will be applied limiting hours of operation of the lighting to be within the limits of general operation hours on site. However, it is noted that as part of the 2019 planning permission for the extension of the storage area to the west of the site, part of which encompasses the south of the current application site, a condition has been applied limiting the hours of working and lighting, that differs from the proposed hours of operation of the proposed new sawmill. These hours are more restrictive, ending earlier in the evening times, but do allow for some Sunday working. For consistency, it is considered appropriate to apply a different time limit to operations within the southern storage area in line with the 2019 permission. This limits hours of working to 07:00 to 20:00 Monday to Friday, 08:00 to 19:00 Saturday 09:00 to 14:00 Sundays, Public and Bank Holidays.
140. Although an objection was raised noting that lighting from the existing operation could be seen from a sizeable distance, with reference to Sacriston some 10 km to the northwest, based on the details associated with the current application, the detailed lighting scheme is deemed to be within acceptable parameters, and designed to minimise light spill suitable to its edge of settlement/ rural location.
141. Subject to the imposition of the conditions referenced above, the proposals meet with the requirements set out in policy 31 which requires that development minimises light pollution and demonstrates that the lighting proposed is the minimum necessary for the functional purposes of the development proposed on site.

Construction Phase:

142. Further information was submitted in relation to the construction phase and included a detailed Construction Noise and Vibration impact assessment and Construction and Environment Management Plan (CEMP).

Construction Noise & Vibration-

143. The SBS-Construction Noise and Vibration Impact Assessment submitted in support of the application demonstrates that noise and vibration associated with the construction works and combined worst case ambient noise will not exceed the thresholds provided in BS 5228 during the three phases of the construction period of the development. The assessment has been prepared by suitably qualified and competent consultants, has followed appropriate methodologies and has considered a robust worst-case scenario. The report has assumed that works will be restricted to the hours of 0800 to 1800 Monday to Friday and 0800 to 1400 on Saturday with no construction works taking place on Sunday or Bank Holidays.
144. In relation to vibration from piling operations, it has yet to be determined whether piling operations will be required for this development, however the assessment has erred on the side of caution and piling vibration has been considered within the impact assessment which has determined that the impact of ground borne vibration on sensitive receptors is negligible, the closest receptor will be in excess of 75m (120m at Kell Crescent). The PPO concurs with the conclusions within the impact assessment and raises no objections. The document would be included as an approved plan subject to any grant of permission.

Construction & Environmental Management Plan-

145. A draft Construction & Environmental Management Plan was submitted in support of the application. The PPO sought amendments to the report for additional information as well as to ensure reference to appropriate and up to date standards is included. The latest report was submitted on the 23 November 2022 to address these points and are deemed acceptable. Nonetheless, the document is unable to provide a full suite of details of construction works pre decision and on this basis a pre commencement condition would be applied to any approval granted seeking an updated version of the document. A separate condition would also be applied to limit hours of construction works.
146. The PPO has confirmed, subject to these conditions, having assessed the environmental impacts which are relevant to the development in relation to their potential to cause a statutory nuisance, as defined by the Environmental Protection Act 1990, he is satisfied, based on the information submitted with the application, that the operational phases of the development are unlikely to cause a statutory nuisance. In relation to the CEMP, he is satisfied that appropriate measures can be employed to ensure that statutory nuisance does not arise.
147. To summarise impacts on residential amenity, having assessed documents received in support, comments received from the PPO and received from objectors, it is considered that the submitted documents have demonstrated an overall improvement to the noise environment at the site, through installation of modern equipment, fully contained within an insulated building, that would reduce noise output associated with these operations. In addition, noise complaints previously raised associated with existing operations have been addressed through various on-site improvements to operations and these aspects are being monitored as part of a Noise Management Plan for the site. With a proposed reduction in operation hours with no working on

Sundays, it is considered that the proposals offer a significant benefit overall and subject to conditions as detailed above including an updated Noise Management Plan, the proposals are considered to accord with policies 10r), 29e) and 31 of the CDP.

Highways Safety and Access

148. NPPF Paragraph 111 advises 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.
149. NPPF Paragraph 113 advises that all developments that will generate significant amounts of movement should be required to provide a travel plan, and the application should be supported by a transport statement or transport assessment so that the likely impacts of the proposal can be assessed.
150. CDP Policy 10p) states that development in the countryside will not be permitted where it would significantly intensify accessibility by unsustainable modes of transport. New development in countryside locations that is not well served by public transport must exploit any opportunities to make a location more sustainable including improving the scope for access on foot, by cycle or by public transport. In addition, 10q) does not permit development that would be prejudicial to highway safety.
151. 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. NPPF sets out at Paragraph 110 that safe and suitable access should be achieved for all people.
152. A significant area of concern noted in the objections received relate to the impact of the proposals on traffic. In particular, issues were raised with regards the routes taken by HGVs to access the site from main roads and how this involves large trucks passing through villages, causing noise nuisance, deterioration of roads and impacts on highway safety where speed limits are not adhered to. Concerns are raised that proposals would make the existing situation worse, and that insufficient information was submitted in support of the application in relation to traffic.
153. The supporting Planning Statement states that the intentions behind the proposed new development and updated sawmill machinery is to improve efficiencies, whilst reducing the significant maintenance costs associated with the upkeep and repairs to the existing aging machinery, mitigating against a risk of the equipment becoming obsolete before time. On this basis it is not proposed that the new sawmill would result in a significant increase in throughput. The Statement further asserts that any modest increase in throughput would be off-set by the fact that there would no longer be a requirement for the business to import sawn timber to site. The new more advanced machinery with associated scanner would also enable increases in the yield per log, reducing the amount of co-product produced and consequently the number of co-product vehicles that would leave the site. Accordingly, there would be no material increase in traffic movements or heavy goods vehicles using the local road network or travelling through the local villages.
154. The Highway Authority has assessed the information submitted with the application, including the Transport Statement. They comment that the business has been in operation at this location for a considerable time. During this period but particularly

over the last decade or so, there have been issues raised by the local people of surrounding villages regarding the passage of the log delivery vehicles. It is understood that the business has worked with the Council and operates an informal arrangement where vehicles are dispersed over available routes to reduce the impact on any one route.

155. In relation to vehicle movements, The Highway Authority notes that the size of the proposed sawmill is considerably larger than the existing sawmill which would suggest that capacity would be increased or that it could be increased at some point in the future without requiring further planning approval. However, the Planning Statement clarifies that there would be no significant increase in throughput, and further explains that the proposed operation is intended to offset any increase of raw timber deliveries with removal of sawn timber deliveries. This is analysed within the Planning Statement and the Transport statement with an accompanying table on traffic volumes. The applicant has calculated that approximately 23,110 loads came into and out of the site in 2016 (the last 'normal' year), with the proposal expected to generate 23,038 vehicle movements. The table indicates that the overall vehicle movements are similar to year 2016 and that there is no net increase in HGV vehicle movements. The Highway Authority is satisfied with the information shown, which is deemed sufficient to remove the need for any further analysis.
156. Taking into consideration the issues raised within the objections with regards highway safety, Highways Officers undertook an analysis of personal injury accidents over the previous 10 years. This indicates that there have been no incidents involving HGVs on the C60, C12a and B1283 roads between Low Pittington, Sherburn and Sherburn Hill. Vehicle speeds through Pittington have been considered and previous traffic surveys show very good compliance with the speed limit. Highway structures on these routes are capable of carrying normal highway loading therefore there would be no justification to restrict vehicle movements along any of these routes.
157. Notwithstanding the above, and taking into consideration local concerns and the potential for increased capacity at the site (although this is not intended as part of the application), it is considered warranted that a condition be applied limiting HGV movements into and out of the site, with an allowance for peaks in production and, if practicable, a limit on the timings of those movements to non-antisocial hours. Such a condition would be considered reasonable and necessary and directly relevant to the proposal. To ensure it is enforceable, the applicant would be required to keep a record of all HGV movements, with ready access for inspection by the LPA when required.
158. In relation to other aspects of the scheme, Highways Officers note that no additional highway access to the site is proposed, and reference is made within the supporting statement that the existing access to Cooks Hold Farm would be extinguished. In general, the proposed access to the site via the recently improved existing access onto the C60 classified road north of East View is wholly acceptable and this single access would be sufficient for the purposes of operations on the site. However, there is no detail on any submitted drawings showing the closure of the Cooks Hold Farm access and any approval would require a condition to be attached for the part-metalled part-unmade road, stone walls at the rear of the highway and access to be removed and the highway verge reinstated to grassed verge to DCC adoptable standards prior to occupation of the new sawmill building.
159. The proposal includes additional parking provision which will increase the number from 115 to 215. The number of employees on the site is indicated to remain fundamentally unchanged at circa 160. The additional provision will allow for shift changeover and is welcomed from a highway perspective.

160. The applicant has provided an initial Construction Management Plan however as indicated within the CMP, it will require further information once the proposal progresses further towards the construction phase. A condition will therefore be required for a complete CMP to be submitted prior to commencement of any works on site. This should include, but not be limited to, details of the routing of delivery vehicles, delivery times, the control of deliveries to avoid peak periods, the protection of the public during site works, avoidance of mud and detritus being deposited on the public highway, highway works traffic management etc.
161. On the basis of the above assessment, the proposals would not lead to a material increase in the quantum of traffic accessing and leaving the site and accident history on the surrounding road network has not raised any issues with regards road safety. Highways Officers offer no objection to the proposals from a highways perspective, the proposals therefore considered to satisfy the requirements set out in policies 10 and 21 of the CDP and part 9 of the NPPF, subject to the inclusion of the conditions referenced above.

Public Rights of Way (PROW)

162. In relation to PROWs, CDP Policy 26 states that development will be expected to maintain or improve the permeability of the built environment and access to the countryside for pedestrians, cyclists and horse riders. Proposals that would result in the loss of, or deterioration in the quality of, existing Public Rights of Way (PROWs) will not be permitted unless equivalent alternative provision of a suitable standard is made. Where diversions are required, new routes should be direct, convenient and attractive, and must not have a detrimental impact on environmental or heritage assets.
163. PROW Officers have commented that PROW nos. 5 and 38 are directly affected by the proposals. At the time the application was submitted, PROW 5 was subject to a legal temporary closure order and diversion application which was referred to the Planning Inspectorate for determination. A decision was issued in August 2022 confirming approval of the diversion and the PROW is now established following a more westerly route connecting Sherburn Hill to Cooks Hold Lane and further PROWs heading northwards. The PROW is noted as being hard surfaced with new hedgerow and tree planting in place along its length.
164. In relation to PROW 38, which runs along the south boundary of the site adjacent to Kell Crescent, at present a 4 metres high acoustic fence directly abuts this PROW, however, as noted in the latest Planting Plan, the fence would be moved back from the boundary and new planting would be established to improve amenities of future users of the footway.
165. In general, the PROWs as existing and diverted are considered to be suitably protected, and although there would be visual impacts as a result of the development as highlighted in 'Landscape Impact' section above, the usability of the footpaths would remain intact, with mitigation planting expected to improve visual amenities over time.
166. Overall, there is not considered to be conflict with requirements set out in policy 26 in this regard.

Ecology

167. NPPF Paragraph 174 advises that planning decisions should contribute to and enhance the natural and local environment by minimising impacts on and providing

net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures.

168. CDP Policy 41 states that proposals for new development will not be permitted if significant harm to biodiversity or geodiversity resulting from the development cannot be avoided, or appropriately mitigated, or, as a last resort, compensated for. Proposals for new development will be expected to minimise impacts on biodiversity by retaining and enhancing existing biodiversity assets and features and providing net gains for biodiversity including by establishing coherent ecological networks. Measures should be appropriate, consistent with the biodiversity of the site and contribute to the resilience and coherence of local ecological networks. In addition, Criterion i) of CDP Policy 10 does not permit development in the countryside that would give rise to unacceptable harm to biodiversity.
169. No parts of the application site are located within any national or local wildlife designations. A detailed Preliminary Ecological Appraisal and Biodiversity Assessment were submitted in support of the application. Ecology assessed the information and were satisfied with regards the information and findings therein. A Biodiversity Monitoring and Management Plan (BMMP) was requested to be submitted to provide details on long term management and monitoring of ecological features within the site, and in order to deliver the Biodiversity Net Gain. This was received and confirmed a suitable management plan over the next 30 years in line with the Environment Act 2021. A condition will be applied seeking full adherence to this document.
170. Subject to the imposition of this condition, the proposals are considered to accord with the requirements of policies 10 and 41 of the CDP and part 15 of the NPPF.

Sustainability

171. Policy 29c) and d) require that development minimises greenhouse gas emissions and seeks to achieve zero carbon buildings and provide renewable low carbon energy generation, whilst also minimising the use of non renewable and unsustainable resources during construction and use. The policy further requires that all major non-residential development should achieve Building Research Establishment Environment Assessment Method (BREEAM) minimum rating of 'very good'.
172. The proposals have provided details of a large photovoltaic array on the roof of the proposed sawmill building and the south facing pitch of the co-products building. Given the size and extent of roof space across these two buildings, it is considered that a significant level of energy generation would be achieved by renewable means and it is considered that this would sufficiently address requirements set out in part c) of policy 29.
173. In terms of construction works, all excavated earth as part of the reprofiling of the land is to be redistributed within the site to create screening mounds. A condition is to be applied for a suitable soil handling strategy to ensure soil resources on site are managed and conserved in a viable condition. The proposals also include extensive woodland and hedgerow planting with SUDS attenuation ponds to improve the sites capacity to handle water run off whilst also providing suitable habitat on site.
174. A condition is to be applied to any approval granted for details to ensure the proposals can achieve the relevant BREEAM rating as required by policy.
175. Subject to conditions, the proposals are considered to accord with relevant parts of policy 29 in this regard.

Flood Issues

176. 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. Part 14 of the NPPF also provides detailed advice on flooding stating that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk. Where development is necessary in such areas, the development should be made safe for its lifetime without increasing flood risk elsewhere.
177. In addition, Policy 10s) of CDP states that new development in the countryside must minimise vulnerability and provide resilience to impacts arising from climate change, including but not limited to, flooding.
178. The application site does not lie within a flood risk area or an area known for historic flooding, or an overland flow route, however, given the size of the site the management of surface water via SUDS has been assessed with a Flood Risk and Drainage assessment submitted in support of the application.
179. Drainage and Coastal Protection Officers have commented on the scheme, noting that the principles for surface water management are acceptable with hydraulic calculations providing the required attenuation and flow restriction. Further information was sought in relation to treatment of surface water from the yard and parking areas and confirmation sought that suitable mitigation would be provided in the event of a high pollution hazard level.
180. Additional details were submitted demonstrating specific measures to address any potential pollution hazards from surface water runoff from these areas. The mitigation was deemed acceptable and in line with best practice. A condition would be applied to any approval granted requiring the development to be undertaken in accordance with the submitted documents.
181. Subject to the imposition of this condition, the proposals are considered to accord with the requirements set out in policy 35 and part 14 of the NPPF.

Contaminated Land

182. 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.
183. A phase 1 and 2 report and assessment were submitted in support of the application along with a phase 3 remediation strategy. Further details were also provided in relation to potential coal mining legacy at the site. All details were fully assessed by the Contaminated Land Officer as well as the Coal Authority. The information submitted was considered acceptable moving forward. No further assessments are required, but a Phase 4 Verification Report would be required prior to use of the site commencing. Subject to this the proposals would accord with policy 32 in relation to land contamination.

184. CDP Policy 44 states that in determining applications which would affect a known or suspected non-designated heritage asset with an archaeological interest, particular regard will be given to the following: i. ensuring that archaeological features are generally preserved in situ; and j. in cases where the balanced judgement concludes preservation in situ should not be pursued, it will be a requirement that they are appropriately excavated and recorded with the results fully analysed and made publicly available.
185. As the majority of the site comprises open fields, below ground remains will not have been substantially disturbed. As such the applicant was advised that a geophysical survey should be carried out in this area followed by trial trenching agreed in advance with DCC Archaeology Section, with the results of the evaluation submitted as part of the application. These works have all been undertaken and the evaluation found no significant archaeological remains. On this basis all required works have been completed with reports submitted for archive. Archaeology Section assessed the details and raise no objections and require no conditions for any further works. The proposals comply with the relevant section of policy 44 in this regard.

Other issues

186. CDP Policy 28 (Safeguarded Area) would be applicable due to the sites location within the Meteorological Safeguarded Area. The policy requires that within safeguarded areas, as shown on the policies map, development will be subject to consultation with the relevant authority and will be permitted: c) within the defined safeguarding area around the High Moorsely Meteorological Office radar site where it can be demonstrated that there will be no unacceptable adverse impact upon the operation of the site.
187. The application site lies within the defined safeguarding area around the High Moorsely Meteorological Office Radar Station and involves a new large sawmill facility and building. Consultation was undertaken with the Meteorological Office and they confirmed the building would be below the beam of the radar and would therefore not impact on data derived. No objections are therefore raised.
188. Upon request, the Fire Authority were consulted for their views of operations on site. They confirmed that they had no objections and had undertaken recent Health and Safety checks on site, noting operations were well run and organised. Any further assessment by the Fire Authority would be undertaken as part of a Building Control assessment. On this basis they had no further comments on the planning application.

Planning Balance

189. The proposals have been assessed against all relevant material planning considerations above. In general, the proposals are considered to accord with policies in relation to the majority of these considerations, but it is acknowledged that there is a noted conflict with policies 10 and 39 in relation to impacts on the intrinsic character of the countryside and the setting and form of the settlement edge. The extent of planting and landscaping proposed is considered to be extensive, but the benefits of this would only be realised in the medium to long term, and given the scale of the building, it appears unlikely that full mitigation of visual impacts could be achieved, although it is accepted over time the building would be much better assimilated into the landscape.
190. On this basis the harm identified needs to be weighed against the wider planning balance in its aim to achieve sustainable development through the overarching objectives of economic, social and environmental benefits. These are identified below:

Economic:

- Proposals would amount to a significant investment at the site, allowing continuity of an established timber business and continued employment of 160 employees on site which might otherwise be lost to alternative sites outside of the county.
- Contributions to the local economy, through construction and operational phase with workers making use of local services.

Social:

- Continued availability of local employment in the area.
- Reduction in overall noise generated from the site due to modern equipment contained within an insulated building.
- As part of the upgrade, the infeed to the new sawmill would be contained within a building, which is not currently the case, assisting in the overall noise reduction at the site
- Reduction in operation hours at the sawmill, with no Sunday working, which would help reduce noise over the weekend.
- The new co-products bunker would be enclosed on three sides and moved to the northern end of the site, furthest from residents along Kell Crescent, reducing dust emissions.
- Improved health and safety for workers, through upgraded machinery and further rationalisation of processes separating co-products operations from the main log grading areas.

191. Against these identified benefits, it is considered that the harm identified to the character and appearance of the area and associated conflict with policies 10l) and o) and 39 are judged to be outweighed by the wider economic, social and environmental benefits associated with continued viability of the business and retention of jobs, reduction of noise on site and extensive tree planting, that in time will bring about environmental improvements to the area. On balance it is considered a recommendation of approval would be warranted, despite the noted conflict with policy.

CONCLUSION

192. Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. 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).

193. In terms of impacts on the character and appearance of the area, it is acknowledged that the proposals would result in harm and whilst substantial landscaping is proposed to ensure adherence to policies 10, 29, 39 and 40, this mitigation would only provide improvements in the medium to long term, and would not fully mitigate visual impacts from a building of this size and scale. There is an overall conflict with parts of policy 10l) and o), and 39 in this regard.

194. Impacts on residential amenity have been assessed with detailed reports and assessments indicating an overall improvement to the noise environment at the site, due to a new modern sawmill machine contained within an insulated building. Other aspects of the operation have been moved further from residential areas including the co-products building that contains timber by-products, such as sawdust and chippings. Lighting has been designed to minimise glare and any overspill. With an overall improvement to noise levels resulting from the development, it is considered that the

proposal would not result in a level of harm to the amenities of local residents such that a refusal of planning permission would be warranted. The proposals accord with policies 10r), 29e) and 31 in this regard.

195. Considerations in relation to impacts on the highway are considered acceptable with clarification provided that there would be no material increase in vehicle movements to and from the site. All other matters in relation to access and parking are considered acceptable in line with policy 10q) and 21 of the CDP.
196. The proposals are considered acceptable in respect of heritage assets, ecology, public rights of ways, flooding and drainage. There are no further requirements in relation to archaeology or contamination. The proposals accord with policies 10, 29, 26, 32, 35, 41, 44 and 45 of the CDP.
197. The principle of the development is deemed acceptable and falls within the exceptions highlighted within policy 10 which allows for the provision of extensions to existing rural land based enterprises. The proposals are considered to be a substantial investment into the site, which would allow continuity of business on site and retention of a considerable volume of local jobs.
198. The application has generated some public interest. The concerns and issues raised, particularly in relation to noise and highways impacts have been addressed as detailed within the report, but are not sufficient to warrant a refusal in this case. In the overall planning balance, the adverse impacts identified are considered outweighed by the positive aspects of the development as highlighted above. Given the above considerations, it is considered that proposals are acceptable, and the application is recommended for approval.

Public Sector Equality Duty

199. Section 149 of the Equality Act 2010 requires public authorities when exercising their functions to have due regard to the need to i) the need to eliminate discrimination, harassment, victimisation and any other prohibited conduct, ii) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it and iii) foster good relations between persons who share a relevant protected characteristic and persons who do not share that characteristic.

RECOMMENDATION

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

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

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

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

Plan	Drawing No.	Date Received
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**Further plans to be included		
Proposed Sawmill Elevations	AA7089/P/101 Rev O	28/11/22
Proposed Chip and Dust Elevations	AA7089/P/102 Rev G	28/11/22
Planting Plan 2	2149.310 A	23/11/22
Tree constraints plan	22_5837_07_03_TCP_v1	29/07/22
Tree protection plan	22_5837_07_03_TPP_v1	29/07/22
Proposed floor layout plans	AL(0)010 (Rev B)	29/07/22
Proposed first floor plan	AL(0)011 (Rev A)	29/07/22
Proposed floor layout plans	AL(0)012 (Rev C)	29/07/22
Proposed elevations	AL(0)015-1	29/07/22
Tree Survey Report		29/07/22
Site access road general arrangement	AA7089/P/104	22/06/22
Sawmill, bunkers and yard general arrangement	AA7089/P/105 (Rev B)	22/06/22
Roof layout	AA7089/P/109 (Rev C)	22/06/22
ASD lighting position types		22/06/22
ASD lux levels model		22/06/22
Lighting Mill infeed yard area		22/06/22
Lighting overhead 1		22/06/22
Lighting overhead 2		22/06/22
Lighting visual whole development from Cookshold Farm		22/06/22
Lighting whole development from North West 1		22/06/22
Lighting whole development from North West 2		22/06/22
Proposed masterplan	009 (Rev P05)	22/06/22
Red line OS Base		22/06/22
PV Mounting Datasheet		22/06/22
PV Panel Datasheet		22/06/22

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

3. In relation to the internal new access road from the site entrance to the co-products bunker site, no development shall commence, other than the felling of trees identified for removal within the approved documents 'Tree Survey Report' and the 'Tree Assessment Plan' (received 29 July 2022), until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. The Construction Management Plan shall include as a minimum but not necessarily be restricted to the following:
 - 1.A Dust Action Plan including measures to control the emission of dust and dirt during construction.
 - 2.Details of methods and means of noise reduction/suppression.
 - 3.Where construction involves penetrative piling, details of methods for piling of foundations including measures to suppress any associated noise and vibration.
 - 4.Details of measures to prevent mud and other such material migrating onto the highway from all vehicles entering and leaving the site.
 - 5.Designation, layout and design of construction access and egress points.
 - 6.Details for the provision of directional signage (on and off site).

7.Details of contractors' compounds, materials storage and other storage arrangements, including cranes and plant, equipment and related temporary infrastructure.

8.Details of provision for all site operatives for the loading and unloading of plant, machinery and materials.

9.Details of provision for all site operatives, including visitors and construction vehicles for parking and turning within the site during the construction period.

10.Routing agreements for construction traffic.

11.Details of the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate.

12.Waste audit and scheme for waste minimisation and recycling/disposing of waste resulting from demolition and construction works.

13.Management measures for the control of pest species as a result of demolition and/or construction works.

14.Detail of measures for liaison with the local community and procedures to deal with any complaints received.

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

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

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

3A. Notwithstanding the requirements set out in Condition 3, no further development, beyond construction of the internal new access road, shall commence until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. The Construction Management Plan shall include as a minimum but not necessarily be restricted to the following:

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

2.Details of methods and means of noise reduction/suppression.

3.Where construction involves penetrative piling, details of methods for piling of foundations including measures to suppress any associated noise and vibration.

4.Details of measures to prevent mud and other such material migrating onto the highway from all vehicles entering and leaving the site.

5.Designation, layout and design of construction access and egress points.

Page 526.Details for the provision of directional signage (on and off site).

7.Details of contractors' compounds, materials storage and other storage arrangements, including cranes and plant, equipment and related temporary infrastructure.

8.Details of provision for all site operatives for the loading and unloading of plant, machinery and materials.

9.Details of provision for all site operatives, including visitors and construction vehicles for parking and turning within the site during the construction period.

10.Routing agreements for construction traffic.

11.Details of the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate.

12.Waste audit and scheme for waste minimisation and recycling/disposing of waste resulting from demolition and construction works.

13.Management measures for the control of pest species as a result of demolition and/or construction works.

14.Detail of measures for liaison with the local community and procedures to deal with any complaints received.

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

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

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

4. No development shall commence, other than the felling of trees identified for removal within the approved documents 'Tree Survey Report' and the 'Tree Assessment Plan' (received 29 July 2022), until a detailed soil handling strategy, indicating methods for soil stripping, storing of sub soils and separate storing of top soils, methods for construction of mounds ready for planting, has been submitted to and approved in writing by the Local Planning Authority. The development shall be undertaken in accordance with the approved details thereafter.

Reason: In the interests of the 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. Required as a pre-commencement condition to ensure that the implications of soil stripping and storage are properly considered and accounted for in the development.

5. Notwithstanding any details of materials submitted with the application no development shall proceed beyond damp proof membrane 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.

6. Notwithstanding the details contained within the Noise Impact Assessment, prior to the first occupation the development hereby approved, precise details of the specification and location of the Absorptive Noise Barriers, shall be submitted to and approved in writing by the Local Planning Authority. The Absorptive Noise Barriers shall be constructed and maintained in accordance with the approved details in perpetuity.

Reason: In the interests of the amenities of the area and to comply with Policy 29 and 31 of the County Durham Plan and Parts 12 and 15 of the National Planning Policy Framework.

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

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

9. Prior to the use of the sawmill hereby approved, an updated Noise Management Plan & Thresholds document detailing the precise means of noise attenuation and working practices across the site shall be submitted to and agreed in writing by the Local Planning Authority. The scheme shall also include an appropriate means to monitor the level of noise generated by the site post development. Thereafter the development shall be carried out wholly in accordance with the mitigation and monitoring measures detailed in the approved plan.

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.

10. Notwithstanding the approved drawings submitted, prior to the use of the sawmill building hereby approved, the former access to Cook's Hold Farm, taken from Cookshold Lane, including the part-metalled part-unmade road and stone walls at the rear of the highway and access shall be removed and the highway verge reinstated to grassed verge to DCC adoptable standards.

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

11. Prior to the use of the sawmill and office buildings hereby approved, a sustainability assessment demonstrating that a BREEAM Rating of "Very Good" has been achieved for that building shall be submitted to and agreed in writing by the Local Planning Authority.

Reason: In order to ensure that the proposed development achieves the required sustainability rating in accordance with Policy 29 of the County Durham Plan.

12. Prior to the use of 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

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.

13. The development hereby approved shall be undertaken wholly in accordance with the mitigation measures highlighted within the following noise assessment reports:

SBS-New Sawmill -Noise Impact Assessment- version 02 dated June 2022
SBS-Noise Impact Assessment for Littletown- version 1 dated June 2022

The mitigation measures contained within these reports shall be implemented and maintained in perpetuity and shall include the attenuation measures for the new sawmill building.

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

14. The lighting proposals as part of the development hereby approved shall be installed wholly in accordance with the following detailed External Lighting Report received 22 June 2022: ASD Lighting- External Lighting Project reference PROJ-000650 dated 17/05/22. The external lighting shall be erected and maintained in accordance with these approved details thereafter.

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

15. No development shall take place unless in strict accordance with Flood Risk and Drainage Assessment received 22 June 2022 and the SUDS Water Treatment Document received 17 August 2022.

Reason: To ensure that surface water are adequately managed and treated, in accordance with Policies 35 and 36 of the County Durham Plan and Parts 14 and 15 of the National Planning Policy Framework.

16. No development shall take place unless in strict accordance with the Biodiversity Management and Monitoring Plan v1.3 by Durham Dales Ecology, received 23 November 2022. The recommendations and monitoring scheme shall be fully adhered to, with reporting mechanisms to Durham County Council undertaken as required.

Reason: In order to ensure that Biodiversity Net Gain is delivered, 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.

17. No construction work shall take place, nor any site cabins, materials or machinery be brought on site until all trees and hedges, indicated on the approved tree protection plan (drawing number 22_5837_07_03_TPP_v1 'Tree Protection Plan' Received 29 July 2022) as to be retained, are protected by the erection of fencing, placed as indicated on the plan and comprising a vertical and horizontal framework of scaffolding, well braced to resist impacts, and supporting temporary welded mesh fencing panels or similar approved in accordance with BS.5837:2010.

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

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

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

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

18. All planting, seeding or turfing and habitat creation as shown on the approved landscaping plan (Drawing No. 2149.310 A entitled 'Planting Plan 2', received 23 November 2022) 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.

19. 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 residents from the development in accordance with Policy 31 of the County Durham Plan and Part 15 of the National Planning Policy Framework.

20. The log handling machine, main sawmill and processing operations within the former sawmill building shall not operate outside of the hours of 0600hrs to 0000hrs Monday to Thursday, 0600hrs to 2300hrs Friday and 0800hrs to 1800hrs Saturday, with no operations on Sunday and Public/Bank Holidays.

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

21. No working (including the operation of vehicles and machinery) shall take place within the southern storage areas outside the hours of 07:00 to 20:00 Monday to Friday, 08:00 to 19:00 Saturday 09:00 to 14:00 Sundays, Public and Bank Holidays.

Reason: In the interests of consistency with the terms of the planning condition applied to planning permission DM/19/02394/FPA which seeks to protect the residential amenity of surrounding properties in accordance with Policy 31 of the County Durham Plan and Part 15 of the National Planning Policy Framework.

22. The lighting scheme hereby granted consent shall not be illuminated outside of the working hours identified within Conditions 19 and 20 for those relevant parts of the site.

Reason: In the interests of the amenity of the surrounding area and neighbouring properties, in accordance with Policy 29 of the County Durham Plan.

23. The total number of loaded HGV vehicles delivering to/from the site shall not exceed a weekly total of 480, as averaged over a period of a month. A record of all loaded HGV vehicles entering and leaving the site shall be maintained by the operator and a copy of this record shall be afforded to the Local Planning Authority within 2 working days of such a request.

Reason: To protect residential amenity and ensure highway safety in accordance with Policy 21 and 31 of the County Durham Plan and Part 9 of the National Planning Policy Framework.

25. Prior to the use of the sawmill and office buildings hereby approved, a scheme detailing the timetable for the decommissioning of the existing sawmill and associated equipment, along with details for the removal of surplus office accommodation, shall be submitted to and agreed with the Local Planning Authority. The works for their removal shall thereafter be undertaken in accordance with the approved details and timetable.

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

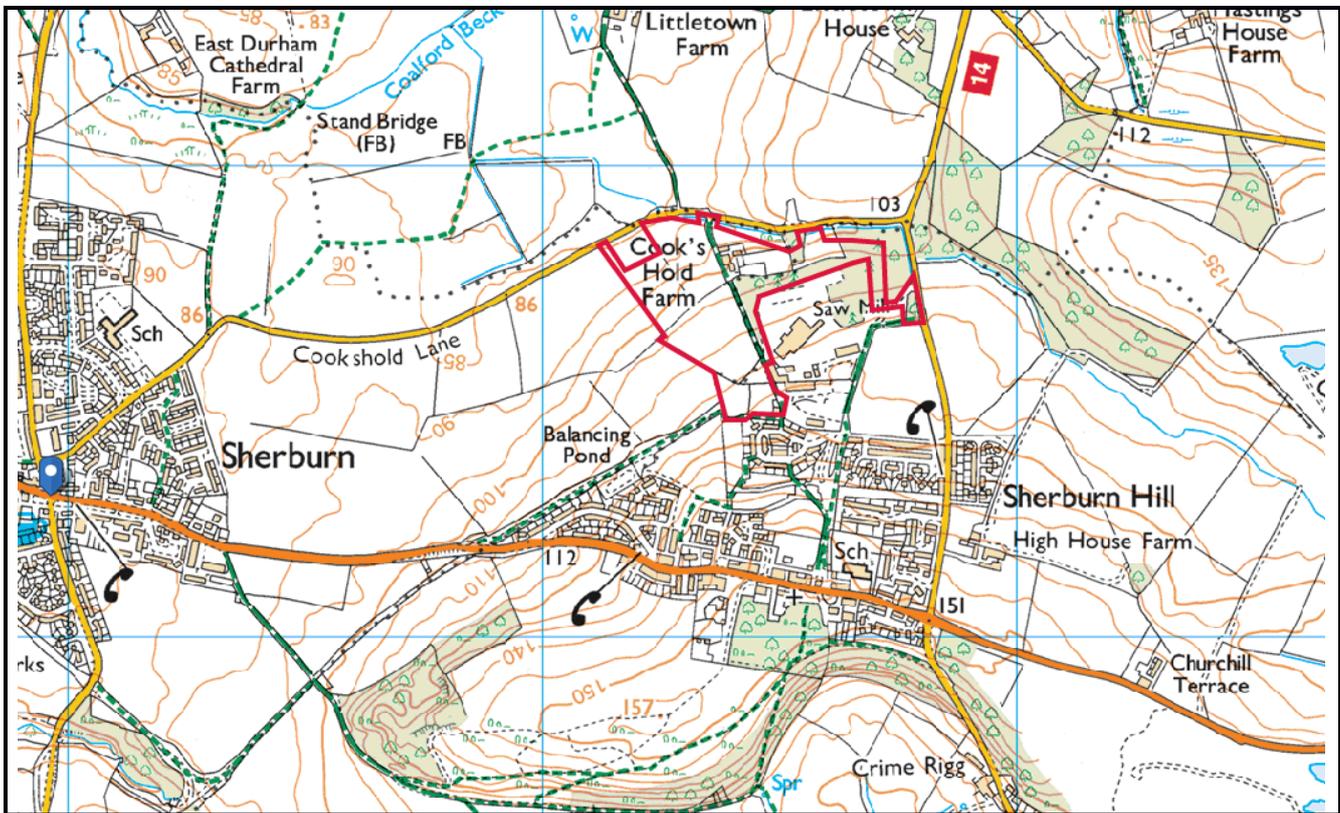
STATEMENT OF PROACTIVE ENGAGEMENT

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



Planning Services

Replacement sawmill to west of site, construction of co-products bunkers to north at former Cooks Hold Farm site, new access road from site entrance to co-product bunkers, with associated landscape, drainage and car park

Taylormade Timber Products, Old Colliery Yard, Sherburn Hill, Durham, DH6 1PS

Ref: DM/22/01830/FPA

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Date 13 December 2022

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Planning Services

COMMITTEE REPORT

APPLICATION DETAILS

Application No:	DM/21/04311/FPA
Full Application Description:	Demolition of 6no. existing industrial units and erection of 4no. commercial units (Use Class B2), with associated parking, landscaping and boundary enclosures
Name of Applicant:	Harrison Commercial Properties (NE) Ltd
Address:	Blagdon Depot Frankland Lane Durham DH1 5TA
Electoral Division:	Elvet and Gilesgate
Case Officer:	Leigh Dalby (Principal Planning Officer) Tel: 03000 261 959 Email: leigh.dalby@durham.gov.uk

DESCRIPTION OF THE SITE AND PROPOSAL

The Site

1. The application site is an existing commercial / industrial site which comprises of approximately 1.16ha to the north side of the River Wear to the North of Durham City. The site currently comprises 6no. industrial units of varying scales ranging from single-storey to two-storey with significant areas of hardstanding.
2. Access to the site is from the west, via a junction off Frankland Lane, leading to Framewellgate Waterside and the A690 . There are no formal parking areas on site to serve the existing units
3. The site is located within the designated Green Belt surrounding Durham City and is bound to the north by mature trees with undeveloped land and woodland beyond. To the west of the site lays the Riverside Centre, an office building, and the National Trust owned Crook Hall which is a Grade 1 listed building and its respective North and West Barns, both Grade II Listed. To the south contains a tree belt along the

southern boundary with Frankland Lane, with Frankland Cottage, beyond. To the east runs Frankland Lane and Barkers Haugh wastewater and sewage treatment plant

4. As detailed the site is within the Green Belt but is not within an Area of Higher Landscape Value but is within Flood Zone 2.
5. The site falls within the setting of a number of designated heritage assets, including Crook Hall (Grade I listed) and the North Barn of Crook Hall and the West Barn of Crook Hall (both Grade II listed); and is considered to be within the setting of the Durham Castle and Cathedral World Heritage Site and adjacent to the Durham City Conservation area.

The Proposal

6. The application seeks planning permission for the demolition of the existing industrial units with the erection of 4no. (B2) commercial units. It is proposed that the buildings are to be finished using dark grey steel cladding and brickwork, and whilst being of varying scale have a similar design of a mono pitch roof with roller shutter doors and high-level windows. Block D is proposed to have a staggered roofline, with a brick offshoot.
7. The proposal will include 28 parking spaces, servicing areas and turning circle along with landscaping which include the retention of high-quality trees, additional hedgerows and compensatory tree planting. A new boundary fence is also proposed to secure the site.
8. The application has been brought to the Planning Committee for consideration in accordance with the Council's scheme of delegation due this being a major development.

PLANNING HISTORY

9. It is not considered there are any directly relevant site history of note, however the following applications are noted within the vicinity:
 - Maven House - DM/17/03073/FPA - Change of use to commercial car valeting (Use Class Sui Generis) – Approved 30.11.2017
 - M Motors, Frankland Workshop - DM/14/00972/FPA - Change of use of building to place of worship – Approved 08.08.2014
 - Unit 5, The Riverside Centre - DM/14/00758/FPA – Change of use of premises from office to osteopath clinic – Approved 16.06.2014
 - Unit 1 Blagdon Depot - 4/10/00640/FPA - Change of use from workshop (B1) to music rehearsal room– Approved 10.11.2010

PLANNING POLICY

NATIONAL POLICY

10. The Government has consolidated all planning policy statements, guidance notes and many circulars into a single policy statement, the National Planning Policy Framework (NPPF), although the majority of supporting Annexes to the planning policy statements are retained. The overriding message is that new development that is sustainable should go ahead without delay. It defines the role of planning in achieving sustainable development under three topic headings – economic, social, and environmental, each mutually dependent.
11. The presumption in favour of sustainable development set out in the NPPF requires local planning authorities to approach development management decisions positively, utilising twelve 'core planning principles'. 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 6 – Building a strong, competitive economy. The Government is committed to securing economic growth in order to create jobs and prosperity, building on the country's inherent strengths, and to meeting the twin challenges of global competition and a low carbon future.
15. NPPF Part 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.
16. 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.
17. 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.

18. 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.
19. NPPF Part 13 Protecting Green Belt Land - The Government attaches great importance to Green Belts. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence. Green Belt land serves 5 purposes; to check the unrestricted sprawl of large built-up areas; to prevent neighbouring towns merging into one another; to assist in safeguarding the countryside from encroachment; to preserve the setting of historic towns; and to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.
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.
22. 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.

LOCAL PLAN POLICY:

23. The following policies within the County Durham Local Plan are considered relevant in terms of this proposal:

24. Policy 1 (Quantity of Development) outlines the levels of employment land and housing delivery considered to be required across the plan period.
25. Policy 6 (Development on Unallocated Sites) 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.
26. Policy 15 (Addressing Housing Need) establishes the requirements for developments to provide on-site affordable housing, the circumstances when off-site affordable housing would be acceptable, the tenure mix of affordable housing, the requirements of developments to meet the needs of older people and people with disabilities and the circumstances in which the specialist housing will be supported.
27. Policy 20 (Green Belt) development proposals within the Green Belt will be determined in accordance with national planning policy. There is a presumption against inappropriate development in the Green Belt unless very special circumstances can be demonstrated. The National Planning Policy Framework (NPPF) sets out several exceptions as well as other forms of development which may be inappropriate in the Green Belt.
28. Policy 21 (Delivering Sustainable Transport) requires all development to deliver sustainable transport by: delivering, accommodating and facilitating investment in sustainable modes of transport; providing appropriate, well designed, permeable and direct routes for all modes of transport; ensuring that any vehicular traffic generated by new development can be safely accommodated; creating new or improvements to existing routes and assessing potential increase in risk resulting from new development in vicinity of level crossings. Development should have regard to Parking and Accessibility Supplementary Planning Document.
29. Policy 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.
30. 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.

31. Policy 27 (Utilities, Telecommunications and Other Broadcast Infrastructure) supports such proposals provided that it can be demonstrated that there will be no significant adverse impacts or that the benefits outweigh the negative effects; it is located at an existing site, where it is technically and operationally feasible and does not result in visual clutter. If at a new site then existing site must be explored and demonstrated as not feasible. Equipment must be sympathetically designed and camouflaged and must not result in visual clutter; and where applicable it proposal must not cause significant or irreparable interference with other electrical equipment, air traffic services or other instrumentation in the national interest.
32. Policy 29 (Sustainable Design) requires all development proposals to achieve well designed buildings and places having regard to SPD and sets out 18 elements for development to be considered acceptable, including: positive contribution to areas character, identity etc.; adaptable buildings; minimising greenhouse gas emissions and use of non-renewable resources; providing high standards of amenity and privacy; contributing to healthy neighbourhoods; and suitable landscape proposals. Provision for all new residential development to comply with Nationally Described Space Standards, subject to transition period.

Provision for alterations and extensions to residential property to be sympathetic to existing building and character and appearance of area

Provision for signage, adverts, street furniture and public art to be appropriate and sympathetic to users and local setting and not detrimental to visual amenity or public highway safety

Provision for major developments to appropriately consider the public realm in terms of roads, paths, open spaces, landscaping, access and connectivity, natural surveillance, suitable private and communal amenity space that is well defined, defensible and designed to the needs of its users.

Provision for new major residential development to be assessed against Building for Life Supplementary Planning Document, to achieve reductions in CO2 emissions, to be built to at least 30 dwellings per hectare subject to exceptions. All new development to achieve BREEAM minimum rating of 'very good'.

33. 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 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 locating of 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.

34. 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.
35. Policy 33 – Renewable and Low Carbon Energy – states that renewable and low carbon development energy development in appropriate locations will be supported. In determining planning applications for such projects significant weight will be given to the achievement of wider social, environmental and economic benefits. Proposals should include details of associate developments including access roads, transmission lines, pylons and other ancillary buildings. Where relevant, planning applications will also need to include a satisfactory scheme to restore the site to a quality of at least its original condition once operations have ceased. Where necessary, this will be secured by bond, legal agreement or condition.
36. 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
37. Policy 36 Disposal of Foul Water states that all new development should adopt the hierarchy of preference.
38. Policy 39 (Landscape) states that proposals for new development will only be permitted where they would not cause unacceptable harm to the character, quality or distinctiveness of the landscape, or to important features or views. Proposals are expected to incorporate appropriate mitigation measures where adverse impacts occur. Development affecting Areas of Higher landscape Value will only be permitted where it conserves and enhances the special qualities unless the benefits of the development clearly outweigh its impacts.
39. Policy 40 (Trees, Woodlands and Hedges) states that proposals for new development will not be permitted that would result in the loss of, or damage to, trees, hedges or woodland of high landscape, amenity or biodiversity value unless the benefits of the scheme clearly outweigh the harm. Proposals for new development will be expected to retain existing trees and hedges or provide suitable replacement planting. The loss or deterioration of ancient woodland will require wholly exceptional reasons and appropriate compensation.
40. Policy 41 (Biodiversity and Geodiversity) restricts development that would result in significant harm to biodiversity or geodiversity and cannot be mitigated or

compensated. The retention and enhancement of existing biodiversity assets and features is required as are biodiversity net gains. Proposals must protect geological features, have regard to Geodiversity Action Plans and the Durham Geodiversity Audit and where appropriate promote public access, appreciation and interpretation of geodiversity.

Development proposals where the primary objective is to conserve or enhance biodiversity or geodiversity will be permitted if they comply with other local plan policy. Development proposals which are likely to result in the loss of deterioration of irreplaceable habitats will not be permitted unless there are wholly exceptional reasons and a suitable compensation strategy exists.

41. Policy 42 Internationally Designated Sites states that development will be refused where it cannot be ascertained, following appropriate assessment, that there would be no adverse effects on the integrity of the site, unless the proposal is able to pass the further statutory test of 'no alternatives' and 'imperative reasons for overriding public interest'.
42. Policy 56 (Safeguarding Mineral Resources) states 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. This is unless it can be demonstrated that the mineral in the location concerned is no longer of any current or potential value, provision can be made for the mineral to be extracted satisfactorily prior to the non-minerals development taking place without unacceptable adverse impact, the non-minerals development is of a temporary nature that does not inhibit extraction or there is an overriding need for the non-minerals development which outweighs the need to safeguard the mineral or it constitutes exempt development as set out in the Plan. Unless the proposal is exempt development or temporary in nature, all planning applications for non-mineral development within a Mineral Safeguarding Area must be accompanied by a Mineral Assessment of the effect of the proposed development on the mineral resource beneath or adjacent to the site of the proposed development.

Neighbourhood Plan

43. The following policies within the City of Durham Neighbourhood Plan:
44. Policy S1 (Sustainable Development Requirements of all Development and Re-development 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
45. Policy H1 (Protection and Enhancement of the World Heritage Site) requires development within the Durham Cathedral and Castle World Heritage Site to sustain, conserve and enhance its outstanding universal value and support the current adopted management plan. Development within the WHS must take account of the historical and present uses of the site, propose high quality design, use appropriate materials and seek balance in respect of scale, density, massing, form, layout, landscaping and open spaces. Development proposals within Our Neighbourhood will need to sustain, conserve, and enhance the

setting of the WHS where appropriate, by carrying out an assessment on how the development will affect the setting, including views to and from the WHS, protect important views and take opportunities to open up lost views and create new views and vistas.

46. Policy H3 (Our Neighbourhood Outside the Conservation Areas) requires development outside of Conservation areas to, where appropriate, demonstrate an understanding of the area of the proposed development and its relationship to the Neighbourhood area. Such development should sustain and make a positive contribution to the character and distinctiveness of the area and avoid the loss of open space and public realm that contributes to the area, to be appropriate in terms of scale, density, massing, form, layout, landscaping and open spaces and use appropriate materials and finishes.
47. Policy G1 (Protecting and Enhancing Green and Blue Infrastructure) seeks to support developments that retain existing green or blue assets with significant recreational, heritage, cultural, ecological, landscape or townscape value and developments that provide additional green or blue assets, particularly if there is an identified deficiency. Any new or replacement assets must be appropriate to the context and setting. The policy requires developments to protect and enhance public rights of way and footpaths and green corridors. It offers support to proposals that provide net gains for biodiversity. The policy requires features of geological value to be protected. The policy seeks to protect and enhance the banks of the River Wear by supporting proposals with desirable access that do not have significant impacts on current assets. The policy also seeks to protect dark corridors by ensuring developments minimise lighting in such areas.
48. Policy G4 (Enhancing the Beneficial Use of the Green Belt)
49. Policy E2 (Other Employment Sites) offers support to the development of Fowler's Yard (Durham Arts Quarter) and for the development of windfall brownfield sites for mixed use office and business and residential units of all types
50. Policy T1 (Sustainable Transport Accessibility and Design) seeks to ensure that development proposals will be required to demonstrate best practice in respect of sustainable transport accessibility and design
51. Policy S1 (Sustainable Development Requirements of all Development and Re-development 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

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

CONSULTATION AND PUBLICITY RESPONSES

STATUTORY AND INTERNAL RESPONSES:

52. The following comments were received following consultation with Statutory and Internal consultees.
53. DCC Highway Authority – No objections raised in principle to the proposals on the basis the main access surface course is improved to highway standards, however, require a plan to indicate the main access with the surface improved with a white line road junction give way road marking scheme.
54. Lead Local Flood Authority (LLFA) – No objection subject to conditions
55. DCC Design and Conservation Section – No objections, the proposal will not impact any designated assets..
56. DCC Environmental Health (Noise Action Team) – No objections subject to conditions
57. DCC Environmental Health (Contaminated Land) – No objection subject to conditions
58. DCC Landscape Section – No objections.
59. DCC Tree Section – No objections.
60. DCC Ecology Section – No objection. The supplied ecological report is sufficient to inform the proposal and no further surveys are required. Need to condition the contents of section 5 (conclusion and recommendations) of the report and the enhancements shown on the supplied ecological mitigation plan.
61. DCC Public Right of Way – No objections.
62. Northumbrian Water – No objection subject to appropriate surface water drainage to be agreed by the LLFA.
63. Coal Authority – No objection subject to conditions
64. City of Durham Parish Council - The Parish Council accepts that the design and scale of the proposed development would not have a greater impact on the openness of the Green Belt than the existing development and would enhance the visual amenity of the area. Whilst the loss of 21 trees would be disappointing, it is understood that the trees which would be removed are of a low quality and would be replaced by native woodland planting.

The Parish Council understands that Rocking Horse Studio is a viable business, for which there is a clear demand and there are no similar facilities available. However, the Parish Council has been made aware of several issues relating to the building itself. It is therefore clear that there will be a need to clarify how any equivalent alternative provision will be made for the studio by the applicant. The Parish Council hopes that this can be arranged between the applicant and the Rocking Horse, and, if necessary, our Council will look to support this business

in locating alternative premises during the development stage of this site, should officers be minded to approve this application.

65. Environmental Agency – No objection subject to conditions

NON-STATUTORY RESPONSES

66. The following comments were received following consultation with non-statutory consultees:

67. City of Durham Trust – Objects to the loss of the Rocking Horse music studio, and impact on the green belt

PUBLIC RESPONSES

68. The application has been publicised by way of site notice, press advert and notification letters sent to neighbouring properties. In response 67no. letters of objection were received, along with an online petition containing 3272 signatures against the loss of the Rocking Horse studio which is an occupier of the present site. A summary of the points of objection are as follows:

- Loss of music studio which is considered to be a valuable asset to the community and Durham City
- Impact on openness of green belt
- Impact on traffic and transport

69. National Trust – Objects to the proposal due to the increased traffic and the related issues, potential impact on heritage assets (including their own property Crook Hall), impact on the openness of the Green Belt

70. Mary Kelly Foy MP – Raises concerns regarding the loss of the Rocking Horse studio as a community asset and confirms no objection in principle to the redevelopment of this site, as long it is sympathetic to the Green Belt, will not have a detrimental impact on the highways, and does not remove a vital cultural asset in the city. As it stands, this application does not meet these criteria.

APPLICANTS STATEMENT:

71. The applicant has provided the following statement in response to the points of objection raised:

72. Loss of the Rocking Horse Studio - Paragraph 120 of the NPPF states that planning decisions should afford substantial weight to the value of using suitable brownfield land. Objective 1 of the County Durham Plan seeks to improve economic performance through creating more and better jobs and increasing GVA, whilst objective 2 seeks to deliver sustainable communities through ensuring jobs and supported by a high-quality environment, services and infrastructure. Objective 8 aligns with paragraph 120 of the NPPF which seeks to make the most effective use of land, re-using land that has been previously developed. It is clear that the business is well-regarded, but its

premises are old and unsustainable in the long-term. The retention of the building is not viable in the long-term and would have severe implications on the design of the scheme and the wider redevelopment of Blagdon Depot, a site recognised as an opportunity by the Durham City Neighbourhood Plan.

The proposed units would be built to a far greater standard, are of a high level of design, and present a more efficient use of the site. These should be afforded substantial weight given the site is a previously developed brownfield site.

The Applicant is working proactively with Rocking Horse Rehearsal Rooms, to offer them the opportunity to rent one of the new units if they wish. They would also be provided with financial compensation regardless of whether they occupy a new unit which would help facilitate their relocation. If they wished to occupy one of the new units, the applicant has offered to help financially with refit costs. In addition, the City of Durham Parish Council have offered their support in providing suitable new premises for the business

73. Loss of Asset of Community Value - We understand there has been an application made to list the Rocking Horse Rehearsal Rooms as an Asset of Community Value. An Assets of Community Value - Policy Statement written by Communities and Local Government was published in 2011.

The statement identifies what the provisions for an ACV listing do. Essentially, the provisions aim to provide a community with the opportunity to buy the building on the open market if it comes up for sale. The statement is clear in identifying what the provisions do not do. They do not restrict in any way who the owner of a listed asset can sell the property to, or at what price. They do not confer a right of first refusal to community interest groups. They do not place any restriction on what the owner can do with their property, once listed, if it remains in their ownership. This is because it is planning policy that determines permitted uses for particular sites. It is open to the Local Planning Authority to decide that listing as an ACV is a material planning consideration.

In determining whether or not the building or land should be listed, it should be considered an ACV if:

- its actual current use furthers the social wellbeing and interests of the local community, or a use in the recent past has done so; and
- that use is not an ancillary one; and
- for land in current community use it is realistic to think that there will continue to be a use which furthers social wellbeing and interests, or for land in community use in the recent past it is realistic to think that there will be community use within the next 5 years (in either case, whether or not that use is exactly the same as the present or past); and
- it does not fall within one of the exemptions which we will be putting in regulations, e.g., residential premises and land held with them

The Asset of Community Value aims to provide a community group with an opportunity to purchase a building should it be put up for sale. The Policy Statement is clear that it is not designed to determine the uses for a site. It is evident that the Rocking Horse Rehearsal Rooms is a well-regarded business,

but the asset is the business, staff and customer base. The old industrial building is not where the value lies in the business. The building is poorly built and possesses no architectural or historical value.

74. To summarise, the applicant has a strong relationship with the tenants of Blagdon Depot, many of which have operated from the site for a number of years. They do not wish to disperse the businesses, but there are extenuating circumstances which necessitate this application and the redevelopment of the site.

The buildings on site are old and will require works to keep them viable in the near future. In the spirit of sustainable development, rather than retrofitting the buildings, the application seeks to build 4no. modern, energy efficient units suitable for modern industrial needs.

75. Whilst it is regrettable that this may lead to businesses on site having to relocate. The Applicant is working proactively with the tenants to provide them with the opportunity to rent one of the new units if they wish and all the businesses will qualify for financial compensation which will facilitate their transition into new premises.
76. In addition, the City of Durham Parish Council have also pledged their support to Rocking Horse Rehearsal Rooms.
77. We trust that this information will satisfy any outstanding concerns and would welcome your thoughts on the proposal. We hope that the revised scheme will allow the application to move towards a positive determination.

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

PLANNING CONSIDERATIONS AND ASSESSMENT

78. The main planning considerations of this application are the compliance of the proposal with national and local planning policy, the principle of development including sustainability of the site and impact on the greenbelt, impact on highway and pedestrian safety, impact upon the visual amenity of the area, landscaping, impact on the amenity and privacy of existing and future neighbouring land users, ecology and nature conservation, flooding and drainage and any other material planning considerations.

PRINCIPLE OF DEVELOPMENT

79. 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 this

respect the development plan for the area consists of the policies contained with the adopted County Durham Plan (2020)

80. The application site is located on the outer edge of the City of Durham core to the North of the River Wear. The site is located within the designated Green Belt. The site is bound to the north by mature trees with undeveloped land and woodland beyond. To the west of the site lays an office building, and various listed buildings, to the south contains a tree belt along the southern boundary with Frankland Lane, and a residential Cottage, beyond, to the east runs Frankland Lane and a wastewater and sewage treatment plant
81. The site is unallocated within the CDP. Policy 6 (Development on Unallocated Sites) relates to 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 but well-related to a settlement (except where a settlement boundary has been defined in a neighbourhood plan) . Paragraph 4.110 advises 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.
82. In this regard, given its location within close proximity of the city centre, it is considered that the site is well related to the settlement. It is also noted that the site is within the boundary of 'our neighbourhood' as defined within the Durham City Neighbourhood Plan (DCNP).
83. Policy 6 of the CCP sets out the following criteria for consideration in the determination of relevant planning applications
 - Criteria a) requires that the proposal is compatible with any existing, allocated or permitted use of adjacent land. In this regard the site is currently used for commercial / business purposes and surrounded by other commercial enterprises in the near vicinity, therefore it is considered that the proposal is similar in nature to the existing uses, and therefore compatible.
 - Criteria b) guards against coalescence and ribbon development. The proposal does not encroach into the countryside and is contained within the current boundary constraints of the site; therefore, it is considered that the proposals would not lead to coalescence and ribbon development.
 - Criteria c) guards against the loss of open land that has recreational, ecological or heritage value, or contributes to the character of the locality. It is noted the land is undesignated in terms of recreation or ecology. The site is also located just outside of the Durham City Conservation Area. The Grade I Listed Crook Hall and other listed building are within proximity of the site as is the World Heritage Site (WHS). This is discussed in greater detail below.
 - Criteria d) requires the proposals to be appropriate in terms of scale, design, layout, and location to the character, function, form and setting of the settlement. The assessment of the proposals against Green Belt policy will inform assessment against the criteria.

- Criteria e) and f) relate to highways and transport in terms of highway capacity, highway safety and sustainable transport. The proposal will also be required to meet Policy 21 (Delivering Sustainable Transport). These matters are considered in detail below.
- Criteria g) seeks to guard against the loss of a settlement's or neighbourhood's valued facilities. This matter is considered in detail below.
- Criteria h) relates to climate change, including flooding issues. It is noted that the site falls within flood zone 2. This is considered in detail below.
- Criteria i) encourages the use of previously developed land., The application proposes the redevelopment of the current site and therefore considered to meet this criterion.
- Criteria j) states that where appropriate, the proposal should reflect priorities for urban regeneration. This is not relevant to the consideration of this application.

84. It is therefore considered that subject to the application being acceptable in regard to the matters highlighted as being discussed in detail below, and other material planning considerations that the proposed site is acceptable in principle in terms of Policy 6 of the CDP.

SUSTAINABLE DEVELOPMENT

85. The overriding objective of planning is to contribute to the achievement of sustainable development; this objective is echoed in the NPPF particularly as the presumption in favour of sustainable development is the golden thread running through the NPPF.
86. Critically, paragraph 11 of the NPPF states that, for decision-takers, applying the presumption in favour of sustainable development means approving development proposals that accord with an up-to-date development plan without delay. Whilst Paragraph 12 of the NPPF on the other hand stipulates that where a planning application conflicts with an up-to-date development plan, permission should not usually be granted. Local Planning Authorities may take decisions that depart from an up-to-date development plan, but only if material considerations in a particular case indicate that the plan should not be followed.
87. The proposed development is within relatively close walking distance to the City Centre, that provides a range of sustainable transport options for visitors and employees to reduce the reliance on private motor vehicle usage. It is therefore considered that the site is a sustainable location.
88. Policy 29 of the CDP requires all major new non-residential development will be required to achieve Building Research Establishment Environmental Assessment Method (BREEAM) minimum rating of 'very good' (or any future national equivalent). In this regard it is considered that this can be achieved through a suitably worded condition.

Impact on openness of the Green Belt

89. The site is as detailed above located within the Green Belt. Policy 20 (Green Belt) of the CDP states that development proposals within the Green Belt will be determined in accordance with national planning policy.
90. Durham City Neighbourhood Plan (DCNP) Policy G4 supports proposals in the green belt which, a) sustain, conserve, and enhance the inner bowl setting of the World Heritage Site, and the Durham City Conservation Area, and: b) do not cause significant harm to the overall quality of the Green Belt environment, particularly its openness.
91. The NPPF, CDP and DCNP should therefore be used to assess this proposal. The NPPF attaches great importance to Green Belts, and identifies, at Paragraph 138 that the Green Belt serves five purposes. Paragraph 147 of the NPPF states that 'inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances'.
92. Para 148 of the NPPF goes on to state "When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations."
93. However, whilst paragraph 149 of the NPPF advises that a local planning authority should regard the construction of new buildings as inappropriate in the Green Belt, exceptions to this are provided which notably include criteria g; "limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings), which would:
 - not have a greater impact on the openness of the Green Belt than the existing development; or
 - not cause substantial harm to the openness of the Green Belt, where the development would re-use previously developed land and contribute to meeting an identified affordable housing need within the area of the local planning authority."
94. The starting point for determination of this application in terms of the principle of development is that the construction of new buildings in the Green Belt should be considered as inappropriate development. However, it is necessary to consider whether the exceptions set out above and in Paragraph 149 of the NPPF are applicable to the proposed development.
95. In this regard, whilst the definition of previously developed land is clearly set out within Annex 2 (Glossary) of the NPPF, as being "Land which is or was occupied by a permanent structure, including the curtilage of the developed land (although it should not be assumed that the whole of the curtilage should be developed) and any associated fixed surface infrastructure. This excludes: land that is or was

last occupied by agricultural or forestry buildings; land that has been developed for minerals extraction or waste disposal by landfill, where provision for restoration has been made through development management procedures; land in built-up areas such as residential gardens, parks, recreation grounds and allotments; and land that was previously developed but where the remains of the permanent structure or fixed surface structure have blended into the landscape.”

96. The application site comprises an existing complex of commercial buildings with hardstanding. The site is shown to be developed on OS national Grid Maps dating between 1951-1959. Therefore, the land has clearly been occupied by a permanent structure for in excess of 60 years.
97. Therefore, it is considered that the site is by definition previously developed land. Consequently, the proposal should be assessed as to whether it meets the criteria in sub-paragraph (g) of Paragraph 149 of the NPPF.
98. Sub-paragraph (g) of Paragraph 149 of the NPPF provides that development on previously developed land would not be considered to be inappropriate development where it can be demonstrated that the development would either (a) not have a greater impact on the openness of the Green Belt than the existing development or (b) not cause substantial harm to the openness of the Green Belt, where the development would re-use previously developed land and contribute to meeting an identified affordable housing need within the area of the local planning authority.
99. The proposal would not contribute to meeting an identified affordable housing need and so whether the proposed development can be considered to qualify for this exception depends upon the impact of the proposal upon the openness of the Green Belt.

Impact on the Openness of the Green Belt

100. Planning Practice Guidance advice confirms that matters to consider when assessing the impact upon openness include acknowledgement that openness can have both spatial and visual impacts, the duration of the development and its remediability (taking into account any provisions to return land to its original state or to an equivalent or improved state of openness), and the degree of activity likely to be generated. However, it remains that any assessment as to whether openness would be preserved is a matter of judgement based upon the merits of each case.
101. With regards to the aspect of openness, the Council’s landscape team have advised that the site “in respect of the perception of openness is a complex site and difficult to get a true sense of the extent of existing development within it from public vantage points. At the time of site clearance and development new buildings within the site would generally be more open to view.” However, they go on to say that “With the proposed mitigation the site would become better screened in time. The layout has been designed to avoid a notable increase in the apparent scale of development when planting has established”, and

ultimately conclude “The proposals would not cause harm to the character, quality, or distinctiveness of the landscape or to important features or views”.

102. It is acknowledged that the proposed units will result in an increase-built form, however the layout and orientation of the builds is considered to not increase the visual impact of the development from outside of the site due to the retention and enhancement of boundary vegetation and the topography of the area, and the increase in mass would only be perceivable from limited positions within the application site, whilst the layout of the site is such that the openness of the green is still legible with large areas of openness maintained. Therefore, the proposed redevelopment is not considered to have a greater impact upon the openness of the Green Belt than the existing development and so is in accordance with Paragraph 149 g) of the NPPF, CDP Policy 20 and DCNP Policy G4.
103. Accordingly, it is considered that the development is not inappropriate development within the Green Belt and the policy tests in paragraphs 147 & 148 of the NPPF do not apply. A condition is recommended relating to landscaping.

Impact on the Surrounding Landscape

104. The site lies in adjacent to an Area of High Landscape Value as identified in the County Durham Plan.
105. Policy 39 (Landscape) of the CDP seeks to protect the character, quality or distinctiveness of the landscape and expects new development to incorporate appropriate measures to mitigate adverse landscape and visual effect. The policy makes clear that development affecting Areas of Higher Landscape Value (as in this case) 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.
106. The Council’s landscape team have considered the application and commented that the application is acceptable within that context, and as such will not impact the wider landscape character.
107. As such it is considered that the proposal will not have a detrimental impact on the character and appearance of the landscape, and will not impact the adjacent AHLV, and is therefore considered to meet Policy 39 of the County Durham Plan.

Loss of assets of community value

108. Policy 6 of the County Durham Plan seeks to prevent the loss of valued facilities and services unless it is demonstrated that they are no longer viable. Whilst DCNP Policy C3: Protection of an Existing Community Facility states that development proposals which would result in the loss of a valued community facility for which there is demonstrable demand should make equivalent alternative provision within or adjacent to Our Neighbourhood.

109. The majority of objection, comments and the petition received relate to the perceived loss of one of the uses within the current site (Rocking Horse Studio). However, the applicants have stated that they have been working with the current occupiers in relation to relocating to one of the new units and have stated all current occupiers have been offered the opportunity to relocate to the new development.
110. It is understood from the comments received that the music studio is a valued asset to the music community offering space for musicians to learn and rehearse at reasonable prices. It is acknowledged that this is a valuable asset to the community, however the value to the community comes from the use of the building and not the actual building itself.
111. The applicants have made an offer to source alternative provisions within the redevelopment of the site for the current use, along with offers having been put forward from the City of Durham Parish Council to work with the Rocking Horse studio to aid them to source alternative sites.
112. Furthermore, the applicants have provided the context behind the need for the redevelopment of the site, in that new legislation on energy-efficiency is to be introduced in April 2023, which will require all let non domestic properties to be EPC rated B or higher by 2030. This is to help achieve the governments Net Zero emissions target by 2050.
113. The current buildings on Blagdon Depot due to their age and construction are unable to meet these requirements and therefore the applicants have stated that due to the new legislation being brought in the applicant will be unable to grant, extend or even renew existing tenancies which are due to expire in 2023, and as such the site would become essentially vacant in 2023 with all current occupiers needing to find alternative sites.
114. Therefore, it is considered that the applicants proposal to provide alternative provision within the site is sufficient to prevent the loss of the community facility and allow for the use to proceed in a modern energy efficient building. Whether the current operator chooses to accept this offer is a matter of their commercial decision making but is outside of the planning remit. The application is therefore considered to be compliant to Policy 6 of the CDP and C3 of the DCNP.
115. However, this decision is taken in the backdrop that the use would have ceased in 2023, given the applicants statement that no new leases would be granted on the current buildings due to the changes in legislative requirements.

Summary of Principle of Development

116. It is considered that the proposal to re-develop the application site is acceptable in terms of Policy 6 and 20 of the County Durham Plan, Policies C3, E2 and G4 of the City of Durham Neighbourhood Plan and sections 2, 6, 11 and 13 of the NPPF subject to the remains material considerations as set out below.

Impact on Heritage Assets

117. When considering any application for planning permission that affects a conservation area or the setting of a Listed Building, the Planning (Listed Buildings and Conservation Areas) Act 1990 is relevant. S66 requires the Local Planning Authority to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses; and in relation to conservation areas, s.72 of the Act requires a local planning authority to pay special attention to the desirability of preserving or enhancing the character or appearance of the area.
118. The National Planning Policy Framework (NPPF) paragraph 189 goes further than stating that "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"; with para 190 stating that plans should set out positive strategy for the conservation and enjoyment of the historic environment, including heritage assets most at risk through neglect, decay or other threats".
119. In considering the impacts of a proposal, paragraph 199 of the NPPF states "When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance."
120. The Design and Conservation team for DCC have stated that "The site lies within the inner setting of the Durham Cathedral and Castle World Heritage Site and lies on the pilgrimage route between the Cathedral and Finchale Priory. The site lies approximately 50m north of the boundary of the Durham City centre conservation area and lies approximately 200m east and within the setting of Crook Hall (Grade I), the barn to the north of Crook Hall (Grade II) and the barn to the west of Crook Hall (Grade II). The significance of the site lies in the role it plays in the character, appearance, significance and setting of the identified heritage assets. In its current form, the site may be considered as having a negative impact on the setting of the identified heritage assets."
121. The Design and Conservation team further state "The applicant has submitted a heritage statement which assesses the impact of the proposed development on the setting of the identified heritage assets. The conclusions contained within the report are accepted. The proposed development presents an opportunity to improve the appearance of the site and to contribute more positively to the setting of the identified heritage assets."
122. As previously detailed the application site is within some 200-300 meters of no 4 listed buildings and therefore is within the setting of these designated heritage assets; Crook Hall (grade I listed), the barns to the north and west of the hall (separately listed at grade II), and Framwell Head (grade II listed).

123. Crook Hall is included on the local list of Historic Parks, Gardens and Designated Landscape (18 March 2020) a non-designated heritage asset (NDHA). It is identified as being of local historic value, having high aesthetic value, and social and communal values due to being open to the public. The application site falls within this wider NDHA's setting.
124. NPPF Paragraph 203 advises that the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.
125. Whilst 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.
126. With Policy 45 (Durham Castle and Cathedral World Heritage Site) seeks to ensure that developments within the world heritage site sustain and enhance the significance of the designated asset, are based on an understanding of, and will protect and enhance the outstanding universal values (OUVs) of the site in relation to the immediate and wider setting and important views into, and out of the site. Any harm to the OUVs will not be permitted other than in wholly exceptional circumstances.
127. DCNP Policy H1: Protection and Enhancement of the World Heritage Site requires development within the Durham Cathedral and Castle World Heritage Site to sustain, conserve and enhance its outstanding universal value and support the current adopted management plan. Development within the WHS must take account of the historical and present uses of the site, propose high quality design, use appropriate materials and seek balance in respect of scale, density, massing, form, layout, landscaping and open spaces. Development proposals within Our Neighbourhood will need to sustain, conserve, and enhance the setting of the WHS where appropriate, by carrying out an assessment on how the development will affect the setting, including views to and from the WHS, protect important views and take opportunities to open up lost views and create new views and vistas.
128. DCNP 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.

129. In consideration of the above policy concerns and having regard to the comments by the Council's internal specialists, it is considered that the proposal will have a positive impact on the character and appearance of the adjacent conservation area, and the significance of the designated heritage assets, through the redevelopment of the site which is considered to improve the appearance of the site, and enhance the landscaping allowing the site to assimilate more positively to the setting of those designated heritage assets.
130. In addition, following the further works to the scheme the City of Durham Parish Council removed their initial objections noting that they now considered the scheme to comply with the DCNP and CDP.
131. It is therefore considered that the proposal is acceptable in relation to Policies 44, 45 of the CDP and H1 and H2 of the DCNP and sections 66 & 72 of the Listed Building Act.

Impact on the character and appearance of the streetscene

132. Policy 29 (Sustainable Design) of the County Durham Plan requires all development proposals to achieve well designed buildings and places having regard to SPD advice and sets out 18 elements for development to be considered acceptable, including: making positive contribution to areas character, identity etc.; adaptable buildings; minimising greenhouse gas emissions and use of non-renewable resources; providing high standards of amenity and privacy; contributing to healthy neighbourhoods; and suitable landscape proposals.
133. Policy S1 (Sustainable Development Requirements of all Development and Re-development 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
134. It is considered that the proposal will not have a detrimental impact on the character and appearance of the streetscene, given that the site will benefit from enhanced landscape screening and that the modern commercial units will replace older buildings that have become tired and dilapidated given their age. It is considered that the introduction of a modern purpose planned development will be an enhancement to the immediate area.
135. It is therefore considered that the proposal is acceptable in relation to Policy 29 of the CDP, Policy S1 of the DCNP and

Impact upon Residential Amenity

136. Policy 29 (Sustainable Design) of the CDP requires all development proposals to achieve well designed buildings and places having regard to SPD advice and sets out 18 elements for development to be considered acceptable, including: making positive contribution to areas character, identity etc.; adaptable buildings; minimising greenhouse gas emissions and use of non-renewable resources;

providing high standards of amenity and privacy; contributing to healthy neighbourhoods; and suitable landscape proposals. Provision for all new residential development to comply with Nationally Described Space Standards, subject to transition period. Provision for major developments to appropriately consider the public realm in terms of roads, paths, open spaces, landscaping, access and connectivity, natural surveillance, suitable private and communal amenity space that is well defined, defensible and designed to the needs of its users.

137. 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.
138. The above policies are in broad accordance with paragraph 130 of the NPPF which requires that planning decisions should ensure that developments will create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.
139. It is acknowledged that the site is an established commercial use, with various commercial activities currently being undertaken. However, the given that the site is within an area where there are sensitive receptors the application has been supported by appropriate noise assessments. The Council's Env. Health section has been consulted on the application and have confirmed that subject to conditions relating to hours of operation and the noise mitigation measures, that the use is acceptable and unlikely to have a significant impact on the residential amenity. It is noted that the current site does not have any significant controls on the activity to be undertaken on the site, and that the imposition of controls on this development will be a betterment to the nearby neighbours.
140. Due to the location, layout, orientation and enhanced landscaping to the site it is not considered that the proposal will result in a significant detrimental residential impact on the nearest residential dwelling (Frankland Cottage) approximately 45.0m from the nearest commercial building.
141. Crime, and fear of crime are material planning considerations. Paragraph 92(b) of the NPPF states that planning decision should aim to ensure that developments provide health, inclusive and safe places that are safe and accessible, so that crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion. In this regard it is considered that, given the location and nature of the development that the proposal meets the test of Paragraph 92 of the NPPF and Policy 29(m)(1 and 6).

142. Therefore, it is considered that the proposal is acceptable in that there would not be any unacceptable impact upon residential amenity of future or existing residents in accordance with the aims of policies 29 and 31 of the County Durham Plan, and Sections 8 and 12 of the NPPF, subject to appropriate conditions.

Highway and Pedestrian Safety

143. CDP 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.
144. Whilst CDP Policy 22 (Durham City Sustainable Transport) seeks to reduce the dominance of car traffic, address air quality and improve the historic environment within the Durham City area
145. DCN Policy T1 and T2, seeks to ensure that development will not have a detrimental impact on highway safety and car parking and should contribute to sustainable transport.
146. The scheme proposes to introduce the provision of formal vehicle parking and servicing areas for the units, in contrast to the current arrangement, along with highways improvements. As such it is considered that this is an improvement on the current site. The County Highways department have confirmed no objections or highway safety concerns to the proposal subject to a condition requiring improvements to the surface coursework and road markings.
147. Concerns have been raised by objectors regarding the increase in highway traffic accessing the site. At present the site contains 6 unrestricted units, which could all generate traffic at varying times of the day and night. The current proposal reduces this number to 4 units and provides enhanced highway improvements to allow for access and egress to the site along with a condition to restrict the opening hours of the use ensuring that the units are only open during specified times. It is considered that whilst there may be an increase in traffic, this increase will not lead to highway safety issues, and the enhancement to the highways and hours of operation will ensure that the traffic does not cause a nuisance to nearby properties.
148. Therefore, subject to the inclusion of the conditions regarding the proposal is considered to accord with the requirements of Policies 21 and 22 of the CDP and T1 and T1 of the DCNP.

Trees

149. Policy 40 (Trees, Woodlands and Hedges) of the CDP states that proposals for new development will not be permitted that would result in the loss of, or damage to, trees, hedges or woodland of high landscape, amenity or biodiversity value unless the benefits of the scheme clearly outweigh the harm. Proposals for new development will be expected to retain existing trees and hedges or provide suitable replacement planting. The loss or deterioration of ancient woodland will require wholly exceptional reasons and appropriate compensation.
150. The proposal will result in the loss of 11 no. trees on the site within the area where the new SuDs basin is to be located. The application has been supported by an Arboricultural Impact Assessment which identifies these trees of being small scrub like trees of low values, to compensate for this loss the proposal seeks to enhance the woodland to the North of the site with a diverse mix of species and ages.
151. The Council's Arborist has assessed the proposal and concluded that the scheme is acceptable in this regard as per the Landscape sections comments.
152. Therefore, in light of the above it is considered that subject to an appropriate condition to ensure an appropriate landscape scheme is submitted the proposal is in compliance with Policy 40 of the CDP.

Ecology

153. Policy 41 (Biodiversity and Geodiversity) of the CDP restricts development that would result in significant harm to biodiversity or geodiversity and cannot be mitigated or compensated. Development proposals where the primary objective is to conserve or enhance biodiversity or geodiversity will be permitted if they comply with other local plan policy. Development proposals which are likely to result in the loss or deterioration of irreplaceable habitats will not be permitted unless there are wholly exceptional reasons and a suitable compensation strategy exists.
154. In relation to the above a County Ecologist has considered the proposal and noted that the proposal show that the scheme will deliver a BNG of 11.28%, through new planting, increasing deadwood, and the removal of Japanese knotweed and Himalayan balsam which would achieve the requirements of Policy 41. However, as the proposal involves the removal on non-native invasive species a monitoring and reporting plan is necessary. As such they have requested a condition to secure this additional information.

Drainage

155. 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.

156. Whilst 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.
157. The proposal includes a series of permeable paving and drainage channels, feeding into a SuDS basin within the Northern area of the site. The basin has been designed to accommodate 1 in 100 years events plus 45% to account for climate change. The basin is designed to discharge the water into the nearby watercourse at a rate of 1.9l/s during all flooding events.
158. The Council Drainage and Flooding section and the Environment Agency have assessed the scheme and concluded that the scheme is acceptable subject to appropriate conditions they are satisfied that the development is acceptable.
159. It is therefore considered that the scheme is acceptable in relation to Policy 35 and 36 of the CDP subject to appropriate planning conditions.

CONCLUSION

160. The proposed development is considered acceptable in principle as it is located within a sustainable location in an area which has existing commercial uses and redevelops the current site. The proposals are therefore considered to be in accordance with the presumption in favour of sustainable development as outlined in the NPPF.
161. It is considered that the redevelopment of the site would not be inappropriate development in the green belt and would not compromise the openness of the green belt, the WHS or designated heritage assets in the surrounding area and would be in accordance with policies from the County Durham Plan, City of Durham Neighbourhood Plan and the NPPF as detailed above.

RECOMMENDATION

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

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

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

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

Reason: To define the consent and ensure that a satisfactory form of development is obtained in accordance with Policy(ies) 6,20,21,29,32,35,39,40,44,45 and 56 of the County Durham Plan, S1,H1,H3,E2 and G4 of the City of Durham Neighbourhood Plan and Parts 2, 4 6, 8,9, 11, 12, 13, 14,15 and 16 of the National Planning Policy Framework.

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

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

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

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

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

5. The development shall be carried out in accordance with the submitted flood risk assessment (ref Blagdon Depot Flood Risk Assessment GYU-JBAU-XX-XX-RPEN-0001.S3.P02, dated December 2021, prepared by JBA Consulting) and the following mitigation measures it details:

- Mitigation measures outlined in Sections 6.1, 6.2 and 6.3 of the FRA shall be adopted

These mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the scheme's timing/phasing arrangements.

The measures detailed above shall be retained and maintained thereafter throughout the lifetime of the development.

Reasons - To reduce the risk of flooding to the proposed development and future occupants.

6. 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.

7. The premises shall not be in operation (including the movement of vehicles) outside the hours of 0730 to 2000 Monday to Friday, and 0800 to 1700 on Saturday, Sunday and Public / Bank Holidays.

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

8. Prior to the development of the buildings above ground levels a scheme shall be submitted detailing how the proposal will achieve a Building Research Establishment Environmental Assessment method (BREEM) minimum rating of 'very good' (or any future national equivalent), and thereafter the development shall be implemented wholly in accordance with those details as agreed.

Reason: To ensure that the development achieves a sustainable form of development in line with Policy 29 of the County Durham Plan.

9. No development shall take place until intrusive site investigations have been undertaken to assess the ground conditions and the potential risks posed to the development by past shallow coal mining activity. A report shall thereafter be submitted to and agreed in writing by the Local Planning Authority setting out

the findings of the intrusive site investigations including a scheme of remedial work where required. Thereafter the development shall take place in accordance with the agreed details.

Reason: The undertaking of intrusive site investigations, prior to the commencement of development, is considered to be necessary to ensure that adequate information pertaining to ground conditions and coal mining legacy is available to enable appropriate remedial and mitigatory measures to be identified and carried out before building works commence on site. This is in order to ensure the safety and stability of the development, in accordance with Policy 32 of the County Durham Plan and Paragraphs 178 and 179 of the National Planning Policy Framework.

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

Reason: The undertaking of intrusive site investigations, prior to the commencement of development, is considered to be necessary to ensure that adequate information pertaining to ground conditions and coal mining legacy is available to enable appropriate remedial and mitigatory measures to be identified and carried out before building works commence on site. This is in order to ensure the safety and stability of the development, in accordance with Policy 32 of the County Durham Plan and Paragraphs 178 and 179 of the National Planning Policy Framework.

11. Prior to the commencement of the development hereby approved a revised Biodiversity NetGain report and a Biodiversity Management and Monitoring Plan shall be submitted to and approved in writing by the Local Planning Authority detailing the methodology for the monitoring and reports to Durham County Council at years 2, 5, 10, 15, 20 and 30. The scheme shall thereafter be implemented fully in accordance with the approved details.

Reason - To ensure a satisfactory form of development in accordance with Policy 40 of the County Durham Plan.

12. Prior to the first use of the site hereby approved a scheme shall be submitted to the Local Planning Authority detailing the main access point with the surface improved with a white line road junction give way road marking, along with signage and waymarking to aid movement on the site and the public right of way, and thereafter shall be implemented and maintained in accordance with the agreed details prior to first use.

Reason - To ensure a satisfactory form of development and to improve highway safety in accordance with Policy 21 of the County Durham Plan

13. The development hereby approved shall be carried out in accordance with the Construction Noise Mitigation measures detailed in section 5.6 of the approved submitted document Noise Assessment by Tetra Tech (Dated December 2021).

In addition, prior to any construction works (other than ground clearance and preparatory works) a method statement in relation to construction management, traffic management, and overall site management in accordance with best practice and relevant British Standards, to minimise impacts of construction works. Shall be submitted to and agreed by the Local Planning Authority, and thereafter implemented in accordance with the agreed details.

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.

14. 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.

15. 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.

16. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development Order) 2015 (as amended) (or any revocation and re-enactment of that order), the premises shall be used only for uses contained within Use Class B2 of the Town and Country Planning (Use Classes) Order 1987 (as amended) (or any revocation and re-enactment of that order) and for no other use.

Reason: In the interests of the amenity of the area in accordance with Policies 29 and 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

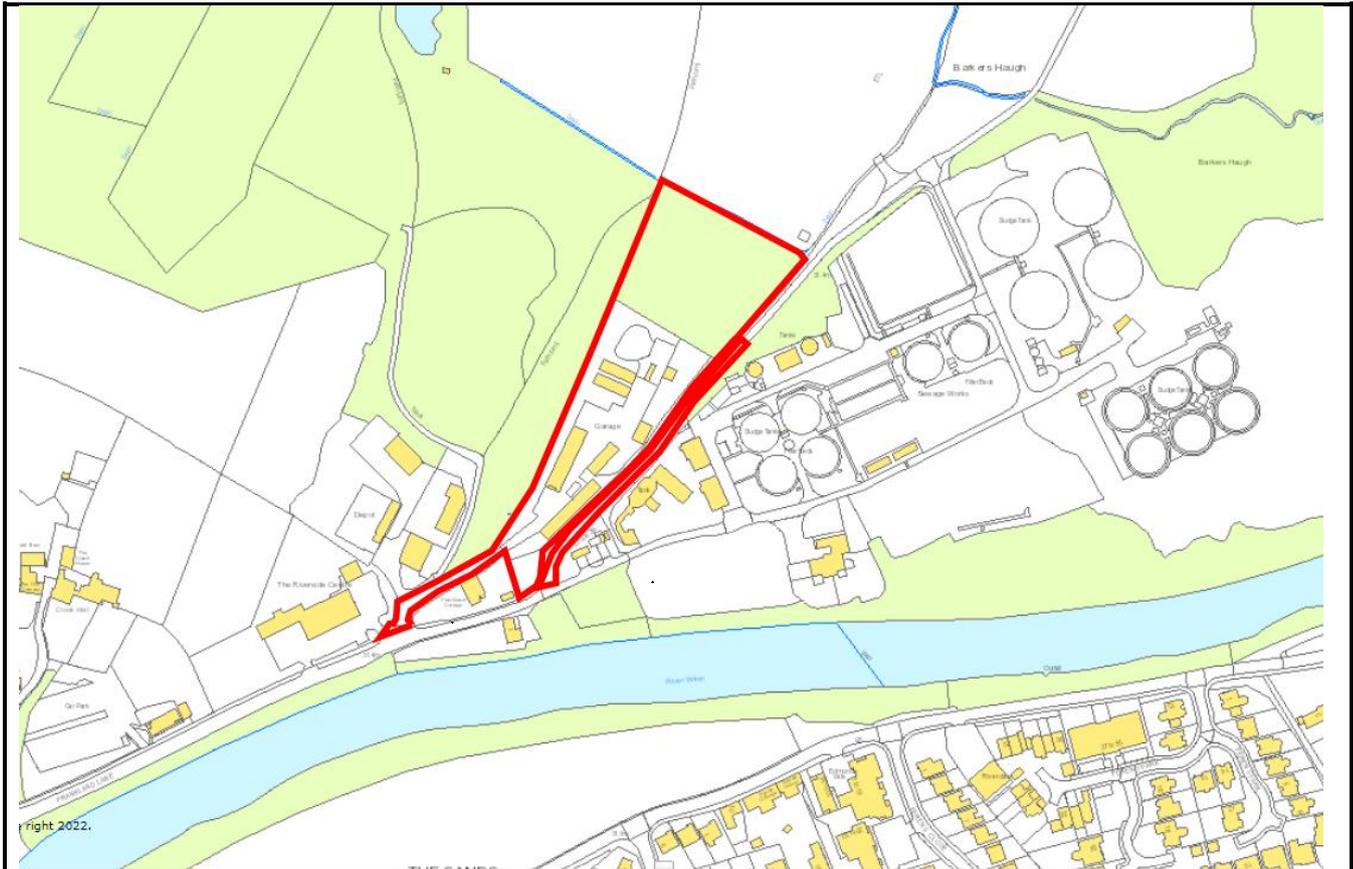
Submitted application form, plans supporting documents and subsequent information provided by the applicant.

The National Planning Policy Framework (2021)

National Planning Practice Guidance Notes

County Durham Plan (2020)

Statutory, internal and public consultation responses



<p>Planning Services</p>	<p>Blagdon Depot Frankland Lane Durham DH1 5TA</p>	
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	<p>Date 05.12.2022</p>	<p>Scale NTS</p>

Planning Services

COMMITTEE REPORT

APPLICATION DETAILS

APPLICATION No:	DM/22/03029/FPA
FULL APPLICATION DESCRIPTION:	Change of use from dwelling to mixed use as dwelling/café (use class sui generis).
NAME OF APPLICANT:	Mr Malcolm Robertson
ADDRESS:	1 Oxford Terrace Bowburn Durham DH6 5AX
ELECTORAL DIVISION:	Coxhoe
CASE OFFICER:	Lisa Morina Senior Planning Officer Telephone: 03000 264877 Lisa.morina@durham.gov.uk

DESCRIPTION OF THE SITE AND PROPOSALS

The Site

1. The application site comprises an end terraced property located at No 1 Oxford Terrace, Bowburn. It forms part of what is a long terrace of residential dwellings that sits parallel to, but set back from, Durham Road, which itself represents the main vehicular route through Bowburn when approaching from the east. Opposite the application site, and to the south of Durham Road, the route plays host to a wider variety of uses which although predominantly residential, also includes some commercial occupation such as a restaurant, tattoo studio and beauty salon, the frequency of which intensify as the route progresses west.
2. The property is currently in use as a 4 bed dwelling falling within class C3 of the Town and Country Planning Use Classes Order having been granted planning permission for a change of use from guest house in 2021.
3. Whilst the property benefits from a large garden area to the side of the dwelling there is currently no offstreet parking, although this is predominantly the case at the majority of the other properties along the terrace. The Co-op convenience store frames the site to the west. Residential properties are located to the north, south and east of the property.

The Proposal:

4. Planning permission is sought for a change of use from dwellinghouse (Class C3) to a mixed use that retains the existing residential use but also creates an area within the ground floor for use as a café.

Opening times of the café are proposed as being 10am to 4pm Monday to Saturday with some night time opening from 6pm to 9pm which the applicants have stated will be twice a month although no set days have been provided and the café would hold a maximum of 20 covers.

5. The application has been called to planning committee by Cllr Blakey in order that the committee can properly consider the highway safety impacts of the development.

PLANNING HISTORY

6. DM/21/03929/FPA - Change of use from guest house to dwelling. Approved 20/12/21.

PLANNING POLICY

NATIONAL POLICY

7. A revised National Planning Policy Framework (NPPF) was published in July 2018 (with updates since). The overriding message continues to be that new development that is sustainable should go ahead without delay. It defines the role of planning in achieving sustainable development under three overarching objectives – economic, social and environmental, which are interdependent and need to be pursued in mutually supportive ways.
8. *NPPF Part 2 Achieving Sustainable Development* - The purpose of the planning system is to contribute to the achievement of sustainable development and therefore at the heart of the NPPF is a presumption in favour of sustainable development. It defines the role of planning in achieving sustainable development under three overarching objectives - economic, social and environmental, which are interdependent and need to be pursued in mutually supportive ways. The application of the presumption in favour of sustainable development for plan-making and decision-taking is outlined.
9. *NPPF Part 4 Decision-making* - Local planning authorities should approach decisions on proposed development in a positive and creative way. They should use the full range of planning tools available, including brownfield registers and permission in principle, and work proactively with applicants to secure developments that will improve the economic, social and environmental conditions of the area. Decision-makers at every level should seek to approve applications for sustainable development where possible.
10. *NPPF Part 6 Building a Strong, Competitive Economy* - The Government is committed to securing economic growth in order to create jobs and prosperity, building on the country's inherent strengths, and to meeting the twin challenges of global competition and a low carbon future.
11. *NPPF Part 8 Promoting Healthy and Safe Communities* - The planning system can play an important role in facilitating social interaction and creating healthy, inclusive communities. Developments should be safe and accessible; Local Planning Authorities should plan positively for the provision and use of shared space and community facilities. An integrated approach to considering the location of housing, economic uses and services should be adopted.

12. *NPPF Part 9 Promoting Sustainable Transport* - Encouragement should be given to solutions which support reductions in greenhouse gas emissions and reduce congestion. Developments that generate significant movement should be located where the need to travel will be minimised and the use of sustainable transport modes maximised.
13. *NPPF Part 11 Making Effective Use of Land* - Planning policies and decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions. Strategic policies should set out a clear strategy for accommodating objectively assessed needs, in a way that makes as much use as possible of previously-developed or 'brownfield' land.
14. *NPPF Part 12 Achieving Well-Designed Places* - The Government attaches great importance to the design of the built environment, with good design a key aspect of sustainable development, indivisible from good planning.
15. *NPPF Part 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>

NATIONAL PLANNING PRACTICE GUIDANCE:

16. The Government has consolidated a number of planning practice guidance notes, circulars and other guidance documents into a single Planning Practice Guidance Suite. This document provides planning guidance on a wide range of matters.

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

LOCAL PLAN POLICY:

County Durham Plan

17. Policy 6 (Development on unallocated sites) states the development on sites not allocated in the Plan or Neighbourhood Plan, but which are either within the built-up area or outside the built up area but well related to a settlement will be permitted provided it: is compatible with use on adjacent land; does not result in coalescence with neighbouring settlements; does not result in loss of land of recreational, ecological, or heritage value; is appropriate in scale, design etc to character of the settlement; it is not prejudicial to highway safety; provides access to sustainable modes of transport; retains the settlement's valued facilities; considers climate change implications; makes use of previously developed land and reflects priorities for urban regeneration.
18. Policy 9 (Retail Hierarchy and Town Centre Development) seeks to protect and enhance the hierarchy of Sub Regional, Large Town, Small Town, District and Local retail centres in the county
19. 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.

20. Policy 29 Sustainable Design details general design principles for all development stating that new development should contribute positively to an areas' character, identity, heritage significance, townscape and landscape features, helping to create and reinforce locally distinctive and sustainable communities.
21. 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.

Neighbourhood Plan

22. The application site is located within the Cassop-Cum-Quarrington Local Plan and the following policies are considered relevant:
23. Policy CCQ4 (Achieving Beautiful and Successful Development) seeks to deliver beauty and successful place-making and be efficient in terms of functionality and use of resources. To achieve this development should be appealing and foster a sense of delight and wellbeing for occupants, visitors and passers-by, have a positive and coherent identity and character, thereby creating or contributing to a distinct sense of place and belonging, enhance the positive qualities of the site and setting and improve negative ones, and be efficient in terms of functionality and resource use.

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

CONSULTATION AND PUBLICITY RESPONSES

STATUTORY RESPONSES:

24. Highway Authority raises no objection to the proposal.
25. Cassop-Cum-Quarrington Parish Council express their concern regarding the highway safety implications of the development and ask for these to be fully evaluated as part of the application as it is felt that having a cafe at this location will worsen existing parking issues on the carriageway which is a particular parking risk near the junction.

INTERNAL CONSULTEE RESPONSES:

26. Environmental Health (Noise) – consider that in its current form the proposal is acceptable due to its limited scale subject to conditions restricting opening hours, method of food preparation, number of patrons and occupation of the associated dwelling.

PUBLIC RESPONSES:

27. The application has been advertised by means of site notice and by notifying neighbouring residents by letter.

28. To date, three letters of objection have been received raising concerns regarding highway safety including lack of parking and insufficient road width, as well as deliveries and visitors potentially blocking access for residents.

29. Bowburn and Parkhill Community Partnership has also submitted a letter of objection with the following concerns:

- Clarification on the use of the property and concerns over smells and if it is a bakery.
- The Partnership agrees that a café would be an asset in Bowburn but location is critical.
- Considers policy 6 relevant however concern is raised over parking and highway safety issues in that there is a lack of parking and no onsite provision is made for parking
- Concern is raised that access road between the property and the A177 is very narrow and regularly full of cars parked by residents.
- Parking along Crow Trees Lane is tight and there are numerous private accesses off it.
- There is no mention of the Coop car park on the opposite side of the road however this is privately owned and have restrictions.

APPLICANT'S STATEMENT:

30. Following our review of the objections sent to the council, it became clear that the main objection is centred on the possible shortage of parking spaces in the close vicinity of the proposed café at 1 Oxford Terrace. There is never an issue with parking within easy walking distance of the proposed café. Since our move into the local area 6 months ago, and our exploration of the immediate vicinity, we feel that there is never a shortage of the parking opportunities for residents as well as other visitors. This could be supported by the pre-application process, whereby the Highway Office did not have any concerns in respect of local traffic or parking. Furthermore, in line with our green ethos we will be encouraging customers to walk, cycle or take public transport to the café where possible. There is a bus stop next to the property and we will have racks for parking and securing bikes.

In case of the objecting letter disclosing the photograph of both of our cars in front of the front gate, we would like to clarify that it was very much a one-off situation when debris from house repairs were loaded into the car and moved to the recycling

centre. The car was moved to our back gate, where it is parked normally, immediately after completing the task.

31. Finally, as we not only work but reside at 1 Oxford Terrace we hope to build a happy relationship with all our neighbours and surrounding local residents, and wish to become positive addition to the local community.

The above is not intended to list every point made and represents a summary of the comments received on this application. The full written text is available for inspection on the application file which can be viewed at <https://publicaccess.durham.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=P8X9C0GDL8J00>

PLANNING CONSIDERATIONS AND ASSESSMENT

32. 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.
33. 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 in this regard. The County Durham Plan is the statutory development plan and the starting point for determining applications as set out at Paragraph 12 of the NPPF.
34. The County Durham Plan is adopted and considered to represent the up-to-date Local Plan for the area. Consequently, consideration of the development should be led by the plan if the decision is to be defensible and paragraph 11(d) of the NPPF is not engaged.
35. In this context, it is considered that the main planning issues in this instance are as detailed below:

Principle of the Development

36. The site is located within the settlement of Bowburn and is surrounded by a mix of commercial and residential properties. Policy 6 of the CDP is therefore relevant and supports development within built up areas where they are, amongst other less relevant criteria, compatible with surrounding uses, appropriate in terms of design, not prejudicial to highway safety and sustainably located for transport. Consideration of the proposal against criteria is included in more detail elsewhere in this report.
37. The existing property is currently in use as a dwelling over both floors. The proposal relates to the conversion of part of the ground floor to a café with the remainder retaining a residential use. Concern has been raised over the exact use of the property given it discusses within the documentation of a café/shop/bakery.
38. Given that the property is currently located in a mixed-use area that includes both commercial and residential properties, the location is considered capable of accommodating a café use of the limited scale proposed, and as such is considered acceptable in principle. The site is also considered to occupy a sustainable location noting that there is a bus stop within close proximity to the west that provides links to other public transport services within Durham City.
39. Policy 9 of the CDP relates to town centre uses and seeks to protect and enhance the hierarchy of Sub Regional, Large Town, Small Town, District and Local retail centres in the county.

40. The proposed use is one that is considered to be a town centre use as defined by the NPPF and as such should, as a preference, be directed to existing centres. In this regard it is noted that the site does not sit within an existing town or village centre but does lie close to a village centre and within an area where there are some existing commercial uses.
41. There is requirement through policy 9 to provide a sequential assessment to demonstrate that there are no, more centrally located units available which could accommodate the use. An assessment of available units was carried out during Officers site visit and information has been provided in support of the application which Officers are satisfied demonstrates that there are no available units in this regard and the applicant highlighted the application proposes the reintroduction of a commercial use to the property which has historically had a mixed use as a dwelling and shop, and more recently as a guest house.
42. In addition, it is also noted that given the limited size and scale of the proposed café, it is unlikely to fundamentally undermine the vitality and viability of the nearest local or district centre and that commercial units of this type are often found in the small clusters of retail/commercial properties that are not of a scale classified by the retail hierarchy.
43. Officers also need to consider whether there would be any potential permitted change to the use which could have an impact going forward and whether a level of control should be exercised. In this instance however, the proposal has been considered as a mixed use development thereby occupying a sui generis use and as such this prevents any permitted change to an alternative use without further control from the Local Planning Authority.
44. In respect of comments made regarding the use of the proposal, it is proposed to be used for consumption of food on the premises and seating has been provided in this respect therefore, is it considered that the use would be as a café. This would allow for food to be bought and consumed off the premises on a limited scale. Issues regarding smells/type of food will be discussed in the residential amenity section below.
45. In light of the above it is considered that the development is acceptable in principle and would not have any adverse impact upon the vitality and viability of the nearest town centres in accordance with policies 6 and 9 of the CDP and part 7 of the NPPF subject to the material considerations discussed below.

Parking, Access and Highway Safety

46. The proposal would introduce a mixed use at the existing property that would include a small café falling within Class E of the Town and Country Planning Use Classes Order. Paragraph 34 of the NPPF requires that plans and decisions ensure developments which generate significant vehicle movements are located where the need to travel will be minimised and the use of sustainable transport modes maximised. 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.
47. Policy 21 of the CDP displays of broad level of accordance with this approach and requires all development to ensure that any vehicular traffic generated can be safely

accommodated and has regard to Parking and Accessibility Supplementary Planning Document.

48. At present the property does not benefit from any in curtilage parking, with the previous uses as a dwelling and guest house being served solely by on street provision. This arrangement is proposed to continue as part of the change of use to café.
49. Objections have been raised by nearby residents and the Local Councillor who consider that there is insufficient parking available within the locality to serve the proposed use and that the road width is too narrow for parking and to safely accept deliveries and customers, with vehicles ultimately blocking access for residents. In this regard many of the objections cite existing problems with parking provision in the locality and that the proposed change of use would only exacerbate these issues.
50. The Highway Authority raises no objection to the application and noted that limited scale and footprint of the proposed cafe and the availability of on-street parking to the opposite side of the road. Double yellow lines are also located on one side of the road which would help to prevent/discourage indiscriminate parking.
51. It is acknowledged that there appears to be existing issues regarding the level of parking provision available within the area. However, it is not considered that given the limited scale of the proposal this would generate such an increase in vehicle movements that would have a material impact upon highway safety sufficient to sustain refusal of the application noting the requirements of paragraphs 34 and 111 of the NPPF or Policies 6 and 21 of the CDP.
52. Given the above, it is not considered that the development would have any severe adverse impact upon the capacity of the surrounding network or unacceptable impact upon highway safety and as such would accord with policies 6 and 21 of the CDP and paragraphs 34 and 111 of the NPPF.

Residential Amenity

53. CDP Policies 6, 29 and 31 seek to prevent development that would have an unacceptable impact upon the amenity of existing neighbouring residents and only allow development where adequate amenity for future occupiers is provided. Section 11 Paragraph 119 of the NPPF requires planning decisions to ensure healthy living conditions and paragraph 124 emphasises the importance of securing healthy places. Paragraph 174 of section 15 requires decisions to prevent new development from being put at unacceptable risk from, or being adversely affected by, unacceptable levels of pollution such as noise pollution.
54. Paragraph 185 seeks to ensure that new development is appropriate for its location taking into account the likely effects of pollution on health and living conditions. In terms of noise, paragraph 185 advises that planning decisions should mitigate and reduce to a minimum potential adverse impacts resulting from noise from new development - and avoid noise giving rise to significant adverse impacts on health and the quality of life.
55. As already noted, the premises is currently in residential use as a dwelling. The addition of a café would have the potential to generate noise and odours beyond that likely from its current use, with noise generated from patrons within the premises such as conversational noise and music, and also from additional comings and goings.

56. It is noted that prior to December 2021 the property was operated as a Guest House and that during this period the Council's Environmental Health Section did not receive any complaints regarding its use.

57. In terms of the current submission the applicant sought pre application advice and the current application responds to comments regarding noise and odour suppression raised by the Council's EHO in that they have confirmed the number of patrons, the type of foods and information has been provided regarding music etc. Consequently, the proposal would be considered acceptable in principle and would not cause significant adverse impact to the amenity of nearby residents subject to the imposition of planning conditions. These conditions relate to a restriction on the number of patrons and opening hours, the type of equipment used on site and also restricts the addition of extraction which will essentially restrict the type of food that can also be prepared on the site. It is also considered necessary to restrict the consent to the occupiers of the property only.

58. Therefore, subject to the conditions stated above, the proposal would be considered to have an acceptable impact on the residential amenity of surrounding neighbours and the amenities of the residential occupiers of the property in its proposed form, in accordance with policy 31 of the County Durham Plan.

Scale/Design

59. Policy 29 of the CDP requires all development to achieve well designed buildings and contribute positively to an area's character. Section 12 of the NPPF requires a high standard of design.

60. No external alterations are proposed therefore, the impact on the streetscene would not be compromised. It has been confirmed that no signage is required however, should signage be required in the future then this would be controlled under separate advertisement legislation and an informative will be added in this respect.

61. The proposal, therefore, is considered acceptable in respect of policy 29 of the CDP and part 12 of the NPPF.

Public Sector Equality Duty

62. Section 149 of the Equality Act 2010 requires public authorities when exercising their functions to have due regard to the need to i) the need to eliminate discrimination, harassment, victimisation and any other prohibited conduct, ii) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it and iii) foster good relations between persons who share a relevant protected characteristic and persons who do not share that characteristic.

63. In this instance, officers have assessed all relevant factors and do not consider that there are any equality impacts identified.

CONCLUSION

64. The proposed development is considered to be acceptable in principle and would not undermine the vitality and viability of the nearest town centre and would be positioned in a sustainable location capable of supporting further commercial development of the modest scale proposed.

65. In addition, the proposed development would not have any unacceptable impact upon residential amenity, the character and appearance of the streetscene or highway safety in accordance with the requirements of policies 6, 9, 21, 29 and 31 of the County Durham Plan and Parts 6, 9, 12 and 15 of the NPPF.

66. The proposal is therefore recommended for approval subject to conditions.

RECOMMENDATION

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

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

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

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

Reason: To define the consent and ensure that a satisfactory form of development is obtained in accordance with Policy(ies) 6, 29 and 31 of the County Durham Plan and Parts 12 and 15 of the National Planning Policy Framework.

3. The appliances used within the café for the preparation of both hot and cold food and beverages shall be restricted to domestic ovens, microwaves, sandwich toasters, kettles and griddle/Panini makers, waffle grills and coffee machines.

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

4. Excluding provision contained within condition 5, the opening hours of the Café use hereby approved shall be restricted to the hours of 10:00 to 16:00 Monday to Saturdays. The Café shall not be open for use on Sundays or Bank Holidays.

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

5. The Café use hereby approved is permitted to open between the hours of 18:00 to 21:00 on a maximum of 2 (two) occasions per calendar month, excluding Sundays and Bank Holidays. The applicant shall keep a record of all evening events held in this regard and shall make that record available to the Council within 21 days of the receipt of such a request.

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

6. The total number of covers served within the Café hereby approved shall not exceed 20 (twenty) at any one time.

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

7. There shall be no amplified sound or live music played at the property in association with the café use hereby approved.

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

8. The use hereby permitted shall be operated only by persons occupying the premises known as 1 Oxford Terrace.

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

9. No externally located mechanical extraction equipment shall be installed at the premises until such time as full details have been submitted to and approved in writing by the Local Planning Authority.

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

STATEMENT OF PROACTIVE ENGAGEMENT

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

BACKGROUND PAPERS

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

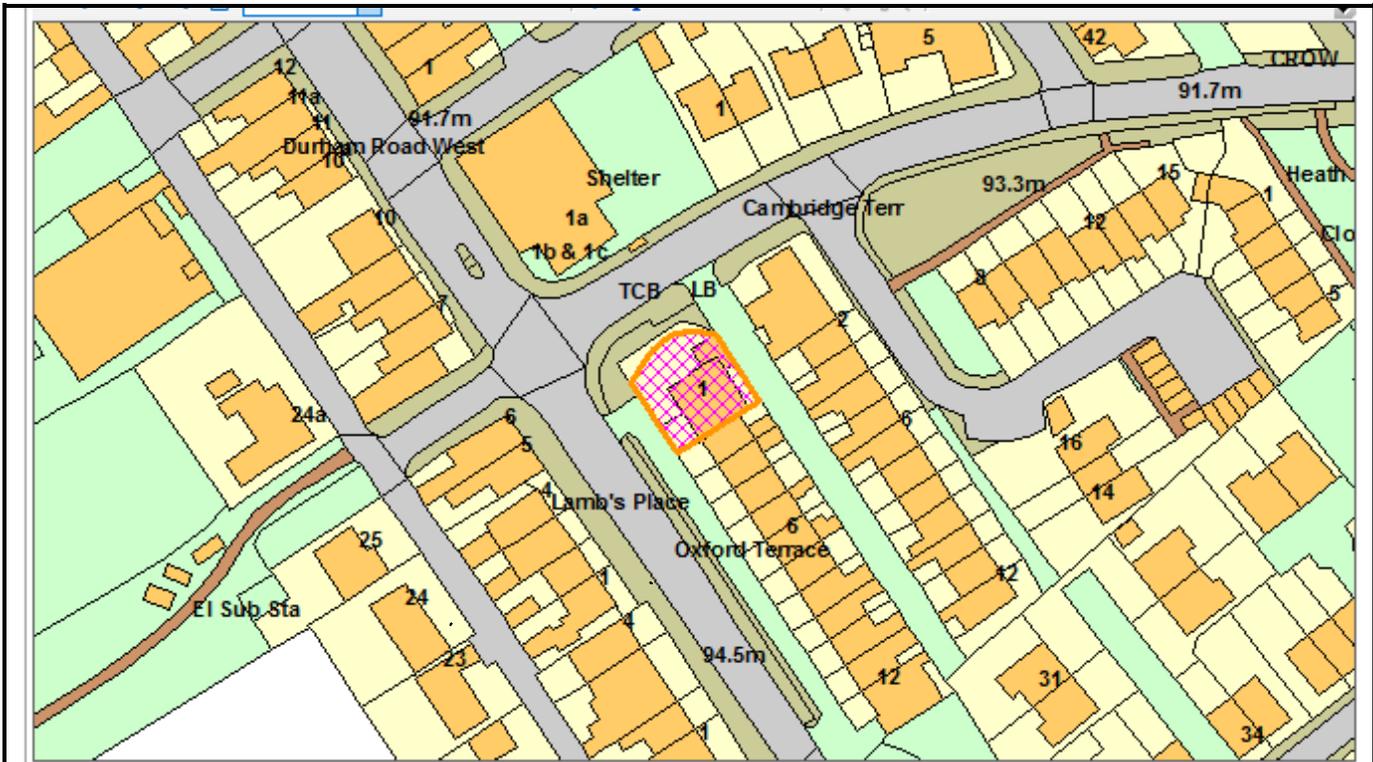
The National Planning Policy Framework (2021)

National Planning Practice Guidance Notes

County Durham Plan

Cassop-Cum-Quarrington Neighbourhood Plan

Statutory, internal and public consultation responses



Planning Services

Change of use from dwelling to mixed use as dwelling/café at 1 Oxford Terrace, Bowburn, Durham, DH6 5AX

Application Reference: DM/22/03029/FPA

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Date: December 2022

Scale NTS

Planning Services

COMMITTEE REPORT

APPLICATION DETAILS

APPLICATION No:	DM/22/02292/VOC
FULL APPLICATION DESCRIPTION:	Variation of condition 2 of planning permission 4/99/00534/FPA to allow a change in opening hours.
NAME OF APPLICANT:	Luxury Leisure
ADDRESS:	5 North Road Durham DH1 4SH
ELECTORAL DIVISION:	Elvet and Gilesgate
CASE OFFICER:	Lisa Morina Senior Planning Officer Telephone: 03000 264877 Lisa.morina@durham.gov.uk

DESCRIPTION OF THE SITE AND PROPOSALS

The Site

1. The application site is located on North Road in Durham and is currently being operated as an amusement centre for adult gaming, namely Admiral. The site is considered to be within the commercial centre of the city as defined by the County Durham Plan and as such the immediate locality is characterised by commercial uses although there are some residential properties within the vicinity of the site.
2. The property is located between two retail units, one being vacant at present and the other occupied by Sainsburys.
3. Planning permission was granted for the change of use of the property in 1999 to amusement centre with ancillary retail sales and catering. This was subject to a planning condition which restricted the opening hours to between 09:00 and 22:00 on any day. In April 2022 complaint was received by the LPA that the use was operating beyond the times restricted by this condition and as such this planning application seeks to regularise that breach of planning control via the variation of the previous condition.

The Proposal:

4. Specifically, planning permission is sought to vary condition 2 of planning permission 4/99/00534/FPA in order to allow a change in opening hours to 09:00 to 02:00 from the currently permitted hours of 09:00 and 22:00.
5. The application originally sought permission to vary the condition to allow 24 hours opening but has since been amended to reflect the above.

6. In submitting the application the applicant advises that the condition was attached to the original planning permission which was granted some 20 years ago and that the use has operated without complaint in the intervening period, and as a consequence believes there to be scope for expanding opening hours. In doing so they consider it to be of relevance that town centres are increasingly evolving reflecting a greater focus on leisure uses to help bolster vitality and viability. The application is supported by a review of potential noise impacts supplied by a noise consultant.
7. The application is reported to planning committee at the request of the City of Durham Parish Council due to noise and disturbance issues.

PLANNING HISTORY

8. 4/99/00534/FPA - Change of use to amusement centre with or without ancillary retail sales and catering. Approved 22/10/99.
9. EN/22/00353 – Operation of business outside of conditioned hours relating to planning permission 99/00353/FPA

PLANNING POLICY

NATIONAL POLICY

10. A revised National Planning Policy Framework (NPPF) was published in July 2018 (with updates since). The overriding message continues to be that new development that is sustainable should go ahead without delay. It defines the role of planning in achieving sustainable development under three overarching objectives – economic, social and environmental, which are interdependent and need to be pursued in mutually supportive ways.
11. *NPPF Part 2 Achieving Sustainable Development* - The purpose of the planning system is to contribute to the achievement of sustainable development and therefore at the heart of the NPPF is a presumption in favour of sustainable development. It defines the role of planning in achieving sustainable development under three overarching objectives - economic, social and environmental, which are interdependent and need to be pursued in mutually supportive ways. The application of the presumption in favour of sustainable development for plan-making and decision-taking is outlined.
12. *NPPF Part 4 Decision-making* - Local planning authorities should approach decisions on proposed development in a positive and creative way. They should use the full range of planning tools available, including brownfield registers and permission in principle, and work proactively with applicants to secure developments that will improve the economic, social and environmental conditions of the area. Decision-makers at every level should seek to approve applications for sustainable development where possible.
13. *NPPF Part 6 Building a Strong, Competitive Economy* - The Government is committed to securing economic growth in order to create jobs and prosperity, building on the country's inherent strengths, and to meeting the twin challenges of global competition and a low carbon future.
14. *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.

15. *NPPF Part 12 Achieving Well-Designed Places* - The Government attaches great importance to the design of the built environment, with good design a key aspect of sustainable development, indivisible from good planning.

16. *NPPF Part 15 Conserving and Enhancing the Natural Environment* - 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>

NATIONAL PLANNING PRACTICE GUIDANCE:

17. The Government has consolidated a number of planning practice guidance notes, circulars and other guidance documents into a single Planning Practice Guidance Suite. This document provides planning guidance on a wide range of matters.

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

LOCAL PLAN POLICY:

County Durham Plan

18. 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.

Neighbourhood Plan

19. The application site is located within the Durham City Neighbourhood Plan (DCNP) and as such the following policies are considered relevant:

20. Policy E4 - (Evening Economy) supports development that would promote/support the early evening and night time economy provided that they contribute to the vitality and viability of the centre and add to/improve the cultural and diversity offer. Such developments are required to provide a strategy for public safety and provide evidence in relation to impacts upon amenity.

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

CONSULTATION AND PUBLICITY RESPONSES

STATUTORY RESPONSES:

21. Durham Police Architectural Liaison Officer – Objected to the proposed 24 hour opening as originally submitted, and subsequently maintained that objection in response to the proposed times of 09:00 to 02:00. In objecting they cite concerns around the intensification of gambling generally and that the extended opening hours (even though no longer 24 hours) would nevertheless still exacerbate existing issues of noise and antisocial behaviour created by customers leaving late night commercial uses within this area.

22. City of Durham Parish Council - Objects to the proposal for the following reasons:

- Planning Conditions have previously been disregarded.
- No noise assessment has been received
- Opening hours should be similar to neighbouring properties.
- Residential Amenity Issues
- Similar application has a restriction on opening hours

INTERNAL CONSULTEE RESPONSES:

23. Environmental Health (Nuisance) Section – Objected to 24 hour opening but removed that objection after the application was amended to propose opening hours of between 09:00 to 02:00 subject to the inclusion of a planning condition restricting the use of external areas to the front and rear of the property outside of the hours of 09:00 to 22:00 and that the development be carried out in accordance with the mitigation measures detailed in the review of potential noise impact submitted by Apex Acoustics.

PUBLIC RESPONSES:

24. The application has been advertised by means of site notice and by notifying neighbouring residents by letter.

25. To date, three letters of objection including one from the City of Durham Trust have been received citing the following points of concern:

- The proposed opening hours will exacerbate the gambling problem.
- Noise issues
- Night-time disturbance to City residents is very well documented and cannot be disputed.
- Opening hours should be similar to neighbouring properties.
- Residential Amenity Issues
- Similar application has a restriction on opening hours

26. Cllr Ormerod, Ward Councillor for the area, objects to the application and considers that the extended opening hours would have an adverse impact on the local community as there are many residential properties nearby. There would be a significant and detrimental impact in terms of noise and disturbance to residents in this area.

APPLICANT'S STATEMENT:

27. Luxury Leisure has been trading its adult gaming centres across the UK for decades and they are popular leisure destinations. It has many premises nationally, of which c 100 trade 24 hours a day, 7 days per week. Following the grant of planning permission (ref. FPA/P/4/99/0534/AS) for a change of use they have been trading from 5 North Road in Durham since 1999. A condition attached to this planning permission restricted the current opening hours of the premises from 9 AM to 10 PM in any one day.
28. Given the condition was attached as part of the original permission issued in 1999, over 20 years ago, as well as the fact the unit has operated successfully and with no complaints in the intervening period, it is considered there is scope for an easing of these opening hour restrictions. This is particularly the case as town centres are increasingly evolving to focus more on leisure uses to help bolster their vitality and viability. There are also other uses present on North Road which operate beyond the historic restrictions imposed on our client, including Sainsbury's Local, the Three Bridges public house, Babylon Nightclub, the Waterhouse public house, Loft nightclub, the Head of Steam, and Tesco Express. Planning permission has also recently been granted for another adult gaming centre at 12 North Road, which is able to open until 2 AM.
29. As identified at Objective of the County Durham Plan (Objective 5 – Town Centres) is to “Maintain a clear hierarchy of vibrant, diverse and distinct retail centres that are the focus for commercial, retail, leisure, culture and other appropriate uses.” As such the presence and focus of leisure uses in this location is to be expected and this should be a material consideration when balancing any impact upon amenity within the city centre arising from the increased opening hours. Policy 9 (Retail Hierarchy and Town Centre Development) also states that proposals that would positively contribute to the evening economy will be supported provided they contribute to the vitality and viability of town centres, promote public safety and accord with this and other relevant policies in the Plan.
30. In terms of impact, the site is surrounded by a mix of predominantly commercial premises, and the upper floors of the site are not in residential use. Notwithstanding this, in consultation with the Council's Nuisance Action Team, the applicant has submitted a Noise Assessment prepared by Apex Acoustics. This confirms that, in the context of the existing sound environment, and Luxury Leisure's nature of operation, noise control measures, and noise sources and levels associated with the premises, the extended operation of the premises is unlikely to result in an adverse impact or be distinguishable against other residual noise sources at the nearest noise sensitive receptors.
31. In terms of Luxury Leisure's current operation, the premises also already incorporate measures to mitigate against unacceptable levels of noise disturbance. For example, Luxury Leisure display signs at its premises asking customers to leave the premises quietly to respect neighbours during night time hours. They also already have a smoking policy and designated smoking area to control noise levels from smokers congregating outside the premises. Such noise levels are limited relative to the nature of uses within the immediate surrounding area, which comprises a busy city centre location, and the proposed use is not an activity that generates amplified sound or is known to be particularly noisy.
32. Moreover, from previous experience and data provided in respect of night-time customer numbers at other similar Luxury Leisure sites, it is unlikely that the proposed extension of the unit's opening hours would result in significant numbers of

new customers using the premises. From other sites, it is estimated that customer numbers in any hour at night are a maximum of 10, and more typically a maximum of six. These customers are generally single individuals, and the sites do not attract large groups of people. At other similar sites, noise from patrons leaving and arriving at the premises has not been detectable or measurable, and has had no material impact on the surrounding noise environment.

33. Overall, the Nuisance Action Team has reviewed the applicant's submissions and recommended that the application can be approved, subject to planning conditions which effectively replicate similar conditional restrictions imposed upon a the recent planning permission at 12 North Road. In conclusion, therefore, the proposed variation of condition is considered to comply with the development plan, and it is respectfully requested that the application be granted planning permission.

The above is not intended to list every point made and represents a summary of the comments received on this application. The full written text is available for inspection on the application file which can be viewed at <https://publicaccess.durham.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=P8X9C0GDL8J00>

PLANNING CONSIDERATIONS AND ASSESSMENT

34. Section 73 of the Town and Country Planning Act 1990 (as amended) applies to the determination of applications to develop land without the compliance with conditions previously attached. S73 states that on such an application the Local Planning Authority (LPA) shall consider only the question of the conditions subject to which planning permission should be granted. The LPA should decide whether planning permission should be granted subject to conditions differing from those subject to which the previous permission was granted or that it should be granted unconditionally. If the LPA decide that planning permission should be granted subject to the same conditions as those subject to which the previous permission was granted, they should refuse the application.
35. In considering such an application, the Development Plan and any other material considerations under section 38(6) of the Planning and Compulsory Purchase Act, are relevant in the determination. LPAs should, in making their decisions, focus their attention on national and development plan policies, and other material considerations which may have changed significantly since the original grant of permission.
36. Planning permission was originally granted in 1999 for the use of the premises as an adult amusement centre subject to a condition which restricted the hours of opening to between 09:00 to 22:00 on any day. The reason for the inclusion of the condition was in the interests of the amenities of the area.
37. As noted, that application seeks to vary the condition in order to allow extended hours of operation and is submitted in response to an enforcement complaint reported to the LPA regarding the use of the property outside of those hours restricted by the condition. It originally sought permission to vary the previous condition to allow 24 hour opening on all days. In response, concerns were raised by Durham Police, the Council's Environmental Health Section and other consultees and residents regarding noise and disturbance and the likely impact on nearby residents. As such the scheme was subsequently amended to restrict the hours of use to between 09:00 to 22:00.
38. The acceptability of the principle of the development was established through the previous planning permission and as such the principal issue for consideration in the determination of the application is the extent to which the proposal would lead to an

unacceptable increase in noise and disturbance, to the detriment of residential amenity of surrounding occupiers and other uses within the locality.

39. 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 and that can be integrated effectively with any existing business and community facilities. Proposals which will have an unacceptable impact such as through overlooking, visual intrusion, visual dominance or loss of light, noise or privacy will not be permitted unless satisfactory mitigation measures can be demonstrated whilst ensuring that any existing business and/or community facilities do not have any unreasonable restrictions placed upon them as a result. Policy E4 of the City of Durham Neighbourhood Plan is also relevant and supports development that would promote/support the early evening and night-time economy, provided that they contribute to the vitality and viability of the centre and add to improve the cultural and diversity offer. Such developments are required to provide a strategy for public safety and provide evidence in relation to impacts upon amenity.
40. Whilst the proposed opening hours have been amended those objections from the City of Durham Parish Council, The City of Durham Trust, Durham Police Architectural Liaison Officer and other interested parties remain unchanged. They continue to consider that the level of noise and disturbance from patrons entering and leaving the property during the later hours would have a detrimental impact to residential amenity, and add to issues of noise, disturbance and antisocial behaviour already present in the area during this period. Concern was also raised that the application is not supported by a Noise Impact Assessment.
41. In response, the applicant has provided a review of potential noise impacts resulting from the proposal prepared by Apex Acoustics who are a recognised acoustic consultant. Whilst not a noise impact assessment the document nevertheless provides an assessment of likely sources of noise associated with the use, using an example of another property operated by the applicant in Chester-le-Street. It also provided details of some basic noise control measures which they consider would mitigate any impact to within acceptable levels and includes restricting noise generating activity to day-time periods only (such as the use of bingo callers), the use of a lobbied entrance and proactive management to ensure that patrons leave the premises quietly.
42. The Council's Environmental Health Section has reviewed the information and considers that subject to planning conditions the extended opening hours could be supported and would not result in a level of impact upon the residential amenity. Those conditions advised relate to restrictions on the use of the front and rear as smoking areas, that the sound attenuation measures listed in the acoustic memo from Apex Acoustics is fully implemented prior to the extended hours becoming operational, no bingo callers to operate after 22:00 on any day, that internal noise levels shall not exceed 67dBA after 22:00 and that the premises is not open outside of the hours of 09:00 to 22:00 Sundays. Whilst the applicant has sought an opening time beginning at 09:00 Monday to Saturday, the Council's EHO has advised that an 08:00 opening time on those days would not have any detrimental impact upon the amenities of nearby occupiers, and that in order to ensure consistency with other commercial uses in the locality, an earlier time of 08:00 could be secured via planning condition. The applicant raises no objection to a planning condition in this regard.
43. Whilst one of the conditions advised by the EHO seeks to restrict customers from congregating to the front of the property, it is noted that this area forms part of the

public highway and as such the planning authority is unable to include any restriction in this regard. Any planning condition which specifically seeks to prohibit this would therefore fail the required tests in that it is not enforceable, related to planning or reasonable in all other respects.

44. Those conditions attached to the planning permission 4/99/00534/FPA which remain relevant should be reproduced and attached to the new planning permission if the committee is minded to approve this application.

Other Issues

45. Some respondents raised concern that the extended hours would encourage gambling and exacerbate associated problems which they consider to be well documented. In response however, it is noted that the principle of the use of the property as an adult gaming and gambling centre is well established and the extended opening hours would not materially alter the fundamental nature of that use. Therefore, and notwithstanding the wider concerns raised, it is not considered that in this instance they would amount to material considerations capable of sustaining refusal of the application.
46. Concern has been raised that, by the applicant's own admission, the previous condition restricting the hours of use has been breached. Whilst it is clearly disappointing that the condition has not been fully complied with, it is important to note that planning legislation makes provision for planning applications to be submitted retrospectively in order to resolve breaches of planning control where they occur. As such, the retrospective nature of the application, although disappointing, cannot be afforded weight in the determination of this application.

Public Sector Equality Duty

47. Section 149 of the Equality Act 2010 requires public authorities when exercising their functions to have due regard to the need to i) the need to eliminate discrimination, harassment, victimisation and any other prohibited conduct, ii) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it and iii) foster good relations between persons who share a relevant protected characteristic and persons who do not share that characteristic.
48. In this instance, officers have assessed all relevant factors and do not consider that there are any equality impacts identified.

CONCLUSION

49. The proposed variation of opening hours is considered to have an acceptable impact on the surrounding residents due to the opening hours of nearby properties in accordance with policy 31 of the County Durham Plan.
50. The proposal is therefore recommended for approval.

RECOMMENDATION

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

1. The use of the premises as an adult gaming centre shall not be open to customers outside the hours of 08:00 to 02:00 Monday to Saturdays and 09:00 to 22:00 on Sunday. No bingo caller shall operate from the property after 22:00 on any day.

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

2. The external area to the rear of the premises as shown on Drawing No. L-11-6-01 Rev E shall not be used by customers outside the hours of 09:00-22:00 hours on any day

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

3. The premises to which this planning permission relates shall be used for the playing of amusement-with prizes machines, and there shall be no amusement only machines or games of a sessional nature.

Reason: To reserve the rights of the Local Planning Authority with regard to these matters in the interests of the amenities of the area.

4. Prior to the implementation of the amended hours as identified in Condition 1, all sound attenuation measures as detailed in the Apex Acoustics Memo reference 10344.1C, dated 24 October 2022 and published on the planning portal on 24 October under the heading 'REVIEW OF POTENTIAL NOISE IMPACT DUE TO EXTENDED OPERATION' shall be fully implemented and permanently retained thereafter.

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

5. Notwithstanding the information shown on the submitted plans there shall be no music transmitted from the premises or loudspeakers mounted externally on the building.

Reason: To protect the area against noise intrusion.

6. The internal noise levels measured within the building shall not exceed 67dBA Leq after 2200hrs on any day.

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.

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

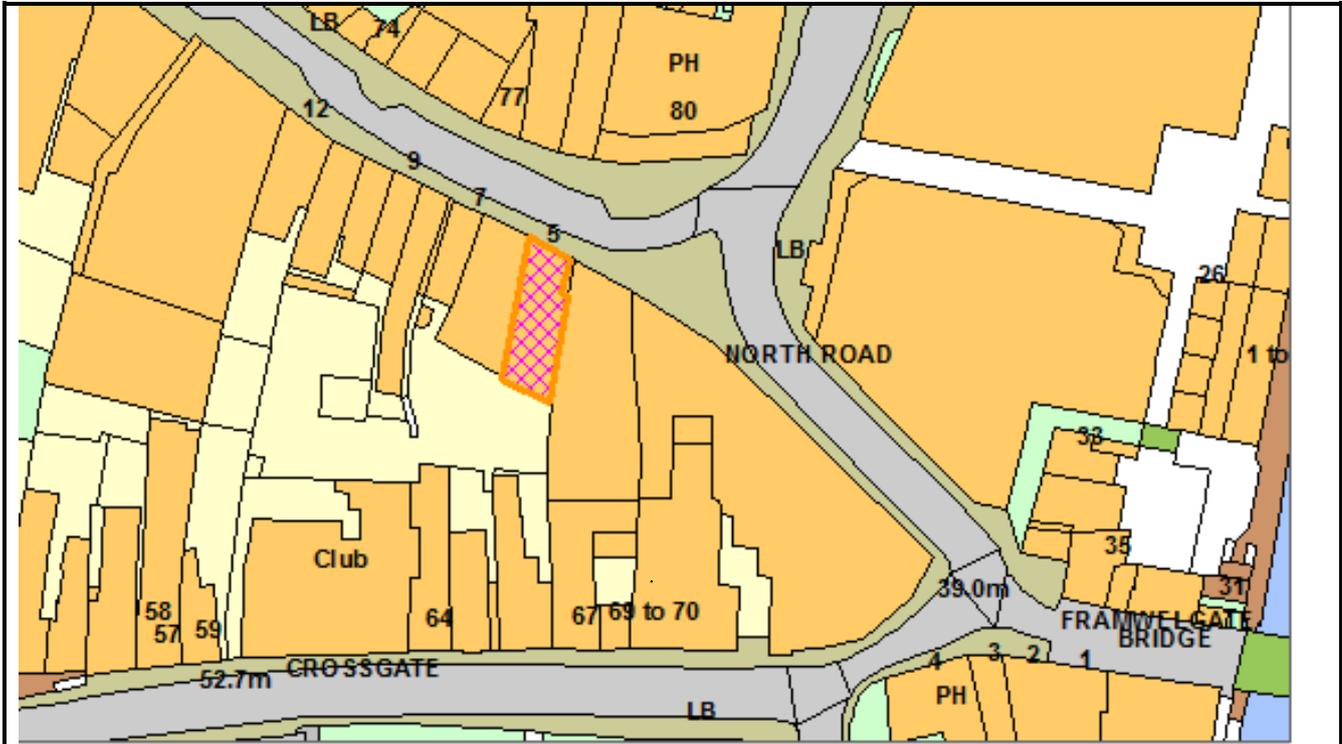
Submitted application form, plans, supporting documents and subsequent information provided by the applicant

The National Planning Policy Framework (2021)

National Planning Practice Guidance Notes

County Durham Plan

Statutory, internal and public consultation responses



<p>Planning Services</p>	<p>Variation of condition 2 of planning permission 4/99/00534/FPA to allow a change in opening hours from 09:00 to 02:00 previously restricted to 09:00 and 22:00 at 5 North Road, Durham, DH1 4SH Application Reference: DM/22/02292/VOC</p>	
<p>This map is based upon Ordnance Survey material with the permission of Ordnance Survey on behalf of Her Majesty's Stationary Office © Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceeding. Durham County Council Licence No. 100022202 2005</p>	<p>Date: December 2022</p>	<p>Scale NTS</p>

Planning Services

COMMITTEE REPORT

APPLICATION DETAILS

APPLICATION No:	DM/22/01509/FPA
FULL APPLICATION DESCRIPTION:	Demolition of existing bungalow and replacement with dormer bungalow.
NAME OF APPLICANT:	Mr & Mrs A Carter
ADDRESS:	Silver Howe Heathways High Shincliffe Durham DH1 2PQ
ELECTORAL DIVISION:	Durham South
CASE OFFICER:	Lisa Morina Senior Planning Officer Telephone: 03000 264877 Lisa.morina@durham.gov.uk

DESCRIPTION OF THE SITE AND PROPOSALS

The Site

1. The application site is an existing detached bungalow located on Heathways within High Shincliffe and is located on the northern edge of the settlement. Residential properties are located to both sides and to the front of the site with open fields to the rear. There is a mix of properties currently within the area both of single and two-storey nature with the majority being detached properties. At present an existing detached dwelling is located on the site which is proposed to be demolished.

The Proposal:

2. Planning Permission is sought for the demolition of the existing bungalow and the erection of a new detached property at the site. A detached outbuilding is also proposed within the rear garden area.
3. The existing dwelling has a footprint of approximately 120sqm with a height of 5.1m to the ridgeline and an eaves height of 2.5m. The replacement dwelling would, in the main, occupy the majority of the footprint of the existing building but would be slightly larger at 138sqm and have a height of 7.7m to the ridgeline, 3.1m to the eaves so two storey in height as opposed to the single storey dwelling which currently occupies the site.
4. The property is proposed to be constructed in a timber frame with clay brickwork walls and natural blue slate roof. An air source heat pump and solar thermal water panels are proposed as part of the application. Soft landscaping in the form of

garden area to the front and rear are proposed along with trees indicated within the front garden area and permeable paving for the proposed driveway area.

5. The proposed outbuilding would be positioned within the north eastern part of the rear garden area and have a footprint of approximately 3.44m x 4.45m with an overall height of 3m to the ridge of a dual pitched roof and a height of 2.5 metres to the eaves.
6. Access to the site is taken from an unadopted road to the front of the site known as Heathways and as part of the proposal this would be relocated to a more central position and serve 2 in curtilage parking spaces
7. An area of land sits between the existing southern boundary of the site and the unadopted highway which is currently unregistered and is included within the planning application across which access to the existing property is presently taken and historically this is understood to have been the case.
8. The application proposes that this area be enclosed by a boundary wall which is proposed at 750mm in height with 600mm railings above and is to be used as private garden for the replacement dwelling.
9. The plans were amended to attempt to satisfy the concerns of the parish council by setting the front boundary wall back slightly however, the Parish Council concerns have remained and as such the applicant has asked for the proposal to be assessed on the original proposal. Both sets of plans have been consulted on and as such no further re-consultation is required.
10. The application is reported to planning committee at the request of Shincliffe Parish Council who raise no objection in principle to the replacement dwelling however consider the impacts of the proposal in terms of highway safety to be so significant that they should be considered by the committee.

PLANNING HISTORY

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

PLANNING POLICY

NATIONAL POLICY

12. A revised National Planning Policy Framework (NPPF) was published in July 2018 (with updates since). The overriding message continues to be that new development that is sustainable should go ahead without delay. It defines the role of planning in achieving sustainable development under three overarching objectives – economic, social and environmental, which are interdependent and need to be pursued in mutually supportive ways.
13. *NPPF Part 2 Achieving Sustainable Development* - The purpose of the planning system is to contribute to the achievement of sustainable development and therefore at the heart of the NPPF is a presumption in favour of sustainable development. It defines the role of planning in achieving sustainable development under three overarching objectives - economic, social and environmental, which are interdependent and need to be pursued in mutually supportive ways. The application of the presumption in favour of sustainable development for plan-making and decision-taking is outlined.

14. *NPPF Part 4 Decision-making* - Local planning authorities should approach decisions on proposed development in a positive and creative way. They should use the full range of planning tools available, including brownfield registers and permission in principle, and work proactively with applicants to secure developments that will improve the economic, social and environmental conditions of the area. Decision-makers at every level should seek to approve applications for sustainable development where possible.
15. *NPPF 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.
16. *NPPF Part 6 Building a Strong, Competitive Economy* - The Government is committed to securing economic growth in order to create jobs and prosperity, building on the country's inherent strengths, and to meeting the twin challenges of global competition and a low carbon future.
17. *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.
18. *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.
19. *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.
20. *NPPF Part 12 Achieving Well-Designed Places* - The Government attaches great importance to the design of the built environment, with good design a key aspect of sustainable development, indivisible from good planning.
21. *NPPF Part 14 Meeting the Challenge of Climate Change, Flooding and Coastal Change* - The planning system should support the transition to a low carbon future in a changing climate, taking full account of flood risk and coastal change. It should help to: shape places in ways that contribute to radical reductions in greenhouse gas emissions, minimise vulnerability and improve resilience; encourage the reuse of existing resources, including the conversion of existing buildings; and support renewable and low carbon energy and associated infrastructure.
22. *NPPF Part 15 Conserving and Enhancing the Natural Environment* - Conserving and enhancing the natural environment. The Planning System should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes, geological conservation interests, recognising the wider benefits of

ecosystems, minimising the impacts on biodiversity, preventing both new and existing development from contributing to or being put at unacceptable risk from pollution and land stability and remediating contaminated or other degraded land where appropriate.

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

NATIONAL PLANNING PRACTICE GUIDANCE:

23. The Government has consolidated a number of planning practice guidance notes, circulars and other guidance documents into a single Planning Practice Guidance Suite. This document provides planning guidance on a wide range of matters.

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

LOCAL PLAN POLICY:

County Durham Plan

24. Policy 6 (Development on unallocated sites) states the development on sites not allocated in the Plan or Neighbourhood Plan, but which are either within the built-up area or outside the built up area but well related to a settlement will be permitted provided it: is compatible with use on adjacent land; does not result in coalescence with neighbouring settlements; does not result in loss of land of recreational, ecological, or heritage value; is appropriate in scale, design etc to character of the settlement; it is not prejudicial to highway safety; provides access to sustainable modes of transport; retains the settlement's valued facilities; considers climate change implications; makes use of previously developed land and reflects priorities for urban regeneration.
25. Policy 21 (Delivering sustainable transport) requires all development to deliver sustainable transport by: delivering, accommodating and facilitating investment in sustainable modes of transport; providing appropriate, well designed, permeable and direct routes for all modes of transport; ensuring that any vehicular traffic generated by new development can be safely accommodated; creating new or improvements to existing routes and assessing potential increase in risk resulting from new development in vicinity of level crossings. Development should have regard to Parking and Accessibility Supplementary Planning Document.
26. Policy 29 Sustainable Design details general design principles for all development stating that new development should contribute positively to an areas' character, identity, heritage significance, townscape and landscape features, helping to create and reinforce locally distinctive and sustainable communities.
27. 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.
28. 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.

29. 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.
30. Policy 36 (Water infrastructure) advocates a hierarchy of drainage options for the disposal of foul water. Applications involving the use of non-mains methods of drainage will not be permitted in areas where public sewerage exists. New sewage and wastewater infrastructure will be approved unless the adverse impacts outweigh the benefits of the infrastructure. Proposals seeking to mitigate flooding in appropriate locations will be permitted though flood defence infrastructure will only be permitted where it is demonstrated as being the most sustainable response to the flood threat.
31. Policy 39 (Landscape) states that proposals for new development will only be permitted where they would not cause unacceptable harm to the character, quality or distinctiveness of the landscape, or to important features or views. Proposals are expected to incorporate appropriate mitigation measures where adverse impacts occur. Development affecting Areas of Higher landscape Value will only be permitted where it conserves and enhances the special qualities, unless the benefits of the development clearly outweigh its impacts
32. Policy 40 (Trees, woodlands and hedges) states that proposals for new development will not be permitted that would result in the loss of, or damage to, trees, hedges or woodland of high landscape, amenity or biodiversity value unless the benefits of the scheme clearly outweigh the harm. Proposals for new development will be expected to retain existing trees and hedges or provide suitable replacement planting. The loss or deterioration of ancient woodland will require wholly exceptional reasons and appropriate compensation.
33. Policy 41 (Biodiversity and Geodiversity) states that proposal for new development will not be permitted if significant harm to biodiversity or geodiversity resulting from the development cannot be avoided, or appropriately mitigated, or as a last resort, compensated for.
34. Residential Amenity Standards SPD (2020 Adopted version) – Provides guidance on the space/amenity standards that would normally be expected where new dwellings are proposed.

Neighbourhood Plan

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

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

CONSULTATION AND PUBLICITY RESPONSES

STATUTORY RESPONSES:

36. Highways raise no objection to the proposal.
37. Coal Authority – No objection subject to conditions regarding ground investigation works.
38. Shincliffe Parish Council objects to the application citing concerns over highway safety.

INTERNAL CONSULTEE RESPONSES:

39. Environmental Health (Contamination) - No objection.
40. Environmental Health (Noise) - Conditions advised in relation to restrictions during construction works and the submission and agreement of precise details of the ground source heat pump.
41. Ecology – The Bat report completed by Barretts is sufficient to inform the proposal and no further survey required. A condition requiring the installation of the bat roost unit detailed in section E of the report should be attached if planning permission is granted.
42. Landscape - No objection.
43. Tree Officer – AIA and method statement required and replacement planting for tree to be lost in front garden to be secured through planning condition.

PUBLIC RESPONSES:

44. The application has been advertised by means of site notice and by notifying neighbouring residents by letter.
45. To date, two letters of support has been received and 3 letters of objection from two neighbouring properties have been received with the following comments:
 - The proposed heating will be an air source heat pump. There is no indication where this will be sited. Noise concern raised
 - There are a few trees on our boundary with Silver Howe.
 - The existing old school wall which was built in 1841 separates Silver Howe and Parkwood Lawe. The plan to restore this is welcomed.
 - Highway Safety concerns
 - No details of wall heights
 - No details of garden Room.
 - Concern that land grab will occur at the front of the site.
46. Councillor Stoker has also provided the following comment in that they wish to ensure the bottom of the garden does not block the neighbours' sightline when vehicles and people are exiting. There is no pavement, and the road is heavily used, often at speed.

APPLICANT'S STATEMENT:

47. The applicants, Mr and Mrs Carter are longstanding residents of High Shincliffe and purchased Silver Howe with the intention to redevelop the property as their dream home. From the outset they have sought to consult with their neighbours on the design of the proposed dwelling and the revised access to provide reassurance that the development would not be detrimental to them.
48. The existing access to Silver Howe is poor and the applicant wishes to improve it so as that cars can enter and leave the site in a forward gear, also by moving the proposed access to the centre of the road frontage will further improve highway visibility when leaving the property.
49. The front of the property is often used as a parking place by cars and vans that are not connected to the owners, this has been regular source of anxiety for the applicant and made access to the property difficult, the proposed design would therefore stop this, and far from creating a highway safety issue actually will improve the situation in the area.
50. The neighbouring property to the west (Parkwood Lawe) has trees and shrubs up to the highway boundary, and whilst it is acknowledged they partially cut back the foliage for visibility, the proposed boundary walls are to be a maximum of 750mm high with a wrought iron railing to the top which will allow the neighbours to maintain their visibility.
51. It should also be noted that DCC Authority Highways department have been consulted twice on the proposed design and have on both occasions have stated they have no issue with the proposed access, as professionals in highway safety, greater weight should be attached to this fact.
52. To conclude the applicant feels that they have reached out to those relevant to the application and respectfully feel that the proposal will not result in any detriment or safety issues and ask that the committee support the application.

The above is not intended to list every point made and represents a summary of the comments received on this application. The full written text is available for inspection on the application file which can be viewed at <https://publicaccess.durham.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=P8X9C0GDL8J00>

PLANNING CONSIDERATIONS AND ASSESSMENT

53. 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.
54. Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The NPPF is a material planning consideration in this regard. The County Durham Plan is the statutory development plan and the starting point for determining applications as set out at Paragraph 12 of the NPPF. The NPPF advises at Paragraph 219 that the weight to be afforded to existing Local Plans depends upon the degree of consistency with the NPPF.
55. The County Durham Plan is now adopted and is considered to represent the up-to-date Local Plan for the area. Consequently, consideration of the development should be led by the plan if the decision is to be defensible.

56. In this context, it is considered that the main planning issues in this instance relate to the principle of development, scale/design, impact upon residential amenity, trees and landscape, highway safety, contaminated land/land stability and ecology:

Principle of the Development

57. The application site is located within the settlement of High Shincliffe. It is not allocated for housing within Policy 4 of the County Durham Plan (CDP). Development of housing on unallocated sites within the built-up area or adjacent to it should be assessed and determined against Policy 6. This policy states that development will be permitted subject to the following criteria:

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

58. In relation to criteria a) and b), a proposed residential dwelling in this location is considered compatible with adjoining residential uses given an existing dwelling is currently on site and the site is surrounded by other residential dwellings.

59. There is no concern that the development would result in inappropriate ribbon development, nor that it would be considered inappropriate backland development given the existing dwelling is to be replaced and the site already has an independent highway access. In addition, it is not considered that the site would result in the loss of any valued facilities in connection with criteria g. In line with criteria f), the site is noted as being sustainable being well served by local services and public transport links. It is not considered that criteria j) is relevant in this instance.

60. Given the above, the principle of residential development on the site is well established given there is an existing dwelling currently in place and therefore, the proposal is considered to be acceptable in principle, subject to full assessment against the various criteria in a) – j) of policy 6, some of which have been considered in this section.

Scale/Design

61. Policy 29 relating to sustainable design states that all proposals will be required to achieve well designed buildings and places having regard to supplementary planning documents and contribute positively to an area's character, identity, heritage significance, townscape and landscape features, helping to create and reinforce locally distinctive and sustainable communities; and create buildings and spaces that are adaptable to changing social, technological, economic and environmental conditions and include appropriate and proportionate measures to reduce vulnerability, increase resilience and ensure public safety and security.
62. The proposed development comprises a replacement dwelling which would broadly align with the location of the existing dwelling and is considered to be of an appropriate scale and proportion that could be accommodated within the site. A mix of dwellings are present within the wider area of differing scales and designs therefore, the proposed design would be acceptable in this context. The retained garden space would be in keeping with the surrounding character of the village. Therefore, subject to specific materials being agreed through planning condition, the proposal is considered acceptable in respect of policy 29 of the CDP and Part 12 of the NPPF.
63. In addition, policy 29 also states that all new development should minimise greenhouse gas emissions, by seeking to achieve zero carbon buildings and providing renewable and low carbon energy generation, and include connections to an existing or approved district energy scheme where viable opportunities exist. Where connection to the gas network is not viable, development should utilise renewable and low carbon technologies as the main heating source.
64. The agent has confirmed that the proposed dwelling is to be 'A' rated in terms of thermal performance and is to be constructed in a timber frame which is a recognised low carbon form of construction. Other proposed external materials include clay brickwork walls and natural blue slate to the roof. The new dwelling is confirmed to be highly insulated and air-tight and will be heated with an air source heat pump in conjunction with solar thermal water panels located on the roof. Overall, the agent confirms that the building will be significantly more efficient than the existing building and over its lifetime emit much less carbon.
65. Given the above, the development is considered to accord with this element of policy 29 of the CDP.
66. Policy 27 of the CDP states that new residential and commercial development should be served by a high-speed broadband connection. The existing property already benefits from broadband and the proposed dwelling will be able to connect to existing broadband connections and as such accords with the requirements of policy 27 in this regard.

Residential Amenity

67. CDP Policies 6 and 31 seek to prevent development that would have an unacceptable impact upon the amenity of existing neighbouring residents and only allow development where adequate amenity for future occupiers is provided. Section 11 Paragraph 119 of the NPPF requires planning decisions to ensure healthy living conditions and paragraph 124 emphasises the importance of securing healthy places. Paragraph 174 of section 15 requires decisions to prevent new development from being put at unacceptable risk from, or being adversely affected by, unacceptable levels of pollution such as noise pollution.

68. Paragraph 185 seeks to ensure that new development is appropriate for its location taking into account the likely effects of pollution on health and living conditions. In terms of noise, paragraph 185 advises that planning decisions should mitigate and reduce to a minimum potential adverse impacts resulting from noise from new development - and avoid noise giving rise to significant adverse impacts on health and the quality of life.
69. Policy 29 (Sustainable Design) of the CDP 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.
70. Provision for all new residential development to comply with Nationally Described Space Standards (NDSS), subject to transition period. Provision for major developments to appropriately consider the public realm in terms of roads, paths, open spaces, landscaping, access and connectivity, natural surveillance, suitable private and communal amenity space that is well defined, defensible and designed to the needs of its users.
71. The proposal meets minimum space requirements set out in the NDSS and is therefore, is considered acceptable in this respect and accords with policy 29 of the CDP.
72. In respect of residential amenity, the proposal is considered to meet with the Councils Residential SPD in respect of impact on neighbouring properties and no significant impact is considered to occur. Concerns were raised from nearby residents that details of the detached outbuilding had not been received. However, further information has since been received in this regard and the impact on the neighbouring property is considered acceptable due to the design and position of the buildings and its limited height. Concern was also raised by residents regarding the impact of the development upon surface water run-off from the detached outbuilding given the slope on the roof. The mains sewer is proposed to be used for surface water disposal which is understood to be the existing arrangement and guttering is proposed along the elevation which is closest to the neighbouring property. As such it is not considered that any concern in this regard would represent a sustainable reason for refusal of the application. It is also noted that building control regulations exerts control in relation to ensuring that surface water from the dwelling is appropriately disposed of.
73. Concern was raised over the proposed height of the boundary walls. In this regard it is noted that a 1.8m high wall is proposed to the western elevation with a new boundary wall proposed at the front of the site, which would have a height of 750mm and be finished in brick topped with 600mm railings. These are considered to be of appropriate heights which would not have a negative impact upon the amenity of adjacent residents or the character of the wider streetscene.
74. Concern was also raised regarding the position of the air source heat pump and potential noise implications which could occur. The position has now been shown on a plan and it is located within the north-western corner of the site within the rear garden. Specification details have also been provided which state that the proposal could be installed under permitted development rights upon completion and

occupation of the property, and as such, the proposal is therefore considered acceptable in accordance with policies 29 and 31 of the CDP.

75. In light of the above the development is considered acceptable and would not have any unacceptable impact upon the residential amenity of the surrounding neighbours in accordance with policies 29 and 31 of the County Durham Plan.

Impact on Trees/Landscape

76. Policy 39 of the CDP states that proposals for new development will only be permitted where they would not cause unacceptable harm to the character, quality or distinctiveness of the landscape, or to important features or views.

77. Policy 40 of the CDP states that proposals for new development will not be permitted that would result in the loss of, or damage to, trees, hedges or woodland of high landscape, amenity or biodiversity value unless the benefits of the scheme clearly outweigh the harm. Proposals for new development will be expected to retain existing trees and hedges or provide suitable replacement planting. The loss or deterioration of ancient woodland will require wholly exceptional reasons and appropriate compensation.

78. Trees are located both on site and within the gardens of neighbouring properties. One large tree to the front of the site is proposed to be removed as part of the proposal. The Council's Arborist has been consulted and does not consider the tree to be suitable for protection through service of a tree preservation order and as such raises no objection to its removal. However, it is considered that a replacement should be provided which could be appropriately secured through planning condition.

79. Neighbours have raised comments that there are trees in their garden areas which would be affected by the development. Given this and the closeness to the boundary as well as new boundary treatment being provided, it is considered that further information is required in order to ensure that these specimens are appropriately protected during the construction phase of the development should planning permission be granted. As such, a planning condition should be included requiring the submission and agreement and implementation of an Arboricultural Impact Assessment and Method Statement prior to the commencement of development.

80. Subject to the inclusion of those condition stated above the Council's Arborist and Landscape Architect raise no objection to the development which is considered to accord with policies 39 and 40 of the CDP and Part 15 of the NPPF.

Highway Safety

81. Paragraph 34 of the NPPF requires that plans and decisions ensure developments which generate significant vehicle movements are located where the need to travel will be minimised and the use of sustainable transport modes maximised.

82. Policy 21 of the CDP requires all development ensures that any vehicular traffic generated by new development can be safely accommodated and have regard to Parking and Accessibility Supplementary Planning Document.

83. Concern has been raised from the Parish Council and nearby residents that there is potential for highway safety implications as a result of the development in that a footpath is currently not provided at the front of the site. There is also concern that visibility for neighbours would be compromised given the proposed means of

enclosure to the front of the property, particularly from the height of the boundary walls.

84. The boundary treatment at the front of the site is proposed to be a 750mm high brick wall topped with 600mm railings. The Highway Authority has been consulted and confirmed that given the location of the vehicular access to the neighbouring property, it is unlikely that their visibility splay would be impeded given the position of the entrance.
85. There is no set visibility splay for residential properties as national guidance relating to splays starts at 30mph roads. Manual for Street recommends a splay of 2.0m x 25m for residential properties on 20mph roads, but this is only advisory, and given there is already an existing property on the site and the low speeds (our last count nearby showed an average speed of 19.9mph and total daily flows of 437 vehicles), the chances of any conflict between a vehicle pulling out of the property, and a vehicle driving on Heathways, would be very small.
86. As such, the principle of development is considered acceptable from a highway safety perspective and the Highway Authority raises no objection to the application in this regard. In curtilage parking is proposed and there is sufficient provision in this regard to accord with the Council's current parking and accessibility standards subject to a condition requiring the installation of an EV Charging point.
87. As changes are proposed to the existing access an informative should be included noting requirement to obtain the appropriate consents in relation to the Highways Act.
88. For the reasons detailed above it is considered that the development would not have any adverse impact in terms of highway safety and as such would accord with policy 21 of the CDP and relevant section of the NPPF.

Land Contamination and Stability

89. Paragraph 183 of the NPPF advises that planning decisions should ensure a site is suitable for its proposed use taking account of ground conditions and any risks arising from land instability and contamination. In line with this, CDP Policy 32 states that development will not be permitted unless the developer can demonstrate that:
 - a. any existing despoiled, degraded, derelict, contaminated or unstable land issues can be satisfactorily addressed by appropriate mitigation measures prior to the construction or occupation of the proposed development;
 - b. the site is suitable for the proposed use, and does not result in unacceptable risks which would adversely impact on the environment, human health and the amenity of local communities; and
 - c. all investigations and risk assessments have been undertaken by an appropriately qualified person.
90. The application has been assessed by the Council's Contamination Land Section and they confirm they have no objection to the scheme and there is no requirement for inclusion of the standard land contamination condition. However, the standard informative is advised detailing the steps required in the event that unexpected contamination is encountered during the course of the construction should planning permission be granted, and this can be included.
91. The application site is also within a coal mining risk assessment area as identified by the Coal Authority and as such a Coal Mining Risk Assessment has been submitted

in support of the application. This has been reviewed by the Coal Authority who advise that the report adequately assesses the risks posed to the development from previous mine workings and raises no objections subject to the inclusion of standard conditions detailed elsewhere in this report.

92. Therefore, subject to conditions stated, the proposal is considered acceptable in respect of land stability issues in accordance with policy 32 of the County Durham Plan and paragraphs 178 and 179 of the NPPF.

Ecology

93. Part 15 of the NPPF seeks to ensure that when determining planning applications, Local Planning Authorities seek to conserve and enhance biodiversity. Policy 41 of the CDP seeks to resist proposals for new development which would otherwise result in significant harm to biodiversity or geodiversity, which cannot be avoided, or appropriately mitigated, or, as a last resort, compensated for. Proposals for new development will be expected to minimise impacts on biodiversity by retaining and enhancing existing biodiversity assets and features and providing net gains for biodiversity including by establishing coherent ecological networks. CDP Policy 25 seeks to ensure that new development is only approved where any mitigation necessary to make the development acceptable in planning terms are secured through appropriate planning conditions or planning obligations.

94. The Bat report by Barretts is considered sufficient to inform the proposal and no further surveys are considered to be required. Therefore, subject to a condition relating to the installation of the bat roost unit detailed in section E of the report the proposal is considered acceptable in respect of policy 41 of the CDP.

Other Issues

95. Concern has been raised from some respondents with regard to a perceived 'land grab' whereby the applicant has included unregistered land within the application site, as identified on the Location Plan. This is understood to relate to the narrow section of land between the existing property and the public highway. An applicant can submit an application for planning permission which relates to land that they do not own, but in doing so, they must serve notice on the landowner and where the owner is unknown, notice must be displayed in the local press. The applicant has provided evidence to adequately demonstrate that the appropriate notice has been served in this regard. It should be noted that the planning system is not the arbitrator of any dispute with regards to land ownership, with such matters representing a civil issue between the parties involved. Consequently, this is not a material planning consideration to which weight can be applied in the determination of this application.

Public Sector Equality Duty

96. Section 149 of the Equality Act 2010 requires public authorities when exercising their functions to have due regard to the need to i) the need to eliminate discrimination, harassment, victimisation and any other prohibited conduct, ii) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it and iii) foster good relations between persons who share a relevant protected characteristic and persons who do not share that characteristic.
97. In this instance, officers have assessed all relevant factors and do not consider that there are any equality impacts identified.

CONCLUSION

98. The principle of the development is considered acceptable as the site occupies a sustainable location capable of accommodating residential development, particularly noting that there is an existing dwelling already located on site and the proposal would not have any adverse impact upon the visual amenity of the streetscene.
99. The proposal would also not have an unacceptable impact upon residential amenity, or highway safety in accordance with the requirements of policies 6, 21, 29, 31 of the County Durham Plan. The proposal is therefore recommended for approval.

RECOMMENDATION

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

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

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

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

Reason: To define the consent and ensure that a satisfactory form of development is obtained in accordance with Policy(ies) 6, 21, 29 and 31 of the County Durham Plan and Parts 12 and 15 of the National Planning Policy Framework.

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

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

4. No development shall take place until intrusive site investigations have been undertaken to assess the ground conditions and the potential risks posed to the development by past shallow coal mining activity. A report shall thereafter be submitted to and agreed in writing by the Local Planning Authority setting out the findings of the intrusive site investigations including a scheme of remedial work where required. Thereafter the development shall take place in accordance with the agreed details.

Reason: The undertaking of intrusive site investigations, prior to the commencement of development, is considered to be necessary to ensure that adequate information pertaining to ground conditions and coal mining legacy is available to enable appropriate remedial and mitigatory measures to be identified and carried out before building works commence on site. This is in order to ensure the safety and stability of the development, in accordance with Policy 32 of the County Durham Plan and Paragraphs 178 and 179 of the National Planning Policy Framework.

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

Reason: To ensure the safety and stability of the development, in accordance with Policy 32 of the County Durham Plan and Paragraphs 178 and 179 of the National Planning Policy Framework.

6. 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.

7. The bat roost unit as detailed in section E of the Bat Report prepared by Barrett Environmental Limited shall be installed prior to first occupation of the dwelling hereby approved and shall thereafter be retained in perpetuity.

Reason: In the interests of protected species in accordance with policy 41 of the County Durham Plan and part 15 of the National Planning Policy Framework.

8. No development shall take place beyond the damp proof course membrane until details of an electric car charging point has been submitted and approved in writing by the Local Planning Authority. The charge points shall be installed, prior to occupation of the dwelling hereby approved.

Reason: To comply with parking guidelines in line with requirements set out in policy 21 of the County Durham Plan and part 9 of the NPPF.

9. No development shall commence until an Arboricultural Impact Assessment and Method Statement has 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 visual amenity of the area and to protect neighbouring trees on site and to comply with Policies 29 and 40 of the County Durham Plan and Parts 12 and 15 of the National Planning Policy Framework.

10. No tree shall be felled until a detailed scheme of replacement planting has been submitted to and approved by the Local Planning Authority. Unless otherwise agreed by the Local Planning Authority, the replacement scheme shall be carried out within 12 months of the start of the tree felling hereby approved. These shall be planted and maintained in accordance with good practice to ensure rapid establishment- including watering in dry weather, and replaced if they fail within 5 years of initial planting, not later than the following planting season.

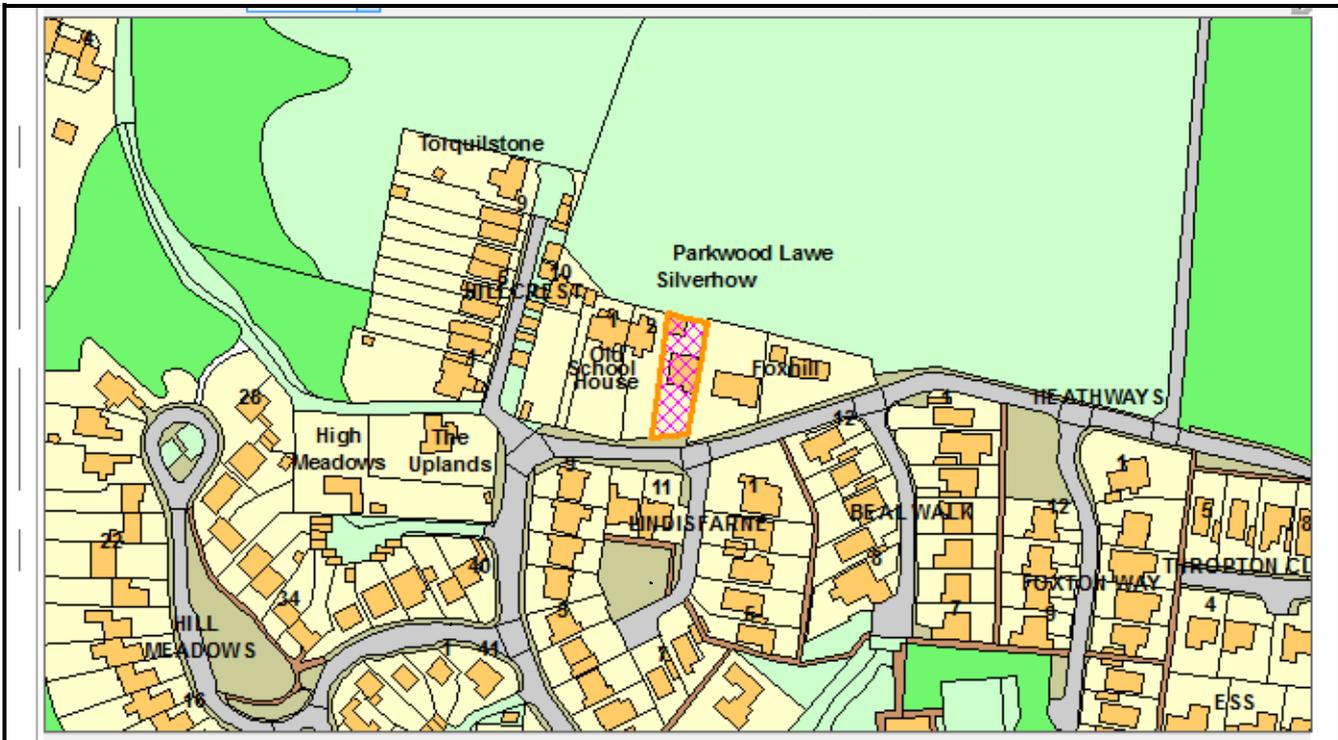
Reason: In the interests of the visual amenity of the area and to comply with Policies 29 and 40 of the County Durham Plan and Parts 12 and 15 of the National Planning Policy Framework.

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
Statutory, internal and public consultation responses



E 420444 32

Planning Services

Demolition of existing bungalow and replacement with dormer bungalow at Silver Howe, Heathways, High Shincliffe, Durham, DH1 2PQ
 Application Reference: DM/21/01509/FPA

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Date: December 2022

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