



Area Planning Committee (North)

Date Thursday 18 May 2023
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 27 April 2023 (Pages 3 - 14)
4. Declarations of Interest (if any)
5. Applications to be determined by the Area Planning Committee (North Durham)
 - a) DM/23/00589/FPA - Langley Cottage, Low Moor Road, Langley Park, Durham, DH7 6TJ (Pages 15 - 26)
First-floor extension above part of bungalow, single storey extensions to south west and north east elevations and raise height of ridge (resubmission).
6. Such other business as, in the opinion of the Chairman of the meeting, is of sufficient urgency to warrant consideration.

Helen Lynch
Head of Legal and Democratic Services

County Hall
Durham
10 May 2023

To: **The Members of the Area Planning Committee (North)**

Councillor M McGaun (Chair)
Councillor W Stelling (Vice-Chair)

Councillors G Binney, J Blakey, L Brown, I Cochrane, K Earley,
J Griffiths, D Haney, P Jopling, C Marshall, E Peeke, J Purvis,
K Shaw, A Watson and S Wilson

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DURHAM COUNTY COUNCIL

AREA PLANNING COMMITTEE (NORTH)

At a Meeting of the **Area Planning Committee (North)** held in the Council Chamber, County Hall, Durham on **Thursday 27 April 2023 at 9.30 am**

Present:

Councillor M McGaun (Chair)

Members of the Committee:

Councillors G Binney, J Blakey, L Brown, K Earley, J Griffiths, P Jopling, C Marshall, E Peeke, J Purvis, K Shaw, W Stelling (Vice-Chair), A Watson and S Wilson

Also Present:

Councillors D Oliver and A Sterling

1 Apologies for Absence

There were no apologies for absence.

2 Substitute Members

There were no substitute members.

3 Minutes

The minutes of the meeting held on 30 March 2023 were confirmed as a correct record and signed by the Chair.

4 Declarations of Interest

Councillor Stelling declared an interest in item 5(a) as it was within his division. He confirmed that he wished to speak in support of the item. It was agreed that he would leave the meeting during the debate.

Councillor McGaun declared an interest in item 5(b) as it was within his division but confirmed that he had made no pre-determination.

Councillor Marshall declared an interest in item 5(b) advising that the applicant was known to him and a family member was employed by NEAS.

He confirmed that he wished to speak on the item but would leave the meeting during the debate.

In respect to item 5(b) Councillor Blakey advised that when she was Chair of the Council 10 years ago, North East Autism Society was her chosen charity.

5 Applications to be determined by the Area Planning Committee (North Durham)

a DM/22/03065/FPA - Site Of Former Pretoria Working Mens Club, Corbridge Road, Medomsley, DH8 6QY

The Committee considered a report of the Senior Planning Officer regarding the construction of a detached dwelling (for copy see file of minutes).

L Dalby, Principal Planning Officer provided a detailed presentation of the application which included a site location plan and the relationship to settlements, aerial photographs, photographs of the site and proposed layout and elevations. He explained there was an error in the report with regards to the address and clarified that 21 Cohort Close was the address of the applicant, not the address of the application.

Councillor Stelling, Local Member for Leadgate and Medomsley addressed the Committee in support of the application. He confirmed that he had visited the site many times when it was a club and it was difficult to say that the development was outside of a settlement as there were around 50-60 houses located there. A bus service passed the development hourly and a bus stop was located 50 yards from the development. With regards to shops, he confirmed that he had lived in the area for 71 years and there were two shops within walking distance. He confirmed that the development was sustainable in terms of transport and shops and that public houses were located in the nearby areas of Shotley Bridge and Ebchester. He highlighted that Highways had not objected to the application, nor had residents, and in his opinion, the copse of trees was not an issue. He stressed the houses were quality in terms of design and had spectacular views and did not believe the site to be in countryside. He informed the Committee that the applicant had been patient during what had been a long process and he believed that the application outweighed policies 6, 10 and 21 of the County Durham Plan (CDP). Councillor Stelling believed the application should be approved.

Councillor Stelling left the Chamber.

Ms C Pipe, Planning Consultant addressed the Committee on behalf of the applicant and thanked the Committee for the opportunity to speak. She noted that the application had been refused for four reasons which was double the

number of reasons for the original application that had been refused the previous year. She quoted the pre application response that was given in 2021 and advised that this advice had been given after the adoption of the County Durham Plan. With regards to refusal reasons one and two, Ms Pipe considered the site to be urban fringe as opposed to countryside and noted the proximity to bus stops that connected well to nearby towns and schools. Ms Pipe advised that an inspector had allowed an appeal in the area of Esh Winning due to the close proximity of a bus stop which made development sustainable. With regards to refusal reason 3, she stated that the development was proposed to be slate and stone and this was considered appropriate by officers. She also advised that an application for development was pending opposite the site which included five properties and explained how this highlighted the difference in density. In terms of refusal reason 4, she stated that the copse of trees had not been raised as an issue in the pre application advice and had not formed part of the previous refusal and advised that the foundations would not be near the tree roots noting that the nearest tree was 6 metres away. Ms Pipe believed that the development was sustainable, well connected, and the reasons given for refusal were unsubstantiated. Ms Pipe asked the Committee to support the proposal subject to a tree survey and allow the decision regarding harm to trees be delegated to officers, or alternatively, defer the application to allow the applicant sufficient time to provide the relevant information.

Councillor Jopling could not understand why the application had been recommended for refusal. She gave an example of a similar application within her ward which had been approved and whilst she appreciated the officer had done due diligence, she stated that as it was previously developed land, it would be disingenuous to prevent development of the last property. In her opinion, she did not believe the land or the trees to be special but suggested a tree survey be included as a condition. Councillor Jopling felt the application should be approved.

In response to Councillor Jopling's comments regarding the land being previously developed, the Principal Planning Officer stated that this was not the case and explained that the site had previously been grassland and was outside of the previous development site and clarified the location.

Ms Pipe clarified that the site was near terraced houses, a nursing home, and a car garage and was not situated alone as had been communicated by the Principal Planning Officer. The Principal Planning Officer agreed but explained that the test in policy 10 referred to settlements, not other developments, and he explained the definition of a settlement.

Councillor Jopling understood but felt there needed to be consistency with decisions. L Ackerman, Legal Officer (Planning and Highways) appreciated the comments from Councillor Jopling but explained that each application

needed to be considered on its own merit and stressed that the application could not be said to be exactly the same as a previous application as it wasn't in the same location or the same development.

Councillor Watson commented that he knew the area well and it was not in countryside. He considered the development to be executive in quality and which was needed to attract investment. In his opinion, the trees did not warrant a tree survey and noted that no objections had been received from Highways. Councillor Watson firmly believed the development to be in a settlement area which supported Policy 6 of the CDP and moved the application to be approved.

Councillor Brown pointed out that Policy 40 of the CDP was to protect trees and hedges. She went on to ask the Principal Planning Officer to explain the discrepancy between the committee report and the pre application advice.

The Principal Planning Officer explained that the original pre application advice was outline advice and was given by a specific officer. When planning application are submitted, he explained that a working group considers the site and decides whether it falls under Policy 6 or Policy 10 of the CDP, and it had been agreed that this application fell under Policy 10.

Councillor Brown asked if the Committee could be reminded of the comments from DCC landscape. The Principal Planning Officer read out paragraph 33 of the report.

Councillor Earley advised that he had attended the site visit and it was evident that the proposed development was on land that Pretoria Club was not on previously. He stated that trees could not be disregarded and needed to be protected. Whilst he appreciated that residents had not objected, he stated that policies were clear and confirmed that the application should be refused in line with the officers recommendation.

Councillor Peeke confirmed that she had attended the site visit and the copse of trees was not large and was likely not to grow any bigger. She commented that whilst it would be interesting to have a tree survey, she did not envisage the roots of the trees to be damaged by the development. She felt the application should be approved.

Councillor Marshall stressed it was important for pre planning advice to be consistent. In terms of sustainability, Councillor Marshall noted that many areas had seen a reduction in bus services over the years. He confirmed that he was minded to support the application and questioned if the tree survey could be mitigated or conditioned as he did not think this should delay a decision being made by the Committee.

The Legal Officer (Planning and Highways) advised that the Committee could not approve the application today as the tree survey could not be conditioned and officers thought it was necessary to approve the application, it was suggested however that the Committee could agree to defer the application subject to the completion of a tree survey for approval at a later Committee.

Following information from Ms Pipe who highlighted that there was no legal requirement to provide a tree survey, the Chair clarified that the requirement for a tree survey was not a legal requirement but had been legal advice from the officers. Therefore it was not compulsory to have and members could choose to approve without it.

He confirmed that Councillor Jopling **moved** the application to be approved without the requirement of a tree survey. This was **seconded** by Councillor Watson.

Resolved

That the application be approved subject to outstanding planning conditions delegated to officers.

b DM/22/02955/FPA - New Warlands Farm, Holmside Lane, Burnhope, Durham, DH7 6EX

The Committee considered a report of the Senior Planning Officer regarding the demolition of the existing barn and erection of a new mixed-use visitor centre (Classes E, F1 and sui generis) with associated access, parking, landscaping and drainage (for copy see file of minutes).

S Henderson, Senior Planning Officer provided a detailed presentation of the application which included a site location plan, aerial photographs, photographs of the site and proposed layout and elevations.

Councillor Oliver, Local Member for the Lanchester division addressed the Committee in support of the application. He expressed his enthusiasm with the application and was impressed with the engagement work of the North East Autism Society (NEAS) and had found the team to be inspiring. He advised that he had visited the site and, in his opinion, the application could manage with regards to the CDP and planning policies. He explained that NEAS opened in 2010 and was well shielded, it employed 51 people and supported 53 autistic and neurodivergent adults. He emphasised the work that NEAS did was invaluable, and the application was an opportunity to expand on this and stressed that the public benefit was greatly beneficial. He considered the application to be unique and whilst highway access had been raised as a concern, he felt this could be appropriately managed. Councillor

Oliver believed the application was extremely positive and requested it to be approved.

J Phillipson from the North East Autism Society addressed the Committee. He thanked colleagues at DCC Planning Department for their collaboration, Members of the Committee for the opportunity speak and thanked the elected MP's Kevan Jones and Richard Holden for their continued support of the proposal.

The charity had been delivering services at New Warlands Farm since 2010 and provided support and vocational training to 53 autistic people who also had learning disabilities. The farm and training centre employed 51 trained staff to provide structure, specialist personal support to each service user. Without this support many of the service users would not be able to cope and could lead to dysregulation resulting in hospitalisation or residential care.

In 2016, NEAS launched Employment Futures and the team supported 320 people towards employment each year. Whilst a significant number of the people trained gained full time employment, embarked on further training or commenced voluntary work, many needed more time to overcome long term challenges, learn the social skills required and gain confidence.

The proposed development would allow NEAS to deliver enhanced training, taking advantage of the farm environment. The development was only possible because of the training centre next door and the staff associated with this. The close availability of this staffing support as well as the administrative team would help to ensure a safe learning and development environment for service users. In addition to the existing staff team, the development would create 24 additional FTE job, providing work opportunities to local people who could be trained and require no professional qualifications. The shop and café would also stock locally produced goods and suppliers.

As part of this project, NEAS would work to re-wild the farm land creating a wildlife haven, managed for visitors. NEAS were committed to demonstrating that they could reduce their carbon footprint through using sustainable energy sources and their approach to ecology and conservation was to be an attraction for small school visits.

In summary, Mr Phillipson stated that this project created training opportunities for autistic people, created work for local people who required no prior qualifications or experience, worked to promote wildlife and diversity through managed re-wilding, demonstrated sustainable energy sources and electric vehicle charging, was accessible by walking; cycling or nearby public transport, drew visitors into the area in line with DCC tourism policies, and

created a safe place for families of autistic; neurodiverse or disabled people to enjoy a day out.

Councillor Marshall commended the great representations. He stressed that NEAS was a charity of regional importance and provided valuable support to vulnerable people giving them the prospect of independence and access to a paid job, which for some had been merely a dream due to barriers faced in society. He emphasised the importance of supporting rural organisations and noted the great sustainable features including the apple orchard. He believed that the application could only be delivered on the proposed site. He considered the proposal to be very special and unique and stated that the impact to neighbourly town centres would be minimal. Councillor Marshall emphasised the benefits of the application and its ability to create jobs and improve the environment and urged members to approve it and help the dreams of service users to come true.

Councillor Marshall left the Chamber.

Councillor Blakey welcomed the proposal and stated that all communities would benefit. She did not believe the proposed shop would impact on neighbouring town centres and confirmed that she fully supported the application. Councillor Blakey **moved** the application for approval.

Councillor Brown believed the application was excellent and would have no impact in terms of Policy 9 of the CDP. She **seconded** the application for approval.

The Principal Planning Officer agreed that NEAS was a fantastic charity and did a lot of great work but stressed that officers had to consider the application against the CDP and apply the relevant tests.

Councillor Watson confirmed he fully supported the application and noted it was unique and a great facility.

Councillor Earley agreed with the benefits of the application but expressed concern regarding increased traffic that could be generated in future.

Councillor Jopling felt the positives of the application outweighed the negatives and therefore supported the application.

Resolved

That the application be approved subject to outstanding planning conditions delegated to officers.

Councillor Wilson left the meeting.

c DM/22/03273/FPA - Explorer House, Butsfield Lane, Knitsley, Consett, DH8 7PE

The Committee considered a report of the Senior Planning Officer regarding the erection and use of a temporary warehouse building (70m x 30m) until December 2024 and three permanent welfare units (for copy see file of minutes).

S Henderson, Senior Planning Officer provided a detailed presentation of the application which included a site location plan, aerial photographs, photographs of the site and proposed layout and elevations and confirmed that the application was recommended for approval subject to the conditions listed in the report. The Senior Planning Officer clarified that the application was retrospect in respect of the warehouse building and 2 of the proposed 3 welfare units.

Councillor Sterling, Local Member for the Delves Lane division addressed the Committee. She stated that Erwin Hymer was valued as a major employer not just in her ward but in the wider Consett area and she understood their business needs given the challenges of the last few years. Residents were not unreasonable and accepted that they lived beside an industrial unit and did not expect it to be silent.

The main issue was that the structure was built without permission and without going through the checks and balances of the planning department. The development was unfair and illegal and had caused particular problems for residents. If it had gone through planning, officers would have had the opportunity to look at the plans in detail and discovered that the position of the structure was extremely close to the homes of residents which were all bungalows and towered over them. Other structures on the site were built at a suitable distance away from the bungalows and had it gone through planning this would have been reviewed by officers.

The temporary nature of the building had led to a lot of noise pollution. In section 33 of the report the applicant tried to explain the source of the noise, but residents had complained to her that noise could be heard during the night, well past the 10.00pm deadline stated in the report. Residents had reported the issue to the environmental health department and to the local MP but as the sound was not constant it was difficult to capture on the equipment supplied by environmental health. There was also noise from vehicles driving to and from the structure, extremely closely to the bungalows. Light pollution was also a major issue. The exterior lights were bright and shone into the bungalows. Councillor Sterling quoted para 34 of the report and questioned if tilting the lights down would help when all the

homes were bungalows. Councillor Sterling also stated that staff members were parking their vehicles off site.

Councillor Sterling explained that residents trust had been broken and if planning was to be granted, how could residents know that these issues would not continue and who, in case of a problem, could they contact at Erwin Hymer and at Durham County Council who would act immediately. Further to this, how could residents trust that the structure would be removed in 2024. Her concern was that there would be a repeat for extensions until the temporary structure became a permanent due to time. Councillor Sterling asked if Erwin Hymer were to apply for a permanent structure, would the positioning be properly looked at or because it already existed would the application fly through based on what was already there.

Councillor Sterling expressed concern that this would set a dangerous precedent and stated it was easier for developers to ask for forgiveness rather than permission.

Councillor read out a statement from a local resident.

“Over recent years when Eddis Caravans were owned by Explorer Group and presently, Erwin Hymer Group they have gradually expanded their operation in Delves Lane at the detriment of local residents. Although the company has different owners the management seem to have the same disregard for local residents as noise, light and litter pollution continues to blight the area. They continue to ride roughshod over the residents by erecting buildings without planning permission hence making a mockery of planning laws and a total disregard for Durham County Council Planning Department. Surely it is time for DCC to stand up and show solidarity with local residents in an attempt to improve the rapidly declining living conditions of the residents of Sunningdale and the surrounding area. Let's not forget, planning laws have been blatantly disregarded and anything other than a refusal for planning application DM/22/03273/FPA would give Erwin Hymer Group carte blanche for any other plans they have for future expansion”.

Councillor Sterling added that another resident had asked her to inform the Committee that he suffered from electromagnetic hypersensitivity and the close proximity of the building was really affecting his health. He bought his home just before the structure was erected and because it didn't have permission, it didn't show up on his land searches. He wouldn't have bought the house if he had known, and he is now desperate to move.

J Jackson Brown, local resident, addressed the Committee. She stated that she was told in 2020 that the temporary structure was only to be there until a permanent warehouse was built. She advised that noise had been bearable when the working hours were 8.00am to 5.00pm but as the structure was

now directly adjacent to her property there was an excess of traffic and light from the hours of 6.00am to 11.00pm. She explained that fork lift trucks were in operation on the route outside of the building from early morning in addition to large vehicles and lorries who were coming and going throughout the day and contributed to the level of noise experienced. Recently, she explained that noise levels had subsided but felt this would increase again if approval for the application was given. Ms Jackson Brown understood that Erwin Hymer needed to carry out work but stressed that this had impacted on their sleep and family life and it was important for residents to know when it would end.

Mr B Sayers, local resident, addressed the Committee. He explained that the building had no legal authorisation, and it was the residents that had informed the planning team. Residents had tried to get answers from the planning team but had felt disregarded. Residents were informed that the temporary building would come down in February 2022, this was then extended to July 2022 and now the proposal is for 2024 and pointed out that the new building had been built for a year already. He questioned how the building had been allowed and believed it contradicted several policies of the CDP. Mr Sayers urged members to protect the rights of a peaceful residency and to instruct removal of the structure.

Councillor Jopling left the meeting.

The Senior Planning Officer stated that whilst the concerns of residents regarding noise should not be diminished, members needed to focus on the application before them which was for the installation of the storage building. In terms of light pollution, he clarified that there were 4 main lights, 2 of which were existing. With regards to the location of a replacement permanent building, he advised that a new planning application would need to be submitted.

The Principal Planning Officer clarified that the applicant had not breached planning law and that there could only be a criminal offence if the applicant was instructed to apply for planning and failed to do so.

The Chair believed that Erwin Hymer would have been aware that planning authorisation was required.

Councillor Sterling highlighted that with regards to light, the light coming from within the building was also an issue for residents.

Councillor Brown asked what was on the site prior to the warehouse being built and what the current working hours were. She also stated that the report did not include a condition for B2. The Senior Planning Officer explained that the land had previously been grassland with car parking spaces and as a

significant amount of car parking spaces existed, displacement of vehicles should not be an issue and advised that the applicant did encourage staff to park on site. He agreed that hours of work may need to be investigated and could be conditioned if necessary. He clarified that the site was B8 and could be conditioned for storage only.

In response to a question from Councillor Peeke, the Senior Planning Officer confirmed that an additional warehouse had been built but he was not sure what it was used for.

Councillor Earley asked if enforcement officers existed and stated that a designated officer would be beneficial to oversee the development and be a point of contact for residents. He believed that whilst the applicant was a good employer for the area, they needed to be good neighbours and address the long term problems faced by residents in relation to noise and light.

Councillor Watson explained that misleading statements from previous planning officers had not helped the situation. He agreed that light pollution was a concern for residents and should have been addressed.

As it was lawful development, Councillor Watson asked if members could refuse the application. The Principal Planning Officer explained that the application could be refused if members felt it was detrimental. Councillor Watson questioned if it could be stipulated that a planning application be submitted by the end of 2023. The Principal Planning Officer advised that they could not condition an application to be submitted by a certain date.

Councillor Marshall understood officers comments with regards to planning policy but stressed that the applicant had done the bare minimum and to protect residents, members should either refuse the application or defer it.

The Chair explained that a motion to refuse the application had been moved by Councillor Marshall and this was seconded by Councillor Brown.

Councillor Watson felt that a deferral of the application would be preferable, and the applicant attend a future meeting. Upon reflection, Councillor Marshall agreed that a deferral was the better option and seconded Councillor Watson's proposal to defer. Councillor Marshall confirmed with the Principal Planning Officer that further information was required by the applicant with regards to light and noise mitigation.

The chair confirmed that Councillor Watson had **moved** the application to be deferred and this had been **seconded** by Councillor Marshall.

Councillor Brown asked when the application was likely to be referred to. The Chair confirmed that the Committee meeting scheduled for June 2023 should allow sufficient time.

Resolved

That the application be deferred.

Planning Services

COMMITTEE REPORT

APPLICATION DETAILS

APPLICATION NO:	DM/23/00589/FPA
FULL APPLICATION DESCRIPTION:	First-floor extension above part of bungalow, single storey extensions to south west and north east elevations and raise height of ridge (resubmission)
NAME OF APPLICANT:	Mrs Hazel Taylor
ADDRESS:	Langley Cottage Low Moor Road Langley Park Durham DH7 6TJ
ELECTORAL DIVISION:	Esh and Witton Gilbert
CASE OFFICER:	Jayne Pallas Planning Officer Telephone: 03000 268306 jayne.pallas@durham.gov.uk

DESCRIPTION OF THE SITE AND PROPOSALS

The Site

1. The application site is a detached bungalow situated to the north east of Langley Park within an Area of Higher Landscape Value. The property dates back to the late 1980's and is brick built under a tiled roof with dark coloured metal windows. The dwelling is accessed from Front Street (the C62) via a private drive across the highway verge and is served by an attached single garage. The site is bounded by stone walling fronting the highway and timber fencing/hedging to the north and west. The dwelling is isolated on the western side of the C62 highway, surrounded by open fields, however there are residential properties at a distance of approximately 60m (Newlands to the north west and a cluster of dwellings to the east).

The Proposal

2. Planning permission is sought for the erection of a first-floor extension above part of the existing bungalow, single storey extensions to the south west and north east elevations and to raise the ridge height of the dwelling. The proposed works would see the internal arrangement of the property reconfigured and would provide an additional garage and a larger replacement conservatory at ground floor. At first-floor, a master bedroom with ensuite facilities would be incorporated. There would be no change in the number of bedrooms within the property as a result of the scheme.
3. The proposed first-floor extension to create a master bedroom suite would be sited above the south western part of the existing bungalow and would measure 8m in width by 10.4m in length. The proposal would be served by a dual pitched roof, measuring 7.3m at the highest point. The extension would include bay windows and feature glazing on the principal elevation.

4. The proposed extension to the south west of the bungalow would replace an existing conservatory. The replacement would project 4m beyond the side wall of the main house and would measure 8.3m in width. The proposal would be served by a flat roof measuring 3m in height with a large, centrally positioned glazed lantern.
5. The proposed extension to the north east of the dwelling would create an additional garage and bedroom. The proposal would have a footprint of 76.5 square metres and would be served by a triple pitched roof measuring 2.8m at the eaves and 4.15m at the highest point.
6. As part of the scheme, the ridge height of the existing bungalow would be increased by 0.5m to 5.5m from ground level. The supporting documentation advises that this is to allow a natural slate roof to be installed, which requires a steeper pitch than the existing concrete tiles.
7. The external walls of the extensions would be finished in brickwork to match the existing building under a natural slate roof. In addition, the existing windows would be replaced with hardwood alternatives (stained in a colour to be confirmed).
8. This application is being considered by committee at the request of a Local County Councillor on the basis that they have raised no objection to the scheme, and that there is a large two storey house close by, therefore they feel that the erection of a partial first-floor extension at Langley Cottage would be acceptable.

PLANNING HISTORY

9. DM/22/02949/FPA – First-floor extension, single storey extensions to side, raise ridge height and render property – Withdrawn.
10. DM/20/00568/FPA – Single storey side extension – Approved.
11. 1/1988/1137/53417 - Bungalow (outline) field no 1075 – Approved.
12. 1/1987/1032/52699 – Bungalow (outline) – Refused.

PLANNING POLICY

NATIONAL POLICY

13. 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.
14. 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 National Planning Policy Framework (NPPF) are considered relevant to this proposal:

15. *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.
16. *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.
17. *NPPF Part 9 – Promoting sustainable transport.* Encouragement should be given to solutions which support reductions in greenhouse gas emissions and reduce congestion. Developments that generate significant movement should be located where the need to travel will be minimised and the use of sustainable transport modes maximised.
18. *NPPF Part 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 15 - Conserving and enhancing the natural environment.* Planning policies and decisions should contribute to and enhance the natural and local environment.

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

NATIONAL PLANNING PRACTICE GUIDANCE:

20. The Government has consolidated a number of planning practice guidance notes, circulars and other guidance documents into a single Planning Practice Guidance Suite. This document provides planning guidance on a wide range of matters. Of particular relevance to this application is the practice guidance with regards to; design process and tools; determining a planning application and use of planning conditions.

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

LOCAL PLAN POLICY:

The County Durham Plan

21. The following policies of the County Durham Plan (CDP) are considered relevant to this proposal:
22. *Policy 10 Development in the Countryside.* Development in the countryside will not be permitted unless allowed for by specific policies in the Plan, relevant policies within an adopted neighbourhood plan relating to the application site or where the proposal relates to one or more of the following exceptions; economic development, infrastructure development or the development of existing buildings. New development in the countryside must accord with all other relevant development plan policies and general design principles.
23. *Policy 21 Delivering Sustainable Transport* states that all development shall deliver sustainable transport by (in part) ensuring that any vehicular traffic generated by new

development, following the implementation of sustainable transport measures, can be safely accommodated on the local and strategic highway network and does not cause an unacceptable increase in congestions or air pollution and that severe congestion can be overcome by appropriate transport improvements.

24. *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).
25. *Policy 31 Amenity and Pollution* Sets out that development will be permitted where it can be demonstrated that there will be no unacceptable impact, either individually or cumulatively, on health, living or working conditions or the natural environment and that they can be integrated effectively with any existing business and community facilities. Development will not be permitted where inappropriate odours, noise, vibration and other sources of pollution cannot be suitably mitigated against, as well as where light pollution is not suitably minimised. Permission will not be granted for sensitive land uses near to potentially polluting development. Similarly, potentially polluting development will not be permitted near sensitive uses unless the effects can be mitigated.
26. *Policy 39 Landscape* states that proposals for new development will be permitted where they would not cause unacceptable harm to the character, quality or distinctiveness of the landscape, or to important features or views and that development affecting valued landscapes will only be permitted where it conserves, and where appropriate enhances, the special qualities of the landscape, unless the benefits of the development in that location clearly outweigh the harm.
27. *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.
28. *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.
29. The Council's Residential Amenity Design Guide (SPD) which provides detailed guidance in relation to extensions and other works to dwellinghouses to ensure that these do not have an adverse impact upon the host dwelling, the character of the wider area and residential amenity.

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

NEIGHBOURHOOD PLAN:

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

CONSULTATION AND PUBLICITY RESPONSES

STATUTORY RESPONSES:

31. Esh Parish Council – No comments or objections received.

INTERNAL CONSULTEE RESPONSES:

32. Design and Conservation - Officer advises that Langley Cottage is in a prominent position at the entrance to the village and is a standalone feature within the landscape. There are concerns regarding the scale, mass, design and materiality of the proposal which would give the building an unacceptable level of prominence within the setting. On this basis, the scheme is considered unacceptable in design terms and its impact upon the existing dwelling.
33. Landscape Officer - Notes that the site is in an isolated and prominent location within an Area of Higher Landscape Value. The site is visible from the surrounding roads. Whilst the bungalow opposite has been extended vertically, this building is seen in the context of the existing built form/mature trees that help to absorb these changes. Langley Cottage however is open and exposed in a prominent position viewable from the A691 and the adjacent C62. Although the materials have been altered as part of the resubmitted application, this does not address concerns regarding the scale and massing of the proposal.
34. County Ecologist – Based on the photographs provided, there does not appear to be any suitable features present on the building. In this instance, the inclusion of a bat informative would address any residual risk to the protected species as a result of the development.

EXTERNAL CONSULTEE RESPONSES:

35. None.

PUBLIC RESPONSES:

36. The application has been advertised by means of direct neighbour notification letters. No comments or objections have been received.

APPLICANT'S STATEMENT:

37. Mr and Mrs Taylor purchased Langley Cottage for its location and generous plot size. The bungalow is typical of its time and is of poor architectural merit. The applicants have traditional tastes and would like to improve the aesthetics of the building via the introduction of traditional and natural materials.
38. Internally, they wish to adapt the layout of the dwelling to suit their needs, including the provision of a first-floor bedroom. This is fundamental to the applicant's brief and would free up ground floor space and provide a room (serviced by a residential lift) for Mr Taylor, who suffers from Motor Neurone Disease, to enjoy the views out.
39. The proposals are relatively modest in scale and there is ongoing development at Four Wynds opposite, which has virtually doubled the size of the bungalow with a full first

floor extension. There is also a substantial two storey house, Newlands, to the north. The proposals at Langley Cottage are consistent in scale with these dwellings.

40. With regard to Policy 29 of CDP, the agent and applicants consider that the scheme would meet provisions a-l particularly in respect of low energy generation, renewables, amenity, privacy, security, landscape and wellbeing of users.
41. In terms of Policy 39, the development is not new and represents a modest scheme of extension with minimal impact. Additional screen planting is proposed which would enhance the setting of the house within the wider landscape.
42. The site is not visible when approached from Langley Park and the screen planting proposed would improve the level of seclusion. The closest property to Langley Cottage is some 55m away and therefore the scheme raises no privacy issues.
43. No third-party objections or comments have been received and the concerns of the Design and Conservation Officer and Landscape Officer have not extended to objections. There is also strong informal support locally for the development.

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

44. Section 38(6) of the Planning and Compulsory Purchase Act 2004 sets out that regard is to be had to the development plan, decisions should be made in accordance with the development plan unless material considerations indicate otherwise.
45. 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 CDP was adopted in October 2020 and provides the policy framework for the County up until 2035.
46. In this context, it is considered that the main planning issues in this instance relate to: landscape/visual impacts, residential amenity, highway safety and ecology:

Landscape and Visual Impacts

47. Policy 10 of the County Durham Plan (CDP) relates to development in the countryside. The policy supports the extension of an existing dwelling or other householder development within the existing curtilage, providing the proposal would meet the general design principles for all development in the countryside. This includes ensuring that the development would not, by virtue of its siting, design or operation give rise to unacceptable harm to the heritage, biodiversity, geodiversity, intrinsic character, beauty or tranquillity of the countryside which cannot be adequately mitigated or compensated for.
48. Policy 29 of the CDP outlines that development proposals should contribute positively to an area's character, identity, heritage significance, townscape and landscape features, helping to create and reinforce locally distinctive and sustainable communities. Parts 12 and 15 of the NPPF also seek to promote good design, while protecting and enhancing local environments. Paragraph 130 of the NPPF also states that planning decisions should aim to ensure developments function well and add to the overall quality of the area

and establish a strong sense of place, using streetscapes and buildings to create attractive and comfortable places to live, work and visit.

49. Policy 39 of the CDP states proposals for new development will be permitted where they would not cause unacceptable harm to the character, quality or distinctiveness of the landscape, or to important features or views. Proposals are expected to incorporate appropriate measures to mitigate adverse landscape and visual effects. Development affecting Areas of Higher Landscape Value will only be permitted where it would conserve, and where appropriate enhance, the special qualities of the landscape, unless the benefits of the development in that location clearly outweigh the harm. Parts 12 and 15 of the NPPF promote good design and set out that the planning system should contribute to and enhance the natural and local environment by (amongst other things) recognising the intrinsic character and beauty of the countryside.
50. A Residential Amenity Standards Supplementary Planning Document (SPD) has also been adopted by the Council. This provides guidance for all residential development across County Durham and forms a material planning consideration in the determination of appropriate planning applications. The general design principles contained within the SPD advise that, amongst other criteria, that new development should be consistent with the design of the existing property, should be subservient and of a scale that is appropriate to the existing building and should not have an overbearing appearance or nature. Furthermore, the SPD clarifies that oversized extensions can completely change the character of an area and should be avoided.
51. The application site is a detached bungalow situated to the north east of Langley Park on land identified as an Area of Higher Landscape Value. The dwelling represents a standalone feature on the western side of the C62 highway and is both visually and physically detached from the existing built form of development. The bungalow commands a prominent position within the landscape and is slightly raised above the roadside, therefore can be seen in views from the C62 highway into the village and from the A691 carriageway to the north. Although the site is highly visible within its setting, the existing bungalow is low in height with a muted material palette, which assists in assimilating the building into the landscape.
52. The proposed scheme seeks to make sizeable alterations to the property via the introduction of a first-floor extension, an increase in the height of the existing ridge and the erection of single storey extensions to both the north east and south west elevations. The resulting development would substantially increase the mass of the existing building both in terms of footprint and height.
53. The Council's Design and Conservation Officer was consulted and has expressed concerns regarding the design, scale and massing of the proposed development. The existing property is already a sizeable bungalow, however this combined with the development proposed would give the building an unacceptable level of prominence within the landscape and would be inappropriate in terms of the setting and design of the existing dwelling. Whilst the amended scheme shows the use of matching brickwork, the Design and Conservation Officer is of the opinion that this would not reduce the prominence of the dwelling in terms of its scale and massing, therefore the alterations would still result in the building appearing as a dominant feature on the main approach into the village.
54. The Council's Landscape Officer shares the concerns raised by the Design and Conservation Officer, and advises that the site is open and exposed and therefore the alterations would be inappropriate in terms of scale and mass for the rural setting.

55. By virtue of the size of the alterations proposed to the existing bungalow, it is considered that the scheme would dominate the original property and would create a building of excessive height and scale in a highly prominent and isolated position within an Area of Higher Landscape Value. The proposed alterations are not considered to be sympathetic to the character or appearance of the host building and whilst the use of matching brickwork is proposed, the extensions would be overly suburban and bulky in design and would represent a visually intrusive addition, resulting in the building standing out as an incongruous and inappropriate feature within the landscape. The landscaping scheme proposed is not considered to adequately mitigate against this harm, particularly given the two-storey nature of the development and the time needed for the hedgerow/tree planting to mature.
56. To conclude, the development is considered to be of poor design and of an overbearing scale and mass which would result in an isolated and prominent feature within the landscape, to the detriment of the special qualities of the Area of Higher Landscape Value and the intrinsic character and beauty of the countryside. The benefits of the development are not considered to outweigh the harm identified to the Area of Higher Landscape Value. The scheme is therefore considered to conflict with Policies 10, 29 and 39 of the County Durham Plan, Parts 12 and 15 of the National Planning Policy Framework and the Residential Amenity Standards Supplementary Planning Document.

Residential Amenity

57. Policies 29 and 31 of the CDP outline that developments should provide high standards of amenity and privacy, minimise the impact of development upon the occupants of existing adjacent and nearby properties and not lead to unacceptable levels of pollution. A Residential Amenity Standards Supplementary Planning Document (SPD) has also been adopted by the Council. The aforementioned policies and SPD can be afforded significant weight. Parts 12 and 15 of the NPPF, require that a good standard of amenity for existing and future users be ensured, whilst seeking to prevent both new and existing development from contributing to, or being put at unacceptable risk from, unacceptable levels of pollution.
58. Given the isolated position of Langley Cottage with the closest neighbouring property situated approximately 60m away, the scheme is not considered to have an unacceptable impact upon amenity in terms of size, daylight or privacy. In this respect, the scheme is considered to adequately accord with the provisions of Policies 29 and 31 of the CDP, Parts 12 and 15 of the NPPF and the Residential Amenity Standards SPD.

Highway Safety and Access

59. Policy 21 of the CDP outlines that development should not be prejudicial to highway safety or have a severe cumulative impact on network capacity. It also expects developments to deliver well designed pedestrian routes and sufficient cycle and car parking provision. Similarly, Policy 29 of the CDP advocates that convenient access is made for all users of the development together with connections to existing cycle and pedestrian routes. Specifically, the NPPF sets out at Paragraph 110 that safe and suitable access should be achieved for all people. In addition, Paragraph 111 of the NPPF states that development should only be refused on transport grounds where the residual cumulative impacts on development are severe.
60. The application proposes no change to the existing access to the site from the C62 highway and it is considered that sufficient parking would be provided relative to the scale of the development. As such, the scheme would not give rise to highway safety implications and would accord with the requirements of Policies 21 and 29 of the CDP and Part 9 of the NPPF.

Ecology

61. Policies 41 and 43 of the CDP seek to secure net gains for biodiversity and coherent ecological networks. Policy 43 relates to protected species and nationally and locally protected sites. Part 15 of the NPPF seeks to ensure that developments protect and mitigate harm to biodiversity interests, and where possible, improve them.
62. Following the submission of site photographs, the Council's Ecologist has advised that a suitably worded informative in this instance would address any residual risk relating to bats. Subject to the relevant informative, the scheme is considered to accord with Policies 41 and 43 of the CDP and Part 15 of the NPPF.

Additional Matters

63. In correspondence with the applicant/agent, it has been highlighted that the neighbouring property, Four Wynds, on the opposite side of the C62 highway is currently being developed following the granting of planning permission to erect a first-floor extension above the bungalow and to alter its design/material palette.
64. Whilst the works to Four Wynds nearby are acknowledged, this dwelling is viewed as part of the line of buildings on the eastern side of the highway and is seen against the backdrop of the existing built form and established tree cover. This allows the development of Four Wynds to be absorbed into the landscape without significant visual effects.
65. Langley Cottage however is situated in a more prominent position as a standalone feature and is clearly visible from the surrounding roads, including the A691 to the north. As such, the landscape setting is not comparable between Langley Cottage and Four Wynds, and each site is to be assessed on its own merit.
66. Reference has also been made to Newlands to the north west, which is a substantial detached property fronting the A691 highway. Based on historic mapping data, the two-storey dwelling was constructed in the 1950's and was later extended with a single storey extension to the rear (in the late 1990's). The siting of this property is not considered to justify or set a precedent for the proposed alterations to Langley Cottage, therefore this issue is not a material planning consideration that would overcome the landscape impacts identified above.

Public Sector Equality Duty

67. 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.
68. In this instance, officers have assessed all relevant factors and do not consider that there are any equality impacts identified.

CONCLUSION

1. Section 38(6) of the Planning and Compulsory Purchase Act 2004 sets out that planning applications be determined in accordance with the development plan unless material considerations indicate otherwise.
2. In summary, the proposals are considered to adequately preserve residential amenity, highway safety and ecological issues, in accordance with Policies 21, 29, 31, 41 and 43 of the County Durham Plan and Parts 9 and 15 of the National Planning Policy Framework.
3. However, in the opinion of the Local Planning Authority, the proposed scheme by virtue of its scale, mass and design would have an overbearing and visually intrusive impact upon the character and appearance of the host property, the special qualities of the Area of Higher Landscape Value and the intrinsic character and beauty of the countryside. This is in conflict with Policies 10, 29 and 39 of the County Durham Plan; Parts 12 and 15 of the National Planning Policy Framework; and the Residential Amenity Standards Supplementary Planning Document.

RECOMMENDATION

That the application be **REFUSED** for the following reason:-

The proposed development, by virtue of its scale, mass and design, would represent an overly prominent and insensitive addition to the host property and would create unacceptable harm to the character, quality and distinctiveness of the Area of Higher Landscape Value. The benefits of the development are not considered to outweigh the landscape harm identified. The application is considered to conflict with Policies 10, 29 and 39 of the County Durham Plan; Parts 12 and 15 of the National Planning Policy Framework; and the Residential Amenity Standards Supplementary Planning Document.

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

Statutory, internal and public consultation responses

The National Planning Policy Framework

National Planning Practice Guidance Notes

County Durham Plan

Residential Amenity Standards SPD (2020)



<p>Planning Services</p>	<p>DM/23/00589/FPA First-floor extension above part of bungalow, single storey extensions to south west and north east elevations and raise height of ridge (resubmission)</p>	
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	<p>Date</p>	<p>Scale NTS</p>

