



Area Planning Committee (North)

Date Thursday 29 June 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 18 May 2023 (Pages 3 - 6)
4. Declarations of Interest (if any)
5. Applications to be determined by the Area Planning Committee (North Durham)
 - a) DM/22/01929/OUT - Land To The Rear Of 1 To 8 Wesley Terrace, Castleside Industrial Estate, Castleside, DH8 9QB (Pages 7 - 34)
Outline consent for Use Class C3 residential development of up to 18 units with access (with all other matters reserved).
 - b) DM/22/03273/FPA - Explorer House, Butsfield Lane, Knitsley, Consett, DH8 7PE (Pages 35 - 48)
Erection and use of a temporary warehouse building (70m x 30m) until December 2024 and three permanent welfare units.
 - c) DM/22/01445/FPA - Land Adjacent to 4-5 Shotley Grove Road, Shotley Bridge, Consett, DH8 8SF (Pages 49 - 70)
Replacement of existing septic tank with a domestic sewage treatment plant.
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
21 June 2023

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

Councillor E Peeke (Chair)
Councillor W Stelling (Vice-Chair)

Councillors G Binney, J Blakey, L Brown, K Earley, J Griffiths,
D Haney, P Jopling, B Moist, J Purvis, I Roberts, K Shaw,
A Sterling, A Watson and S Wilson

Contact: Joanne McCall

Tel: 03000 269701

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 18 May 2023 at 9.30 am**

Present:

Councillor W Stelling (Chair)

Members of the Committee:

Councillors G Binney, J Blakey, L Brown, J Griffiths, D Haney, C Marshall, E Peeke, J Purvis, K Shaw, W Stelling (Vice-Chair), S Wilson and D Sutton-Lloyd

Also Present:

Councillor B Coult

1 Apologies for Absence

Apologies for absence were received from Councillors P Jopling, M McGaun and A Watson.

2 Substitute Members

Councillor Sutton-Lloyd substituted for Councillor P Jopling.

3 Minutes

The minutes of the Meeting held on 27 April 2023 were confirmed as a correct record and signed by the Chair.

4 Declarations of Interest

There were no declarations of interest.

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

The Committee considered a report of the Planning Officer regarding a First-floor extension above part of bungalow, single storey extensions to south

west and north east elevations and raise height of ridge (resubmission) (for copy see file of minutes).

J Pallas, Planning Officer provided a detailed presentation of the application which included a site location, aerial photographs, photographs of the site and existing and proposed plans. The application was recommended for refusal.

Councillor B Coult, local member for the Esh and Witton Gilbert division addressed the Committee in support of the application. Mr and Mrs Taylor bought the bungalow with a view to making it their home, one where Mr Taylor who had Motor Neurone Disease could enjoy the garden and surrounding views. Members who attended the site visit had a good opportunity to view the property within the grounds and also note the large scale properties nearby.

Councillor Coult stated that officers had expressed concern around the proposed extensions not being considered sympathetic to the characters of the host building but advised that the extension would be built in brick to match the existing walls and that natural slate would be added to the roof, and the UPVC windows replaced with traditional timber frames to blend in with the semi rural area. Councillor Coult disagreed that the proposal would make the property look overly suburban. She advised that concerns had also been raised regarding the scale and mass of the alterations, however she pointed out that within the vicinity there was a large scale two storey house with garage, and an additional property undergoing significant development.

Councillor Coult went on to quote Policy 39 of the County Durham Plan (CDP) and stated that the property was approximately 45 years old and the proposed works would not cause unacceptable harm. When exiting Langley Park, Langley Cottage could not be seen until the start of the boundary wall. Mr and Mrs Taylor intended to plant trees to the north east of their garden to create a natural boundary which would minimise any visual impact on people travelling along the A691 and advised that the proposed extension to the south west of the property was already screened by hedgerow.

Finally, Councillor Coult confirmed that no objections had been received from local residents and stressed that the proposal would not have a negative impact on the landscape and would be built sympathetic to the semi rural surroundings. Councillor Coult confirmed that herself and Councillor Simpson fully supported the application and encouraged members to approve it.

Mr T Greenwell, Agent addressed the Committee. He advised that Langley Cottage was of poor architectural merit and the proposals would improve the aesthetics of the property and would better suit the needs of the owners. He confirmed that traditional natural materials would be used and advised that

the first floor bedroom, serviced by a lift, would allow for views out and free up space on the ground floor. In his opinion, the proposals were modest in scale and met all requirements at Policies 29 and 39 of the CDP. Mr Greenwell considered the application low key and believed the proposals would significantly improve the existing property.

Mrs H Taylor, Applicant addressed the Committee. She explained that her husband had motor neurone disease and they had purchased Langley Cottage and submitted the planning application to plan for their future. Mrs Taylor advised that the cottage had small boxed sized rooms, one garage, low ceilings and stated that some of the spaces within the property were unusable and it was therefore not the sizeable property as had been stated by the planning officer. Mrs Taylor explained that the southern end of the property was private, and the proposal was to include a first floor bedroom which would be accessed by a private lift and would allow her husband to enjoy the views out and stressed that this would have no impact from the outside. Mrs Taylor stated that planning officers had not visited the site prior to a decision being made and that misleading photographs of the property had been taken using Google Earth.

L Dalby, Principal Planning Officer responded to Mrs Taylor's comments regarding photographs from Google Earth and clarified that the photographs were the planning officer's own photographs and had been taken whilst on site.

Councillor Wilson appreciated that the proposals would significantly change the footprint and whilst he accepted the property was in an area of high landscape value, he pointed out that there was a service station garage in proximity. Councillor Wilson **moved** the application for approval.

Councillor Shaw **seconded** that the application be approved.

Councillor Brown asked why the application submitted in 2022 had been withdrawn. The Planning Officer explained that officers had raised concern regarding the proposal and this had led to the withdrawal. The Planning Officer advised that the only change to the new application submitted was the choice of materials explaining that brickwork had now been proposed rather than render.

Councillor Marshall stated the agent and applicant had eloquently outlined their case and whilst he accepted the views of the planning officer, he felt that the original build would have had a greater impact on the landscape than what was proposed in the application. He believed that the current proposals would meet the future needs of the family and did not consider the 0.5m increase in height to have a detrimental impact on the landscape.

The Principal Planning Officer clarified that the ridge height of the existing property would be increased by 0.5m and in addition to this there would also be an additional storey to the property which would be 2.4m in height.

Councillor Haney noted that the proposals were larger than what currently existed however felt they would be aesthetically pleasing. In response to a question from Councillor Haney regarding an additional storey, the Principal Planning Officer stated that the dwelling was in an area of high landscape value and any increase to the scale of the dwelling would affect the openness of the countryside.

Councillor Haney further asked what weight planning officers could give to an applicant and their disability. The Principal Planning Officer advised that officers must consider the dwelling and clarified that it was not a personal consent. He informed Members that officers had discussed alternative options with the applicant including extending the ground floor level of the existing property.

Councillor Haney believed that the proposal did not constitute unacceptable harm and confirmed that he supported its approval.

Councillor Brown stated that the application conflicted with several planning policies, and although each application needed to be considered on its own merit, she expressed concern that if approved, it could be used as a benchmark for future applications. Councillor Brown was sympathetic to the applicant but on balance confirmed that she supported the officer's decision to refuse the application.

L Ackermann, Legal Officer (Planning and Highways) asked Members if they agreed for any subsequent conditions to be delegated to officers in consultation with the Chair, should they be minded to approve the application. Members agreed.

The Chair confirmed Councillor Wilson had moved the application for approval and this had been seconded by Councillor Shaw.

Resolved

That the application be **APPROVED** with conditions delegated to officers in consultation with the Chair.

Planning Services

COMMITTEE REPORT

APPLICATION DETAILS

APPLICATION No:	DM/22/01929/OUT
FULL APPLICATION DESCRIPTION:	Outline consent for Use Class C3 residential development of up to 18 units with access (with all other matters reserved)
NAME OF APPLICANT:	Mr M Lund
ADDRESS:	Land To The Rear Of 1 To 8 Wesley Terrace Castleside Industrial Estate Castleside DH8 9QB
ELECTORAL DIVISION:	Lanchester
CASE OFFICER:	Scott Henderson Senior Planning Officer Telephone: 03000 256286 scott.henderson@durham.gov.uk

DESCRIPTION OF THE SITE AND PROPOSALS

The Site and Proposals

1. The application site is 0.65ha of sloping unimproved open grassland, formerly included within the area of Castleside Industrial Estate at Moorside, between Consett and Castleside. The land fronts onto the A692 that connects those two settlements, being surrounded on three sides by existing residential development – modern detached and semis, post-war semis, a bungalow and detached and semi-detached Victorian – all of which back onto the site. The remaining boundary is shared with the access road to the industrial and commercial buildings in the adjacent employment area - a designated Public Right of Way runs on this boundary, the path of which is included within the extended site boundary as it runs along the rear of the new housing development of Wesley Lea where it connects with countryside designated as an Area of High Landscape Value. This Area includes a Local Wildlife Site and Ancient Woodland in the immediate vicinity.
2. On-site features are restricted to two areas of unmaintained scrub and small trees on the south and west site boundaries. The land is defined by its topography, sloping steeply from south to north, with a rising embankment defining the boundary with the industrial estate road. The modern housing development of Wesley Lea, on the higher slope to the south is further set above the site by a retaining wall.
3. The application is in 'outline' form, asking consent for the principle of development for a residential scheme of up to 18 units. Only the access into the site is requested

approved in detail at this stage. The applicants have submitted an 'indicative' layout to show that the scheme can accommodate the proposed upper number of units.

4. This application is being considered by committee as a 'major' scheme.

PLANNING HISTORY

5. DM/21/03388/OUT - Outline consent for Residential development of up to 21 units, including details of access, with all other matters reserved. Withdrawn May 2022.
6. DM/16/00986/OUT - Outline application for residential development of up to 21 units, including details of site access, submitted in March 2016 and resolved as 'Minded to Approve' by the Planning Committee in May 2016, subject to the applicant entering into a s.106 legal agreement to ensure the delivery of affordable housing on the site, and monies in lieu of on-site play- and open-space provision if not provided for in the detailed layout of any subsequent reserved matters application. The applicant had agreed in principle to these requirements, however ten months later, in March 2017 with no sign of any progress the application was 'Finally Disposed of'. The planning consent was not therefore granted.

PLANNING POLICY

NATIONAL POLICY

7. 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.
8. 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;
9. NPPF Part 2 Achieving Sustainable Development - The purpose of the planning system is to contribute to the achievement of sustainable development and therefore at the heart of the NPPF is a presumption in favour of sustainable development. It defines the role of planning in achieving sustainable development under three overarching objectives - economic, social and environmental, which are interdependent and need to be pursued in mutually supportive ways. The application of the presumption in favour of sustainable development for plan-making and decision-taking is outlined.
10. NPPF Part 4 Decision-Making - Local planning authorities should approach decisions on proposed development in a positive and creative way. They should use the full range of planning tools available, including brownfield registers and permission in principle, and work proactively with applicants to secure developments that will improve the economic, social and environmental conditions of the area. Decision-makers at every level should seek to approve applications for sustainable development where possible.

11. NPPF Part 5 - Delivering a Sufficient Supply of Homes - To support the Government's objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed, that the needs of groups with specific housing requirements are addressed and that land with permission is developed without unnecessary delay.
12. NPPF Part 6 – Building a strong, competitive economy. The Government is committed to securing economic growth in order to create jobs and prosperity, building on the country's inherent strengths, and to meeting the twin challenges of global competition and a low carbon future.
13. NPPF Part 8 - Promoting Healthy and Safe Communities - The planning system can play an important role in facilitating social interaction and creating healthy, inclusive communities. Developments should be safe and accessible; Local Planning Authorities should plan positively for the provision and use of shared space and community facilities. An integrated approach to considering the location of housing, economic uses and services should be adopted.
14. NPPF Part 9 - Promoting Sustainable Transport - Encouragement should be given to solutions which support reductions in greenhouse gas emissions and reduce congestion. Developments that generate significant movement should be located where the need to travel will be minimised and the use of sustainable transport modes maximised.
15. NPPF Part 11 - Making Effective Use of Land - Planning policies and decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions. Strategic policies should set out a clear strategy for accommodating objectively assessed needs, in a way that makes as much use as possible of previously developed or 'brownfield' land.
16. NPPF Part 12 - Achieving Well-Designed Places - The Government attaches great importance to the design of the built environment, with good design a key aspect of sustainable development, indivisible from good planning.
17. NPPF Part 14 – Meeting the challenge of climate change, flooding and coastal change - The planning system should support the transition to a low carbon future in a changing climate, taking full account of flood risk and coastal change. It should help to: shape places in ways that contribute to radical reductions in greenhouse gas emissions, minimise vulnerability and improve resilience; encourage the reuse of existing resources, including the conversion of existing buildings; and support renewable and low carbon energy and associated infrastructure.
18. NPPF Part 15 - Conserving and Enhancing the Natural Environment - Conserving and enhancing the natural environment. The Planning System should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes, geological conservation interests, recognising the wider benefits of ecosystems, minimising the impacts on biodiversity, preventing both new and existing development from contributing to or being put at unacceptable risk from pollution and land stability and remediating contaminated or other degraded land where appropriate.

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

19. The Government has consolidated a number of planning practice guidance notes, circulars and other guidance documents into a single Planning Practice Guidance Suite. This document provides planning guidance on a wide range of matters. Of particular relevance to this application is the practice guidance with regards to; air quality; historic environment; design process and tools; determining a planning application; flood risk; healthy and safe communities; land affected by contamination; housing and economic development needs assessments; housing and economic land availability assessment; light pollution; natural environment; 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; and; water supply, wastewater and water quality.

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

LOCAL PLAN POLICY:

The County Durham Plan

20. *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.
21. *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.
22. *Policy 19 Type and Mix of Housing.* Advises that on new housing developments the council will seek to secure an appropriate mix of dwelling types and sizes, taking account of existing imbalances in the housing stock, site characteristics, viability, economic and market considerations and the opportunity to facilitate self-build or custom build schemes.
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 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.

25. *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.
26. *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 sites 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 the proposal must not cause significant or irreparable interference with other electrical equipment, air traffic services or other instrumentation in the national interest. Any residential and commercial development should be served by a high-speed broadband connection, where this is not appropriate, practical or economically viable developers should provide appropriate infrastructure to enable future installation.
27. *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).
28. *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.
29. *Policy 32 Despoiled, Degraded, Derelict, Contaminated and Unstable Land* states [in part] that development will not be permitted unless the developer can demonstrate that the site is suitable for the proposed use, and does not result in unacceptable risks which would adversely impact on the environment, human health and the amenity of local communities.
30. *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.

31. *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.
32. *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.
33. *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.
34. *Policy 40 Trees, Woodlands and Hedges* states that proposals will be expected to retain existing trees where they can make a positive contribution to the locality or to the development, maintain adequate standoff distances between them and new land-uses, including root protection areas where necessary, to avoid future conflicts, and integrate them fully into the design having regard to their future management requirements and growth potential.
35. *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.

36. *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.

37. There is no relevant neighbourhood plan within this area.

SUPPLEMENTARY GUIDANCE:

38. Residential Amenity SPD 2023.

CONSULTATION AND PUBLICITY RESPONSES

STATUTORY AND INTERNAL RESPONSES:

39. *DCC Highways* - These proposals are a reduction in the amount of units from the preapplication advice previously sought for 24 residential units. In regards to the design of the access junction and the roads and footways these are broadly acceptable for outline consent however an additional visitor parking space near the site access would be required with any full application submission.

No objections would therefore be raised subject to the following condition for any consent granted.

No development shall commence until full engineering details of the new access road onto Castleside Industrial Estate, consistent with that on approved drawing 22/030/02 layout plan, have been submitted to and agreed with the Local Planning Authority. The access scheme shall be designed to a width of 5.5m with 6m entry junction radii, site visibility splays of 2.4 x 43 shall be clearly demonstrated and shall include full details of the relocation of any public infrastructure to the site entrance. The development shall thereafter be completed in accordance with the approved details prior to first occupation of any dwelling and the access shall be, as approved, retained for the lifetime of the development.

40. *The Lead Local Flood Authority* considers that the submitted Drainage Strategy is an acceptable solution for surface water management at outline stage.

41. Healeyfield Parish Council – Neither objection or supports the application but requested the following if the application is approved:

1. The parish would like the provision of two salt bins on the estate, due to the gradient.

2. The parish would like the Public Right of Way recognised, footpath named Way of Light, and that it is appropriately surfaced for long term use

42. *DCC Affordable Housing* - request the following points should be incorporated within the design, layout and supply of affordable housing in the development: Affordable units should be delivered as houses or bungalows as there is no demand for flats/apartments/bedsits in this area, as either rented or home ownership units. Housing provided would be preferred as 3 bedroomed units for affordable home ownership properties. All units should meet NDSS as a minimum but larger units would be welcomed. Affordable Home Ownership above the policy requirement for First Homes should meet the definition as set out in the NPPF, however we would recommend that Discount Market Sale be considered in this area as there is demand for this product to meet local housing need. These points should be reflected in the layout and affordable provision of the site to avoid future revisions. However, should the developer have evidence of other housing need in the area from their own research we would ask that this provided in the form of a Housing Need Assessment. If Discount Market Sale is to be included the level of discount to be applied to a would not be agreed until Reserve Matters stage using a standard mechanism. In preparation for

this we would ask that the developer obtain accurate and up-to-date open market valuations of the properties which will be provided at this stage. Any units which will be provided as Shared Ownership will need a Registered Provider to be onboard as early as possible.

43. *DCC Design and Conservation* – note that this application is a resubmission of a previous outline application. The indicative layout plan is similar to that previously shown. The previous proposal was assessed by DCC internal design review. The concerns raised with regard to ‘character’ and ‘creating well-defined streets and spaces’ are still considered relevant. Any amended scheme should ensure those points are addressed and development appropriately integrates with the existing plan-form.
44. *DCC Ecology* – have no objections at Outline Stage subject to an off site contribution towards biodiversity net gain. The applicants have agreed to a £50,000 financial contribution.
45. *DCC Environmental Health and Consumer Protection (Pollution Control) (Contaminated Land)* – have no objections to the scheme subject to planning conditions in relation to land decontamination.
46. *DCC Environmental Health (Nuisance Action)* – notes that the development would see the introduction of receptors sensitive to noise, dust, odour and light impacts.

The applicant has provided an air quality assessment, which has also given some consideration to odorous activities from two of the industrial units, section 4.6.1 of the air quality assessment, the assessment has not actually undertaken any odour modelling in order to support the authors' assumption that odour from the industrial estate will not impact upon the amenity of future residents; that said given the location of the properties and the prevailing wind direction odour is not considered to be a limiting factor in relation to this application.

Consideration has also been given to controlling dust emissions and planners are recommend to secure control of noise and dust during the development phase through appropriate conditions, detailed below, should they be minded in granting permission. However, in terms of noise and light no consideration appears to have been given to protecting either the future occupants of any such development or the businesses which operate within the industrial estate.

The development will be subjected to traffic noise from the busy A692 Consett Road, situated in close proximity to the north and west of the development site, as well as noise from industrial vehicles, heavy goods vehicles, forklift trucks and other vehicles entering and exiting the industrial estate.

Planners are advised to apply the following condition in relation to traffic noise, conditions in relation to statutory nuisance are recommended further below:

- o Should the dominant noise source affecting the development site be identified as from transport, than an assessment should be provided as follows;
An assessment compliant with the Professional Practice Guidance on Planning and Noise (ProPG) (2017), to include the following:
Stage 1: A risk assessment providing an indication of the likely adverse effects from noise based on a "typical worst case" 24hr day. The assessment should demonstrate whether the effects of noise are negligible, low, medium or high.
Where the results of the risk assessment demonstrates that the potential effect without noise mitigation is low, medium or high, a stage 2 assessment will be provided.

Stage 2: Provide an acoustic design statement (ADS), proportionate with the risk identified in stage 1 and the scale of the development. This must include all relevant elements as defined in the ProPg guidance, to include demonstration of good acoustic design, adherence with the internal and external guideline values and full details of any mitigation measures found necessary.

Where significant noise from commercial activities/processes/plant be identified then the following assessment should also be carried out:

A detailed noise impact assessment, compliant with the methodology stated in BS 4142: 2014, demonstrating the noise rating level from nearby commercial noise sources. Should the assessment demonstrate that the rating level of existing commercial operations/fixed plant be more than 5dB LAeq (1 hour) (07.00-23.00) and 0dB LAeq (15 mins) (23.00-07.00) above the background noise level (LA90) at noise sensitive receptors, then a scheme of sound attenuation measures must be proposed. The industrial estate itself is immediately adjacent to the development site, situated to the north and east, several of the industrial units operate on a 24-hr basis, or have the capability to do so. Complaints have been received over the years from existing residential properties relating to noise and odours from industrial operations and there are concerns relating to this application due to the potential impact on existing commercial business operations, the siting of further sensitive receptors could see a restriction on both existing operations as well as restrictions on the units to develop in the future.

In addition, I can confirm that I have 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 and would comment as follows:

Having considered the information submitted with the application I am of the opinion that the granting of planning permission for the development may potentially result in a statutory nuisance being created, as clarified below.

Noise and lighting involved with industrial operations on the Castleside Industrial Estate may give rise to statutory nuisance for future residents of this proposed development; dust and noise during the construction phase of the proposed development may give rise to nuisance to existing sensitive receptors.

However, I consider that the following conditions are sufficient to mitigate the potential of a statutory nuisance and therefore if affixed will remove my objection to the development.

1. Before the commencement of the development a detailed noise impact assessment should be provided, compliant with the methodology stated in BS 4142: 2014. The aim of the assessment shall be to demonstrate the impact of noise from commercial operations on the proposed residential development. Should the assessment demonstrate that the rating level of proposed/existing commercial operations/fixed plant be more than 5dB LAeq (1 hour) (07.00-23.00) and 0dB LAeq (15 mins) (23.00-07.00) above the background noise level (LA90) at noise sensitive receptors, then a scheme of sound attenuation measures must be submitted and approved in writing by the local planning authority. The approved scheme shall be implemented prior to the beneficial occupation of the development and shall be permanently retained thereafter.

2. Prior to the commencement of any part of the development or any works of demolition, a Construction Management Plan shall be submitted to and approved in writing by the local planning authority. The Construction Management Plan shall be prepared by a competent person and shall consider the potential environmental impacts (noise, vibration, dust, & light) that the development may have upon any

nearby sensitive receptors and shall detail mitigation proposed, as a minimum this should include, but not necessarily be restricted to, the following:

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

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

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

3. In undertaking the development:

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.

47. *Local Education Authority* - confirm that based on the projected rolls of the schools, taking into account the likely implementation timeframe of the development, build rates and other committed development there would be sufficient space to accommodate the pupils generated by the development for primary education, however there would be a shortfall for secondary education, requiring mitigation through a payment of £49,662 (as 3 x pupils @ £16,554) to facilitate provision of additional teaching provision.
48. *DCC Public Rights of Way* – note the presence of a footpath running alongside the site's northern boundary: A section of the footpath would be affected by the proposed estate access road crossing over it, where it will require dropped curves or defined pedestrian crossing points either side of the estate road. The footpath appears to remain unaffected by the proposal where it leaves the adopted highway running in a southerly direction then in a south-easterly direction. Any proposed new fencing or hedging alongside must not detrimentally affect this path or diminish its width.
49. *DCC Spatial Policy* – states that the site is located within the built up area of Castleside and residential development is considered acceptable in planning terms. Policy 6 sets down a number of criteria, alongside a range of further policy requirements including those under Policies 15, 19, 21, 25, 26, 27, 29, 31, 32, 35, 40 and 41 that would need to be satisfied in order to accord with the development plan.
50. *DCC Tree Officers* – raise no landscape concerns subject to compliance with the Arboricultural method statement and recommend additional planting to be designed at Reserved Matters stage.

EXTERNAL CONSULTEE RESPONSES

51. *The County Durham NHS Care Commissioning Group (CCG)* notes that the level of development is below the threshold for developer contributions.

PUBLIC RESPONSES:

52. The application was publicised as a major development by way of press and site notice. Additionally, 39no. notifications lettersz were sent directly to neighbouring properties. 5 objections and 1 representation were received.
53. The main reasons raised in the objections are as follows:
 - Loss of privacy to existing residential properties.
 - Increase in traffic.
 - Unacceptable impacts from the nearby industrial uses.
 - Loss of wildlife habitat.
 - Loss of views.

- Devaluation of properties.
- Loss of light to existing residential properties.
- There is sufficient housing stock in the area.
- Modern designed homes do not reflect the character of the area.
- Land drainage is a problem.
- The development will contaminate the natural spring on the site.
- Lack of play space.

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

54. Section 38(6) of the Planning and Compulsory Purchase Act 2004 sets out that if regard is to be had to the development plan, decisions should be made in accordance with the development plan unless material considerations indicate otherwise. In accordance with advice within the National Planning Policy Framework (NPPF), the policies contained therein are material considerations that should 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, highway safety and access, landscape and visual impact, ecology, flooding and drainage.

PRINCIPAL OF DEVELOPMENT

55. 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)
56. Policy 6 of the County Durham Plan supports development on sites which are not allocated in the Plan, but which are either within the built-up area or outside the built up area but well related to a settlement, stating that such development will be permitted provided it is compatible with uses 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.
57. As detailed above policy 6 of the CDP permits development on unallocated sites provided it meets the criteria set out within the policy. In this regard it is considered that the proposal can draw in principle support from this policy given that it is within the built up framework, the site is located within close proximity to compatible residential uses and would not be prejudicial to any existing or permitted adjacent uses (criteria a) whilst it is acknowledged that the site is close to industrial and commercial uses, the Councils Env. Health section have no objections in principle subject to a noise assessment to establish the relevant noise mitigation measures, it is within the existing built framework of Castleside and as such would not lead to coalescence with neighbouring settlements (criteria b), would not result in a loss of open land that has any recreational, ecological or heritage value (criteria c), would not result in the loss of

a valued village facility (criteria g). Consideration of criteria d, e and f of policy 6 are considered elsewhere within this report. It is not considered that criteria h, i and j are relevant due to the outline nature of the proposal.

58. It is therefore considered that the principle of residential use in this location is acceptable subject to the relevant material considerations as set out below.

SUSTAINABLE DEVELOPMENT

59. 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. In applying the presumption and in viewing the Government agenda to build more homes due regard must be had to the requirement to provide homes that meet the needs of the community and that are in the right location.
60. Considerable weight should be given to the fact that the authority can now demonstrate in excess of a five-year housing land supply but that does not override the requirement that is set out with the National Planning Policy Framework to ensure that development is sustainable. The NPPF paragraph 8 sets out the three dimensions that form sustainable development, namely, economic, environmental and social. The three roles are mutually dependent and should not be taken in isolation.
61. 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.
62. The proposed development is located within the envelope of the existing settlement of Castleside with residential uses to the North-west and South-west. The site has easy access to sustainable transport links with bus routes directly to the front of the site within approx. 150-300m from the main entry to the estate providing direct access to main conurbations and attractions of Durham as well as various other local villages and centres. The proposal will have easy access to various amenities and services within approx. 150m of the site. It is therefore considered that the site is a suitable sustainable location in line with section 2 of the NPPF and the aspirations of paragraph 79 of the NPPF in supporting the vitality and viability of communities.
63. Policy 15 additional requires that all housing developments provide a minimum of 66% of the units to be Building Regulation M4(2) compliant and 10% suitable for older persons. In this regard as the application is all matters reserved these matters are not known at this time, however, this element can be secured by planning condition.
64. Policy 19 of the County Durham Plan requires that developments secure an appropriate mix of dwelling types and sizes, taking account of existing imbalances in the housing stock, site characteristics, viability, economic and market considerations and the opportunity to facilitate self-build or custom build schemes. In this regard the development would provide the opportunity for a mix of dwelling types potentially including bungalows. It is therefore considered that the mix of dwellings within a self-build development is acceptable and in accordance with the provision of Policy 19.

Principle of development summary

65. In this instance, subject to the proposal securing the relevant planning contributions and obligations as required by policy 25 of the CDP then the application would be considered to be in general accordance with Policy 6 of the County Durham Plan and Section 9 of the NPPF.

Impact on the character and appearance of the streetscene

66. 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.
67. The application seeks outline planning permission with all matters reserved except access and as such some of the detail provided are indicative. However, a number of comments have been made in relation to its impact on the character and appearance of the area. However, given that this is an outline application consideration in terms of the design and layout to reflect the local character will be considered at the reserved matters stage. It is however considered that an appropriate scheme can be developed in principle.
68. It is therefore considered on that the principle of residential development and the access arrangements are suitable in this location to not impact the character of the area, whilst the final design and layout concerns will be addressed at the reserved matters stated that the proposal is acceptable in line with policy 29 of the County Durham Plan.

Landscaping

69. Policy 39 (Landscape) 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. 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.
70. The site is not located within any National or Local designations. As this is an outline application final details in relation to the hard and soft landscaping will be considered at the reserved matters stage. However, it is noted that the indicative layout does provide areas of attractive landscaping. As such it is considered that the development would be capable of being in accordance with Policy 39 of the County Durham Plan and paragraph 130 of the NPPF subject to appropriate consideration at the reserved matters stage.

Planning Obligations

71. CDP policy 25 relates to planning obligations and set out requirements for new development to contribute towards the provision and or improvement of physical, social and environmental infrastructure depending on the nature and local/strategic needs. In this in accordance with Policy 25 (Planning Obligations), Policy 15 (affordable housing) and Policy 26 (Green Infrastructure) the development will need to provide certain contributions.

Affordable Housing

72. Policy 15 requires that a development of this nature will be necessary to provide a contribution towards affordable housing. As this site is within a low viability area, 10% of affordable homes would ordinarily be required. NPPF paragraph 64c recognises that the specific requirement for 10% affordable home ownership does not apply on self-build sites, however, affordable provision is still applicable to such schemes in line with para 63 of the NPPF which states that where a need for affordable housing is identified, planning policies should specify the type of affordable housing required, and expect it to be met on-site unless: a) off-site provision or an appropriate financial contribution in lieu can be robustly justified; and b) the agreed approach contributes to the objective of creating mixed and balanced communities.
73. However, given the site is outline the contribution necessary could not be calculated until the precise details of the scheme are available to the Council's Affordable Housing Team are known at reserved matters stage based on the number, type and size of units to be delivered and their value and would be secured via a s106 agreement.

Open space / Green Infrastructure

74. Paragraph 98 of the NPPF states that access to a network of high quality open spaces and opportunities for sport and physical activity is important for the health and well-being of communities and that planning policies should be based on robust and up-to-date assessments of the need for open space, sport and recreation facilities (including quantitative or qualitative deficits or surpluses) and opportunities for new provision. The Council prepared its Open Space Needs Assessment (OSNA) in 2018 as part of the preparation of the County Durham Plan and as such it is considered that this is the most up to date assessment of need for the purposes of Paragraph 98 of the NPPF.
75. Policy 26 (Green Infrastructure) states that development will be expected to maintain, protect, and where appropriate, improve the County's green infrastructure network. In accordance with Policy 26 and in accordance with Table 19 of the Councils Open Space Needs Assessment (OSNA), schemes of this number dwellings (less than 20) would not normally be required to provide amenity amenity/natural green space onsite. However, it is noted that the indicative layout includes two small areas of amenity space. As such providing this is area retained within the final detailed layout as part of the reserved matters it is considered that the development is required to provide an offsite contributions of **£28,620** towards allotments, parks and recreation, and play space. If the final design layout does not provide the open space shown on the indicative plan an additional contribution of **£3,000** equivalent to 600m² of open space will be necessary.
76. Policy 25 requires new development to mitigate any matters necessary to make the development acceptable through either planning conditions or planning obligations.

Education provision

77. Paragraph 95 of the NPPF confirms that the government places great importance to ensure that sufficient choice of school places is available to meet the needs of existing and new communities and requires LPAs to proactively meet the requirement. The Councils Education team have confirmed that a contribution of **£49,662.00** towards secondary education provision is necessary to accommodate the development.

Health Contributions

78. Paragraph 34 of the NPPF required Local Authorities to have regard to setting where contributions are necessary within the Local Plan. In this regard Policy 29(f) of the CDP requires that developments should contribute to healthy neighbourhood and consider the health impacts and needs of the existing and future users. The local NHS Clinical Commissioning Group (CCG) have confirmed that a contribution is not necessary to provide sufficient local health service facilities to accommodate future residents of the development.

Developer contribution conclusion

79. As detailed above it is considered that the proposal is in accordance with Policy 25 and 26 of the CDP to mitigate the impact on the development subject to the completion of a s106 agreement to secure the obligations.

Impact upon Residential Amenity

80. 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.
81. In addition to the above policies within the CDP, the Local Authority has adopted a residential design SPD which sets out the Councils expectation in relation to privacy distances and private outdoor amenity space (Gardens). In this regard the development would need to achieve a minimum of 21.0m between two storey buildings and 18.0m between bungalows and provide rear garden lengths of at least 9.0m.
82. The above policies and SPD 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.
83. It is acknowledged that given that the application seeks outline planning permission with all matters reserved (except access), it is not appropriate to assess the proposal against these considerations at this stage and that will be for considerations at the reserved matters stage to ensure the residential amenity of existing and proposed residents will be acceptable. However, sufficient information has been provided to assess the extent to which the site could accommodate the 18no. dwellings listed in the application description, taking into consideration the separation distances required by the SPD. These matters can be secured through conditions to ensure a satisfactory development in regards to the policy requirements of Policy 29 of the CDP.
84. Policy 27 of the County Durham Plan requires that all new residential development should be served by high-speed broadband connections. The UK Government defines

superfast internet as speeds in excess 24mbps. It is noted that the website for Ofcom (regulator for the communications services) provides a detailed internet speed checking service for locations within England. In this regard they confirm that the settlement, and the adjacent dwelling are served by Ultrafast internet connections of upto 1000mbps. It is therefore considered that the site is capable of achieving the requirement of Policy 27, subject to an appropriate condition to secure this matter.

85. 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 that this is an outline application with the majority of matters reserved that these matters will be considered in detail at the reserved matters stage. However, given the proposed use as residential in a residential area it is considered that in principle the proposal has the ability to meet the test of Paragraph 92 of the NPPF and Policy 29(m) of the CDP.
86. 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.
87. The Council's Env. Health officer has accessed the development and concluded that the proposal has the potential to be impacted by the neighbouring industrial uses and traffic in relation to noise and odour. However, they have confirmed that subject to planning conditions these potential nuisances can be adequately mitigated. As such it is considered that the proposal is acceptable in relation to the impact on the surrounding residents subject to the requested conditions.
88. 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, the Residential Design SPD and Sections 8 and 12 of the NPPF, subject to appropriate conditions.

Highway and Pedestrian Safety

89. Policy 21 of the CDP requires that all development ensures that any vehicular traffic generated by new development can be safely accommodated and have regard to Parking and Accessibility Supplementary Planning Document
90. The Council's Highway Engineers have assessed the proposal and concluded that the development and proposed access is acceptable in highway safety terms, and have offered no objections alterations to the road layout and the engineering arrangements of the access point are acceptable subject to a condition securing the works are complete prior to the first occupation of the dwellings. It is therefore considered on the proposal can achieve a safe means of access. The scheme is therefore acceptable in this regard.

91. Policy 21(a) also requires that all development delivers, accommodates and facilitates investment in safe sustainable modes of transport for people with mobility issues or disabilities, walking, cycling, bus and rail transport. In this regard and as detailed above, the site is considered to be in an sustainable location.
92. In light of the above it is considered that the proposal is on balance acceptable in line with Policy 21 of the County Durham Plan, and Part 9 of the NPPF subject to the condition set out below.
93. 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.
94. The Council's Arborist has assessed the proposal and concluded that despite the loss of some poor tree specimens the scheme is acceptable in this regard subject to replacement trees being provided as part of the reserved matters for landscaping.
95. Therefore, in light of the above it is considered that subject to an appropriate condition to ensure an appropriate landscape scheme is submitted as reserved matter stage the proposal is in compliance with Policy 40 of the CDP.
96. Policy 32 (Despoiled, Degraded, Derelict, Contaminated and Unstable Land) states [in part] that development will not be permitted unless the developer can demonstrate that the site is suitable for the proposed use, and does not result in unacceptable risks which would adversely impact on the environment, human health and the amenity of local communities.
97. The Council Env. Health team in relation to contaminated land have considered the proposal and concluded that the application is acceptable subject to planning conditions in relation to further investigation works.

Ecology

98. 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 of deterioration of irreplaceable habitats will not be permitted unless there are wholly exceptional reasons and a suitable compensation strategy exists.
99. Policy 43 (Protected Species and Nationally and Locally Protected Sites) of the CDP ensures that 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.

100. In relation to the above a County Ecologist has considered the proposal and confirmed that further information in terms of BNG calculations will be needed at the reserved matters stage along with the finalised landscape scheme. However, the submitted information to date shows that there is likely a net loss on the site, and that a contribution will be necessary, although this will not be known fully until the reserved matters stage. The County Ecologist has confirmed a contribution is acceptable in this regard. Therefore, it is considered that the scheme is acceptable subject to the a s106 agreement to secure the biodiversity mitigation.
101. The application has been supported by a Ecological Impact Assessment which has considered amongst other matters the potential impact on European Protected Species on and near to the site. This report identified that there were no protected species present. This view was supported by the Council's Ecologist.
102. The application is therefore considered to be acceptable in accordance with Policy 41 and 43 of the County Durham Plan and Part 15 of the National Planning Policy Framework.

Drainage

103. 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.
104. 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.
105. The Council Drainage and Flooding section have assessed the scheme and concluded that the amended drainage scheme is acceptable subject to conditions..
106. It is therefore considered that the scheme in acceptable in relation to Policy 35 and 36 of the CDP subject to appropriate planning conditions.

Other matters

107. The relevant material planning considerations received through public representations have been taken account and addressed within the report, where appropriate. Matters relating to loss of view and devaluation of property are not material planning considerations and as such have not been taken into consideration.

Public Sector Equality Duty

108. Section 149 of the Equality Act 2010 requires public authorities when exercising their functions to have due regard to the need to i) 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.

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

CONCLUSION

1. In summary, it is considered that the site is located within a sustainable location with regards to access to shops, services, employment and education provision subject to appropriate mitigation in accordance with the relevant policies within the CDP and the NPPF.
2. It is therefore considered that the application on balance is acceptable in line with Policies 6, 15, 19, 21, 25, 26, 27, 29, 31, 32, 33, 35, 36, 39, 40, 41, and 43 of the County Durham Plan and Parts 2, 4, 5, 6, 8, 9, 11, 12, 14 and 15 of the National Planning Policy Framework subject to the relevant conditions and contributions.

RECOMMENDATION

That the application be **APPROVED** subject to a 106 legal agreement to secure the following:

- £28,620.00 towards open space and green infrastructure within the Electoral Division;
- 600m² of onsite public amenity space or offsite contribution of £3,000
- Biodiversity Net Gain mitigation contribution to be agreed at reserved matters stages subject to final design;
- Secure 10% Affordable Housing
- £49,662 towards additional teaching provision within Consett Academy

And subject to the following conditions:

1. Application for approval of reserved matters shall be made to the Local Planning Authority before the expiration of three years beginning with the date of this permission. The development must be begun not later than the expiration of two years from the final approval of the reserved matters.

Reason: Required to be imposed pursuant to Section 92 of the Town and Country Planning Act 1990.

2. Approval of the details of appearance, landscaping, layout and scale (hereinafter called "the reserved matters") shall be obtained from the Local Planning Authority before the development is commenced other than remediation works.

Reason: Required to be imposed pursuant to Section 92 of the Town and Country Planning Act 1990.

3. 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 29 of the County Durham Plan and Part 12 of the National Planning Policy Framework.

4. No development shall commence until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. The Construction Management Plan shall include as a minimum but not necessarily be restricted to the following:
 1. A Dust Action Plan including measures to control the emission of dust and dirt during construction.
 2. Details of methods and means of noise reduction/suppression.
 3. Where construction involves penetrative piling, details of methods for piling of foundations including measures to suppress any associated noise and vibration.
 4. Details of measures to prevent mud and other such material migrating onto the highway from all vehicles entering and leaving the site.
 5. Designation, layout and design of construction access and egress points.
 6. Details for the provision of directional signage (on and off site).
 7. Details of contractors' compounds, materials storage and other storage arrangements, including cranes and plant, equipment and related temporary infrastructure.
 8. Details of provision for all site operatives for the loading and unloading of plant, machinery and materials.
 9. Details of provision for all site operatives, including visitors and construction vehicles for parking and turning within the site during the construction period.
 10. Routing agreements for construction traffic.
 11. Details of the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate.
 12. Waste audit and scheme for waste minimisation and recycling/disposing of waste resulting from demolition and construction works.
 13. Management measures for the control of pest species as a result of demolition and/or construction works.
 14. Detail of measures for liaison with the local community and procedures to deal with any complaints received.

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

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

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

the National Planning Policy Framework. Required to be pre-commencement to ensure that the whole construction phase is undertaken in an acceptable way.

5. In undertaking the development that is hereby approved:
- No external construction works, works of demolition, deliveries, external running of plant and equipment shall take place other than between the hours of 0730 to 1800 on Monday to Friday and 0730 to 1400 on Saturday.
 - No internal works audible outside the site boundary shall take place on the site other than between the hours of 0730 to 1800 on Monday to Friday and 0800 to 1700 on Saturday.
 - No construction works or works of demolition whatsoever, including deliveries, external running of plant and equipment, internal works whether audible or not outside the site boundary, shall take place on Sundays, Public or Bank Holidays.
 - For the purposes of this condition, construction works are defined as: The carrying out of any building, civil engineering or engineering construction work involving the use of plant and machinery including hand tools.

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

6. 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.

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.

8. The development hereby permitted shall be carried out in accordance with the submitted Drainage Strategy including the proposed downstream defender. The scheme shall be developed in accordance with the Councils Sustainable Drainage Systems (SuDS) Adoption Guide 2016. The development thereafter shall be completed in accordance with the details and timetable agreed.

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

9. As part of the reserved matters submission, a detailed noise impact assessment should be provided, compliant with the methodology stated in BS 4142: 2014. The aim of the assessment shall be to demonstrate the impact of noise from the nearby commercial operations and traffic on the proposed residential development. Should the assessment demonstrate that the rating level of proposed/existing commercial operations/fixed plant be more than 5dB LAeq (1 hour) (07.00-23.00) and 0dB LAeq (15 mins) (23.00-07.00) above the background noise level (LA90) at noise sensitive receptors, then a scheme of sound attenuation measures must be submitted and approved in writing by the Local Planning Authority. The approved scheme shall be installed and implemented in accordance with the agreed scheme prior to the occupation of the first dwelling and thereafter shall be retained in perpetuity for the lifetime of the development.

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.

10. Further to Condition 9, should the dominant noise source affecting the development site be identified to arise from transport, then an assessment compliant with the Professional Practice Guidance on Planning and Noise (ProPG) (2017) including the following, shall be submitted to and agreed in writing by the Local Planning Authority:

Stage 1: A risk assessment providing an indication of the likely adverse effects from noise based on a "typical worst case" 24hr day. The assessment should demonstrate whether the effects of noise are negligible, low, medium or high.

Where the results of the risk assessment demonstrates that the potential effect without noise mitigation is low, medium or high, a stage 2 assessment will be provided.

Stage 2: Provide an acoustic design statement (ADS), proportionate with the risk identified in stage 1 and the scale of the development. This must include all relevant elements as defined in the ProPg guidance, to include demonstration of good acoustic design, adherence with the internal and external guideline values and full details of any mitigation measures found necessary.

The approved scheme shall thereafter be installed and implemented in accordance with the agreed scheme prior to the occupation of the first dwelling and thereafter shall be retained in perpetuity for the lifetime of the development.

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.

11. 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 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.

12. Development shall not commence until full engineering details of the new access road onto Castleside Industrial Estate, consistent with that on approved drawing 22/030/02 layout plan, have been submitted to and agreed with the Local Planning Authority. The access scheme shall be designed to a width of 5.5m with 6m entry junction radii, site visibility splays of 2.4 x 43 shall be clearly demonstrated and shall include full details of the relocation of any public infrastructure to the site entrance. The development shall thereafter be completed in accordance with the approved details prior to first occupation of any dwelling and the access shall be, as approved, retained for the lifetime of the development.

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

13. Prior to commencement of development hereby approved, details of a scheme to minimise greenhouse gas emissions, with the aim of achieving as close as possible a zero carbon building, shall be submitted and approved in writing by the Local Planning Authority. The scheme shall include, but not be limited to, provision of renewable and low carbon energy generation and electric car charging points. The renewable and low carbon energy measures shall be installed in accordance with the approved details thereafter.

Reason: To comply with requirements to minimise greenhouse gas emissions in line with details set out in Policy 29c and d) of the County Durham Plan

14. 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.

15. The development hereby approved shall comprise a maximum of 18 dwellings.

Reason: To define the consent and precise number of dwellings approved.

16. No development other than site clearance or remediation works shall commence until a scheme to detail how at least 66% of the total number of units approved comply with Building Regulations M4(2) Accessible and Adaptable Dwellings shall be submitted for approval alongside an application for reserved matters for the scheme. The development shall thereafter be carried out in accordance with the approved details.

Reason: In order to address housing need requirements in accordance with Policy 15 of the County Durham Plan.

17. A scheme detailing how at least 10% of the total number of units approved will be constructed to a design and type which meet the needs of older people, shall be submitted for approval alongside an application for reserved matters for the scheme. Thereafter the development shall be carried out fully in accordance with the approved details.

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

18. No development shall commence until detailed drawings, including sections, showing the existing and proposed site levels, and the finished floor levels of the proposed development and those of existing neighbouring buildings (if any), 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 and neighbouring properties, in accordance with Policy 29 of the County Durham Plan and Parts 12 and 15 of the National Planning Policy Framework.

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

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

20. No development shall commence until such time as a scheme detailing the precise means of broadband connection to the site has been submitted to and agreed in writing by the local planning. Thereafter, the development shall be carried out in accordance with the agreed detail.

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

21. Prior to the first occupation of any dwelling hereby permitted details of 1no. electric vehicle charging point and location per dwelling shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall be constructed in accordance with the approved details and retained in perpetuity

Reason: To ensure a satisfactory form of development in accordance with Policy 21 of the County Durham Plan and Part 9 of the National Planning Policy Framework.

22. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and/or re-enacting that Order), no extensions, additional storeys, alterations to roofs, porches or outbuildings shall take place without the grant of further specific planning permission from the Local Planning Authority.

Reason: In the interests of the amenity of the surrounding area due to the constraints of the site and neighbouring uses in accordance of Policies 29 and 31 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

Statutory, internal and public consultation responses

The National Planning Policy Framework

National Planning Practice Guidance Notes

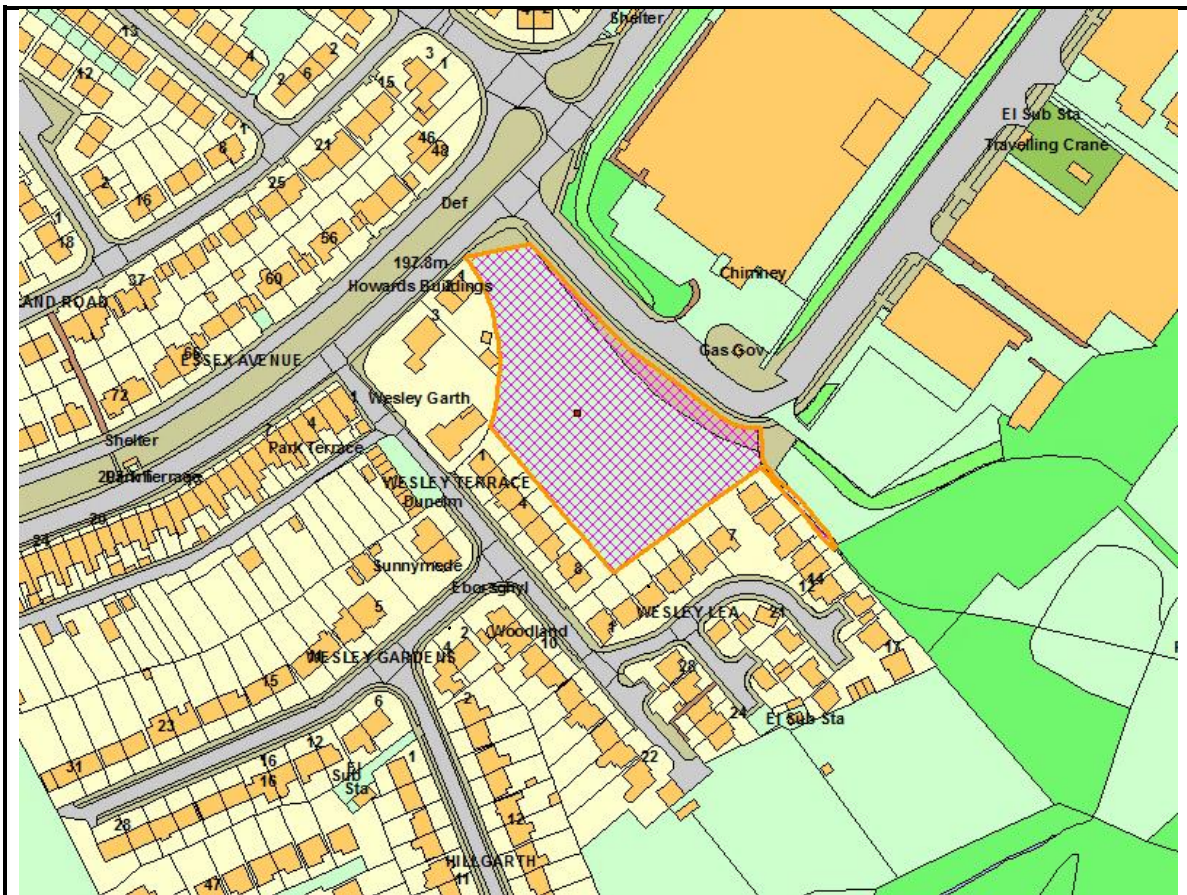
County Durham Plan

County Durham Strategic Housing Land Assessment Report (2019)

County Durham Strategic Housing Market Assessment (2019)

Open Space Needs Assessment (2018)

Residential Amenity Standards SPD (2023)



Planning Services

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Date 18.05.2023

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COMMITTEE REPORT

APPLICATION DETAILS

APPLICATION NO:	DM/22/03273/FPA
FULL APPLICATION DESCRIPTION:	Erection and use of a temporary warehouse building (70m x 30m) until December 2024 and three permanent welfare units.
NAME OF APPLICANT:	Mr Gary Jones (Erwin Hymer Group UK Ltd)
ADDRESS:	Explorer House Butsfield Lane Knitsley Consett DH8 7PE
ELECTORAL DIVISION:	Delves Lane
CASE OFFICER:	Scott Henderson Senior Planning Officer Telephone: 03000 256286 scott.henderson@durham.gov.uk

DESCRIPTION OF THE SITE AND PROPOSALS

Background

1. Members originally heard this application in April 2023 but determined to defer the decision to require the applicant to explore additional mitigation measures in relation to issues of noise and light spill, and transport.
2. In response the applicants have proposed to install lighting covers to those lights affixed to the temporary building and agree to a timetable of illumination to be secured by planning condition. These measures are proposed to be implemented by 7th July 2023.

The Site

3. The site is part of the long-established Erwin Hymer production facility located on the southern edge of Delves Lane with the junction of Butsfield Lane. The site is an existing protected employment site in the County Durham Plan. The site borders areas of existing residential development to the north and south.

The Proposal

4. The proposal is retrospective in the main, with all but one of the welfare units already in place and in use. The main element of the proposal is the erection and use of a temporary warehouse facility to be in place until December 2024. The unit measures 70m x 30m and is used exclusively for racked storage only, no manufacturing or assembly processes take place within it. The applicant states that the hours of operation for the warehouse would be 07.30-18.00 hrs. The welfare units are standard, prefabricated buildings located at three points around the site and will provide canteen

and change facilities etc. They range in size from 20-36m in length and 6-9m in width. The 2 already in place are 2 storey and the final one, yet to be installed, will be single storey only, replacing existing temporary welfare units. No trees, landscape features or protected species will be affected by the proposals.

5. This application is being considered by committee at the request of a Local Member.

PLANNING HISTORY

6. The site was established in the 1970s and has seen numerous additional buildings and areas come into use as the business has expanded. Most recently a new production building was approved and completed in 2021 under reference DM/21/00076/FPA with a further building approved in 2020 under reference DM/19/03427/FPA.

PLANNING POLICY

NATIONAL POLICY

7. The following elements of the National Planning Policy Framework (NPPF) are considered relevant to this proposal:
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 ensuring the planning system does everything it can to support sustainable economic growth. Planning should operate to encourage and not act as an impediment to sustainable growth. Therefore, significant weight should be placed on the need to support economic growth through the planning system.
11. *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.
12. *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.

13. *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.
14. *NPPF Part 15 Conserving and Enhancing the Natural Environment - Conserving and enhancing the natural environment.* The Planning System should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes, geological conservation interests, recognising the wider benefits of ecosystems, minimising the impacts on biodiversity, preventing both new and existing development from contributing to or being put at unacceptable risk from Page 73 pollution and land stability and remediating contaminated or other degraded land where appropriate.

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

NATIONAL PLANNING PRACTICE GUIDANCE:

15. The Government has consolidated a number of planning practice guidance notes, circulars and other guidance documents into a single Planning Practice Guidance Suite. This document provides planning guidance on a wide range of matters. Of particular relevance to this application is the practice guidance with regards to; air quality; historic environment; design process and tools; determining a planning application; flood risk; healthy and safe communities; land affected by contamination; housing and economic development needs assessments; housing and economic land availability assessment; light pollution; natural environment; 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; and; water supply, wastewater and water quality.

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

LOCAL PLAN POLICY:

The County Durham Plan

16. *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. Specific further protection and safeguarding is outlined for land north of NETpark, at Integra 61 and Project Genesis, Consett.
17. *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.

18. *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.
19. *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).
20. *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.
21. *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.
22. *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.
23. *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.
24. *Policy 40 Trees, Woodlands and Hedges* states that proposals will be expected to retain existing trees where they can make a positive contribution to the locality or to the development, maintain adequate standoff distances between them and new land-uses, including root protection areas where necessary, to avoid future conflicts, and integrate them fully into the design having regard to their future management requirements and growth potential.

25. *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.

CONSULTATION AND PUBLICITY RESPONSES

STATUTORY RESPONSES:

26. *DCC Highways* have no objections or requirements.

INTERNAL CONSULTEE RESPONSES:

27. *Design and Conservation* officers have no comment to make.
28. *Environmental Health (Nuisance)* have no objections. They note that no statutory nuisance matters have been raised during its use, but notwithstanding that consider that the proposed storage use would not lead to any adverse impacts and would be unlikely to constitute a statutory nuisance.

PUBLIC RESPONSES:

29. A total of 20 representations have been received in response to the consultation exercise involving individual letters, press and site notices. Of these, all of them object to the proposals.
30. The main reasons for objection are as follows:
- Overspill car parking in the nearby streets is already a problem.
 - Adverse impact from noise and light spill
 - Size and scale of the building is out of keeping with the area
 - Excessive dust creation from the factory
 - Bad language from employees.

APPLICANT'S STATEMENT:

31. As the largest employer in the Derwentside area the business is continuing invest in the facility in Consett, County Durham. Recent investment exceeded £11m in both manufacturing excellence and facility infrastructure. The company plan to continue with this investment for the foreseeable future securing jobs in the area for over 550 employees. This application, albeit retrospective shows our intentions of growing the business and improving the welfare for the employees of the future.
32. The facility was planned during late 2020, following the interruption to the business caused by Covid 19. Installed in Jan 21 with the intension that the building would be removed in Feb 22. Worldwide events such as Covid, Brexit and now the war in Ukraine have severely impacted on the ability of our suppliers to deliver parts when they are needed. For this reason, we will have to retain the temporary warehouse for a further period, predicted to be up to Dec 24.
33. The business is currently working with architects to provide a vision for a permanent structure to be in a very similar location on the EHG UK site. This project will be subject

to the required planning application in the future and would result in the removal of the temporary warehouse structure mentioned above. EHG UK and the Architect would aim to reduce the roof height by targeting a sloping flat roof rather than pitch roof, assuming this met design intent, planning and building regulation.

34. The company continue to invest in the welfare areas of the site since the removal of restrictions put in place during Covid, we have installed two units of a proposed three to accommodate up to 500 production team members. These units are sited on foundation blocks and are made up of sectional “portacabin” type parts. There is no intension to change the location of these units in the future. Unit No. 1 & 2 are already in place, unit No. 3 is planned to be installed in March 23. Welfare within the business has been substandard for several years in some areas and following an advisory note served by the HSE the business were challenged to improve the status of welfare across the whole site.
35. It is the genuine belief of the team that the noise is not related to the warehouse space directly, but another process which has been introduced since the temporary warehouse has been installed. The warehouse parts were moved in early 2021, following this the process used to manufacture the side, roof and floor panels has been moved into the space vacated by the warehouse. The transportation of the parts to the assembly lines is via the external roadway on trollies, towed by a tugger truck. It is possible these parts would be moving during all shifts on site (6am – 10pm). The towing process does generate a rattle which we believe is the issue. There are no deliveries or vehicle movement outside normal day shift working practices (7:30am – 6pm). Following the installation of an internal lift and mezzanine all such movements are now carried out inside the building.
36. During the tour of the facility, it was noticed that the light installed on the temporary warehouse was pointing across towards the houses. It was agreed that this light could be tilted down to avoid the light issues it may be creating for the residents. This has been logged with our internal site maintenance team and will be tilted down as soon as possible.

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

37. Section 38(6) of the Planning and Compulsory Purchase Act 2004 sets out that if regard is to be had to the development plan, decisions should be made in accordance with the development plan unless material considerations indicate otherwise. In accordance with advice within the National Planning Policy Framework (NPPF), the policies contained therein are material considerations that should 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, residential amenity, highway safety and access and visual impact.

Principle of the Development

The Development Plan

38. Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The NPPF is a material planning consideration. The County Durham Plan

(CDP) is the statutory development plan and the starting point for determining applications as set out in the Planning Act and reinforced at Paragraph 12 of the NPPF. The CDP was adopted in October 2020 and provides the policy framework for the County up until 2035.

39. Paragraph 11 of the NPPF establishes a presumption in favour of sustainable development. For decision taking this means:-
- c) approving development proposals that accord with an up to date development plan without delay; or
 - d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:
 - i) the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or,
 - ii) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.
40. The NPPF advises that 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. The business continues to employ approximately 550 local people with substantial economic benefits for the local community. The temporary storage facility is essential to allow the business to continue production due to the insecurity of parts deliveries following the global pandemic, Ukrainian conflict and subsequent disruption to logistics and supply chains. The facility was required urgently and will still be needed going forward to allow the business to continue and the local benefits that the business brings.
41. The site is an existing protected employment site in the County Durham Plan therefore policy 2 is of relevance. Policy 2 supports development of and extensions to B1, B2 and B8 developments within specified areas, Delves Lane South being one such area. This is a B8 use class and would involve better facilities and job retention therefore it is supported by the Part 6 of the Framework and Policy 2 of the CDP in principle. It should be noted that planning permission would still be required in the future to change from B8 storage to B2 general industrial (manufacturing).

Highways Safety and Access

42. 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 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.
43. The temporary storage building is not considered to directly lead to any additional impacts on the highway network. Assurances have been given that adequate staff parking is available on site and DCC Highways have raised no objection to the

proposals. The company continue to encourage all staff to park within the site. In summary it is considered that the proposal accords with the relevant part of the Framework and Policy 21 of the CDP.

Visual Impacts

44. 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.
45. Policy 39 of the County Durham Plan states proposals for new development will be permitted where they would not cause unacceptable harm to the character, quality or distinctiveness of the landscape, or to important features or views. Proposals would be expected to incorporate appropriate measures to mitigate adverse landscape and visual effects. Policy 26 outlines developments are expected to provide new green infrastructure and ensure provision for its long-term management and maintenance. Similar requirements are outlined in Policy 29. Policy 40 seeks to avoid the loss of existing trees and hedgerows unless suitable replacement planting is provided. Parts 12 and 15 of the NPPF promotes good design and sets out that the planning system should contribute to and enhance the natural and local environment by (amongst other things) recognising the intrinsic character and beauty of the countryside.
46. The site is outside of any area of specific landscape value, rather it is allocated in the CDP for employment uses. However the siting and scale of the temporary building is clearly within the outlook of nearby residential properties, notably those on Sunningdale and accordingly it is acknowledged that it does have a substantial visual impact with a ridge height of almost 11m. The recently approved building has a ridge height of 9m in comparison and it is unlikely that a permanent building of this scale could be supported. The temporary nature of the proposal therefore weighs heavily in the acceptability of the structure which is required due to the unprecedented delay in supply chain issues for the business, due to initially the COVID pandemic and now the conflict in Ukraine.
47. The NPPF advises that 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. The visual impact of the structure is such that a permanent approval would not be considered acceptable, but on balance, and based entirely on its temporary nature and enforceable end date, the marginal negative visual impact can be accepted given the economic benefits that are considered to weigh favourably overall. On this basis the proposal would be acceptable in regard to Policies 29 and 39 of the CDP.

Residential Amenity

48. 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 a good standard of amenity for existing and future users.

49. There has been a substantial level of local objection raised in respect of noise and light pollution which are significant material considerations. Discussions and site inspections have taken place to establish exactly what processes are taking place in what parts of the site. It is evident that the temporary building is a very quiet operation, with its use limited to racked storage only. There are no manufacturing processes taking place within it and its B8 use class would in fact restrict it to storage only.
50. Notwithstanding the above, concern was raised that vehicle and stock movements to the warehouse would create noise with rattles from tigger trucks and cages being a long-established issue for local residents. However, a significant amendment in process has also been initiated since the original application was submitted in response to the raised concerns. Until recently parts were transported externally using a tigger truck on a route which passed by residential properties on Sunningdale. Following the installation of a new internal lift and mezzanine floor, these external parts movements have ceased with all such operations now entirely within the main building.
51. It therefore is considered that given the building is for storage purposes only and the changes introduced in relation to the the assembly line process in terms of parts movement around the site, that the development will not result in a significantly detrimental impact on the residential amenity of the nearby neighbours in relation to noise and disturbance.
52. Additional concerns were raised in regards to light spill emitting from the external lighting around the proposed building and from within the building due to the diaphanous nature of its construction. The applicant in response to these concerns have proposed to install lighting cowls on the external lights on the gable elevation of the building that have an aspect towards the neighbouring properties to ensure that the lighting is directional and reduce the amount of light spill from these lights.
53. In relation to the light emitted from the building itself, the applicant has confirmed that they do not own the building, and as such are not able to undertake any physical alterations to the building. However, have confirmed that the building is only in operation during normal working hours (until 5pm), and they have installed timers to the lighting to ensure that the lights are turned off. It is considered that the lighting of the building in the manner proposed by the applicant would be a suitable solution to resolving this concern, as the lights would only be visible during the winter evenings. It is considered appropriate to impose a planning condition to ensure that all lights are switched off by 6pm to avoid any unacceptable impact on the nearby neighbours, whilst still providing an element of commercial flexibility.
54. It is therefore considered that subject to appropriate conditions that the development is acceptable and will not result in a detrimental impact on residential amenity in accordance with to Policies 29 and 31 of the County Durham Plan.

Other Considerations

55. Policy 29 of the CDP sets out that major development should achieve CO2 reductions. Part 14 of the NPPF advises that the planning system should support the transition to a low carbon future. 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. Policy 35 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. Policy 36 advocates a hierarchy of drainage options for the disposal of foul water.

56. Given the unique temporary nature of the proposal, which would be removed after December 2024, it is considered on balance that normal targets in terms of sustainability, biodiversity and SUDs measures, are almost impossible to achieve however these issues will need to be addressed as part of the pending permanent application which the applicant is preparing. In terms of biodiversity, the site is part of an established industrial complex with no impacts upon protected species being sited on land previously used as parking and a grassed area. Officers are therefore satisfied there would be no adverse impact on biodiversity.
57. The majority of issues raised in the letters of objection received have been taken account and addressed within the report, where appropriate. In terms of the issue of bad language from employees, this has been passed onto the applicant but is not an issue to be controlled by the planning system.

Public Sector Equality Duty

58. Officers have considered whether there are implications in the proposals including the loss of the existing land, the nature of the proposed development and the development period that would affect rights under the Human Rights conventions and the Equalities Act 2010 over and above those implicit in the planning assessment, concluding that in this instance there are none. 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.
59. In this instance, officers have assessed all relevant factors and do not consider that there are any equality impacts identified.

CONCLUSION

60. 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.
61. In summary, the application site is an existing industrial operation, and the proposal does not seek to change this. The applicant has demonstrated a willingness to mitigate the lighting and noise impact of not only the temporary warehouse but the wider lawful operation on site. The scale and visual impact of the building would introduce an element of visual harm, albeit it small, but on a temporary basis, and when balanced against the economic benefits, this can be accepted subject to the conditions listed below.
62. Overall, the proposal is considered to be acceptable and in accordance with Policies 2. 21, 26, 29, 31, 35, 36, 39, 40 and 41 of the County Durham Plan and Parts 2, 4, 6, 9, 12, 14 and 15 of the National Planning Policy Framework.

RECOMMENDATION

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

1. This permission is granted for a temporary period expiring at the 31st December 2024 thereafter the site shall be reinstated to its former use and condition.

Reason: The development is only considered suitable for a temporary period in accordance with Policies 29 and 31 of the County Durham Plan and Part 12 of the National Planning Policy Framework.

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 29 of the County Durham Plan and Part 12 of the National Planning Policy Framework.

3. Details of any external lighting covers shall be submitted to and approved in writing by the Local Planning Authority within 1 month of the date of this decision. The detail provided shall demonstrate adherence to the ILP guidance notes for the reduction of intrusive light. The external lighting shall be erected within 1 month from the date of approval and maintained in accordance with the approved details thereafter for the lifetime of the development.

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

4. The development hereby approved shall at all times be operated in accordance with the submitted Revised Assembly Line Transportation Route document.

Reason: In the interests of residential amenity in accordance with Policy 31 of the County Durham Plan.

5. All internal lighting to the building hereby permitted shall not be used between the hours of 18:00-07:30 at all times.

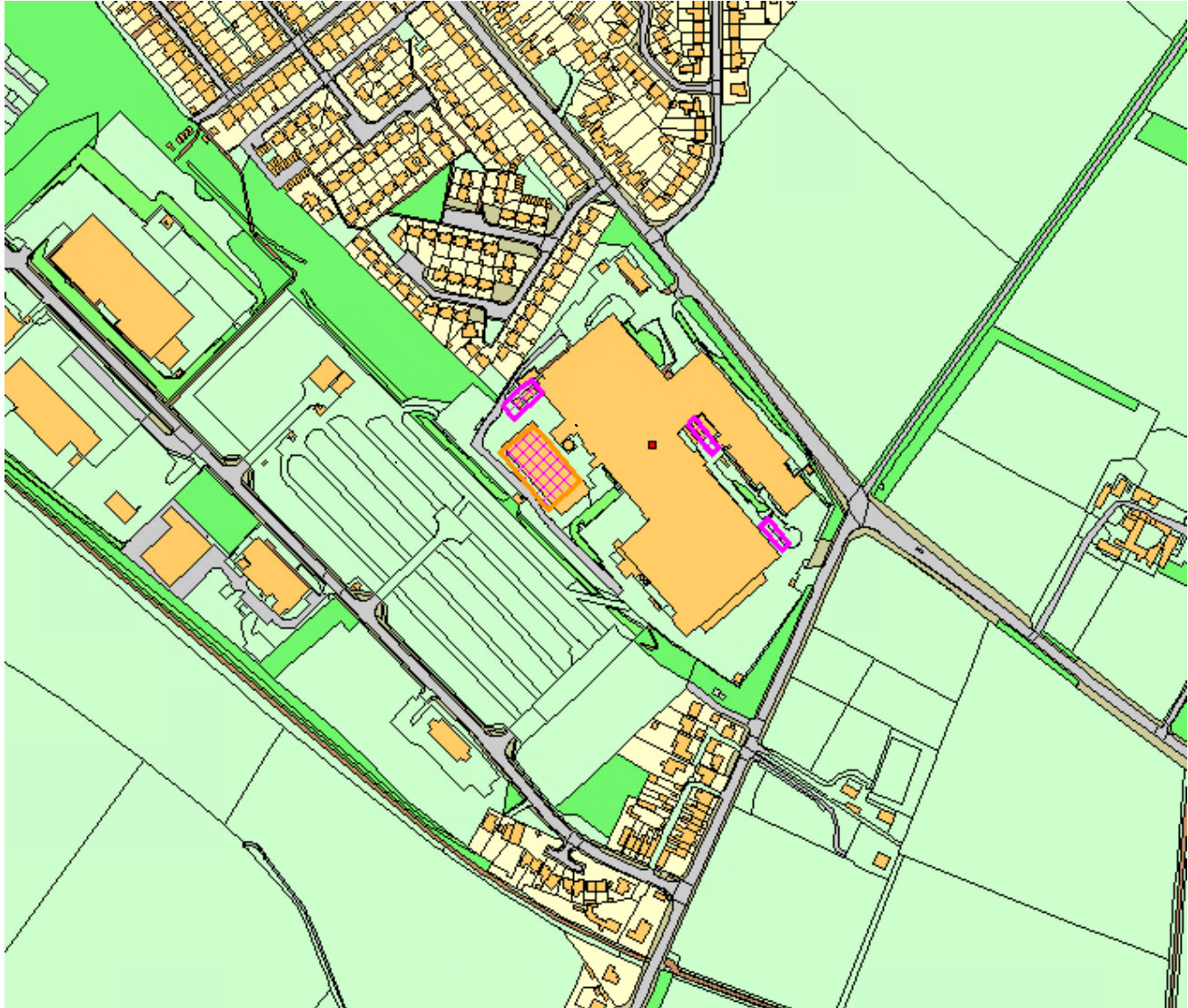
Reason: In order to minimise light spillage and glare, in accordance with Policy 31 of the County Durham Plan and Local Plan and Part 15 of the National Planning Policy Framework.

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
County Durham Landscape Strategy (2008)



Planning Services

Erection and use of a temporary warehouse building (70m x 30m) until December 2024 and three permanent welfare units.

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Planning Services

COMMITTEE REPORT

APPLICATION DETAILS

APPLICATION No:	DM/22/01445/FPA
FULL APPLICATION DESCRIPTION:	Replacement of existing septic tank with a domestic sewage treatment plant
NAME OF APPLICANT:	The Cambian Group
ADDRESS:	Land Adjacent to 4-5 Shotley Grove Road, Shotley Bridge, Consett, DH8 8SF
ELECTORAL DIVISION:	Benfieldside
CASE OFFICER:	Chloe Robinson (Planning Officer) Telephone: 03000 264 960 chloe.robinson@durham.gov.uk

DESCRIPTION OF THE SITE AND PROPOSALS

The Site

1. The application site relates to a parcel of land sited to the Northwest of Shotley Grove Road and the bank of the River Derwent. The area is covered in dense grass and trees. The application site is located within Shotley Grove Conservation Area and within an Area of Higher Landscape Value (AVLV). The site is also located within Flood Zone 1. The site is accessed from Shotley Grove Road.
2. The site has an existing septic tank which is now at the end of its life and not fit for purpose. The existing tank currently takes foul water flows from numbers 4 and 5 Shotley Grove Road in addition to The Mill House which is situated further up the bank. The overflow is discharged into the River Derwent. Due to its aged nature the flows in the system have been ineffective hence the reason for this application.
3. The application site is located within a wooded area of within the garden area of Brookfield, Shotley Grove Road, DH8 8SF this is a historic relationship that predates the present owners of the land.

The Proposal

4. Planning permission is sought to replace the existing septic tank with a modern package treatment plant (PTP) (Marsh Ensign 12PE). The PTP will discharge into the River Derwent and designed to remove 97% of pollutants.
5. Due to the nature of the development, the majority of the PTP will be located beneath the ground; however, there will be 2no. visible markers above ground to show the location of two access panels: one 600mm by 600mm and one 300mm by 300mm which will enable the PTP to be accessed by the applicants for maintenance and emptying above ground.
6. This application is being considered by committee at the request of a Councillors Kevin Earley and Stephen Robinson, due to discrepancies with what is the case on the ground.

PLANNING HISTORY

7. 1/1991/1046/55698- Two storey study, utility, and bedroom extension (Approved)

PLANNING POLICY

NATIONAL POLICY

8. 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. The following elements of the National Planning Policy Framework (NPPF) are considered relevant to this proposal:
9. *NPPF Part 2 - Achieving sustainable development.* The purpose of the planning system is to contribute to the achievement of sustainable development and therefore at the heart of the NPPF is a presumption in favour of sustainable development. It defines the role of planning in achieving sustainable development under three overarching objectives – economic, social, and environmental, which are interdependent and need to be pursued in mutually supportive ways. The application of the presumption in favour of sustainable development for plan-making and decision-taking is outlined.
10. *NPPF Part 4 - Decision-making.* Local planning authorities should approach decisions on proposed development in a positive and creative way. They should use the full range of planning tools available, including brownfield registers and permission in principle, and work proactively with applicants to secure developments that will improve the economic, social, and environmental conditions of the area. Decision-makers at every level should seek to approve applications for sustainable development where possible.

11. *NPPF Part 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.
12. *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.
13. *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.
14. *NPPF Part 15 - Conserving and enhancing the natural environment.* Planning policies and decisions should contribute to and enhance the natural and local environment.
15. *NPPF Part 16 - Conserving and Enhancing the Historic Environment.* Heritage assets range from sites and buildings of local historic value to those of the highest significance, such as World Heritage Sites which are internationally recognised to be of Outstanding Universal Value. These assets are an irreplaceable resource and should be conserved in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of existing and future generations.

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

NATIONAL PLANNING PRACTICE GUIDANCE:

16. The Government has consolidated several planning practice guidance notes, circulars and other guidance documents into a single Planning Practice Guidance Suite. This document provides planning guidance on a wide range of matters. Of particular relevance to this application is the practice guidance with regards to; air quality; historic environment; design process and tools; determining a planning application; flood risk; healthy and safe communities; land affected by contamination; housing and economic development needs assessments; housing and economic land availability assessment; light pollution; natural environment; 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; and; water supply, wastewater and water quality.

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

LOCAL PLAN POLICY:

The County Durham Plan

17. *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).
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.
19. *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 considering 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.
20. *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.
21. *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.

22. *Policy 40 Trees, Woodlands, and Hedges* states that proposals will be expected to retain existing trees where they can make a positive contribution to the locality or to the development, maintain adequate standoff distances between them and new land-uses, including root protection areas where necessary, to avoid future conflicts, and integrate them fully into the design having regard to their future management requirements and growth potential.
23. *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.
24. *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.

<https://www.durham.gov.uk/cdp>

Neighbourhood Plan:

25. There is no neighbourhood plan for this area.

CONSULTATION AND PUBLICITY RESPONSES

STATUTORY RESPONSES:

26. Not applicable

INTERNAL CONSULTEE RESPONSES:

27. ***DCC Environmental Health (Contaminated Land):*** No adverse comments to make and no requirement for a contaminated land condition. Have requested a standard informative to be added to the application if unforeseen contaminated is encountered.
28. ***DCC Nuisance Action Team:*** The application complies with the thresholds stated within the TANs (Technical Advice Notes) and would not lead to adverse impact. The team requested a condition requiring the provision of a high-level alarm to alert occupants when maintenance is required. They note that the application is unlikely to cause a statutory nuisance.

29. **DCC Public Rights of Way:** Vehicular access to the site would appear to be via public byway no. 54 Consett. The byway currently serves several properties at that location. We have on file an historical (1993) claim for a public right of way, the route of which passes in close proximity to or possibly over the proposed site of the septic tank. The claim has remained dormant for a considerable number of years, and I have no information as to whether the route is still in use by the public. However, it is fair to assume that there is no current public interest in having this route added to the definitive map.
30. **DCC Trees:** No objection for proposed works. some trees will need to be removed to facilitate the installation. Removal will not have a negative effect on the overall conservation area.
31. **DCC Archaeology:** Although this application is within the Trigger map area, there is no archaeological constraint as the works involve minimal new disturbance.
32. **DCC Ecology:** No ecology issues with the proposals. The PEA provides sufficient avoidance measures to protect wildlife during the works.
33. **DCC Design and Conservation:** Based on the site plans the application is for a replacement in terms of location, footprint and assumed installed below ground. If this is the case, then the impact of the proposal would be equal to the existing so neutral in the conservation area.

EXTERNAL CONSULTEE RESPONSES:

34. **Northumbrian Water:** No response.
35. **Environment Agency:** No objections to the planning application as submitted. Have provided advice on foul drainage as part of their response.
36. **Northumberland County Council:** No objection.

PUBLIC RESPONSES:

37. Following the public consultation exercise which include neighbour notification letters and a site notice posted; a total of 3 objections and 2 representations have been received in response to the consultation exercise.
38. The main reasons for objection are as follows:
 - There is a requirement of waste disposal at this location as there is no local authority sewage disposal in place.
 - Three residencies are connected to the current septic tank. All three properties have a higher number of adults in permanent situ due to the business it delivers compared to a standard dwelling. Is the replacement tank large enough to contain the waste without overflowing and causing contamination of the River Derwent.

- Overflowing issues with current tank and unfavourable smells and pollution in the area.
- A stringent management plan should be put in place for any future replacement so that it is emptied before spillage.
- Input rate should be reduced by removing one of the three residences.
- The new tank should be sited adjacent to numbers 4 and 5 near the old unused garages. This would encourage direct ownership of maintenance and would stop immediate spillage into the river. This would also allow the sewage lorry to be situated off road which would alleviate blocking the road access for up to an hour at a time.
- Plans are incorrect showing two properties rather than three which are currently connected to the current septic tank.
- The 12-person tank is inadequate for the people it will serve. Concerns were raised if the tank could cope with the number of residents and staff/carers.
- Mill House has $\frac{3}{4}$ of an acre of land which is adequate to have its own sewage system.
- 4&5 have enough room on their land if they demolished the garage which is not being used. The system should be 8m from the dwelling.
- It is in a conservation area.
- Concerns around felling of trees and access to the site which is forms part of Brookfields garden and land ownership.
- The plans are not to scale; it is exceptionally larger than the existing concrete tank. Concerns raised about selling of additional land to accommodate the proposal.
- The covenant was for three dwelling houses the properties are now residential care homes with more people who lived in the houses than before.
- The people who made the covenant are deceased. This is creating a negative impact and stressful situation which has occurred over a 6 $\frac{1}{2}$ year period.
- Complaints of smell.
- 100m upstream is a fish run; the fish are swimming through raw sewage from the overflow.
- The tank has overflowed on 9 occasions.
- Complaints to the Environment Agency have fell on deaf ears.
- The current tank is badly managed, outdated, and hazardous.
- Following a change in the proposal title a further comment was made. This was in relation to the existing septic tanks footprint being 10.85 sqm. The plan shows 114sqm which is ten times larger than the existing. This is a misrepresentation of the proposal.
- No requests to purchase more land which the landowners of Brookfield are not prepared to sell. Concerns about land grabbing.

APPLICANT'S STATEMENT:

39. The following written statement has been prepared on behalf of the applicant, The Cambian Group (part of CareTech Community Services Ltd.), who are seeking full planning permission for the existing septic tank, which presently services their

properties at no.'s 4 & 5 Shotley Grove and Mill House, to be replaced with a new domestic sewage plant in-situ to service the properties at no.'s 4 & 5 only.

40. The existing septic tank, which simultaneously services no.'s 4 & 5 Shotley Grove and Mill House, is to be removed and replaced through the development proposals. The current tank is aged and inefficient, with a new more effective tank to service no.'s 4 & 5 Shotley Grove, and a new separate tank to service Mill House in isolation within its own site, would allow efficient waste management, alleviating concern over the tank operating at capacity and the risk of overspill.
41. It should be noted the following any planning approval for no.'s 4 & 5 Shotley Grove, the applicant would be unable to proceed with the proposed replacement until such time as approval has been granted for a new tank at Mill House. The simultaneous installation of new tanks for both properties would be secured by way of Grampian condition upon the approval notice for this application, which is discussed in the following section. In the interim period, until a subsequent application at Mill House has been approved, the existing tank will still be used by both properties. This application relates to the proposed new tank that will serve no. 4 & 5 Shotley Grove Road, only.
42. The specification of the proposed tank, 'Marsh Ensign 12 PE' conforms to standards set within 'BS EN 12566:3', treating discharge to a maximum of 20mg/l BOD, 30mg/l Suspended Solids and 20mg/l Ammoniacal Nitrogen. As per the present arrangement, discharge will be conveyed into the River Derwent via the existing piped outfall.
43. A maximum of 11no. people are present at no.'s 4 & 5 Shotley Grove during typical operations, considering residential arrangements and staffing patterns at the properties. Additional meetings during term-time would be attended by 1-2no. additional persons for circa 1 hour, however, these meetings are infrequent and coordinated on an ad-hoc basis, and thus impact of such instances on the capacity and efficiency of the tank is deemed negligible.
44. As previously mentioned, a separate formal planning application seeking consent for new plant to service Mill House in isolation will be brought forward by the applicant imminently, with any development approved under LPA ref. LPA ref. DM/22/01445/FPA prohibited until the LPA is satisfied by the new tank for Mill House.
45. The applicant is agreeable to the attachment of Grampian condition, to restrict the implementation of planning consent until a suitable arrangement for Mill House is established and has been consented following scrutiny via the formal planning process. The applicant would never wish to deliver environmental malpractice as a result of their site operations, and they are therefore satisfied and agreeable to ensuring that Mill House and Shotley Grove can simultaneously operate without impediment to neighbouring or environmental amenity.
46. It is politely requested that members follow the Officer's recommendation for approval of the application, subject to the attachment of suitable ongoing

management conditions and the Grampian condition in relation to the pending submission for the tank to service Mill House.

47. The planning proposals provide clear environmental benefit and are wholly compliant with both national and local policy directives and will ensure a more efficient and suitable arrangement of sewage treatment at no.'s 4 & 5, to the benefit of both the operator and to neighbouring properties.

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/onlineapplications/applicationDetails.do?activeTab=documents&keyVal=P8X9C0GDL8J00>

PLANNING CONSIDERATIONS AND ASSESSMENT

48. 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.
49. 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.
50. In this context, it is considered that the main planning issues in this instance relate to landscape/visual impacts, residential amenity, public rights of way, ecology, trees, archaeology, impact on conservation area and water infrastructure.

Landscape and Visual Impacts:

51. 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.
52. 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.

53. The application site is to the northwest of 4 and 5 Shotley Grove Road on land identified as an AHLV. Whilst the proposed PTP would be located with the AHLV, the site is surrounded by a wooded area with dense vegetation. The site forms part of the garden of Brookfield. The eastern and southern boundaries of the site are surrounded by shrubbery and woodland with the River Derwent to the north of the site. Above ground there will be two access panels which are necessary for accessing the tank. The access panels will be shielded from public vantage points due to the woodland and vegetation surrounding the site.
54. It is considered that given the proposed scheme would be in an isolated position within the AHLV, screened by dense trees, grass and shrubbery and given it is primarily beneath the ground with the exception of the 2no. access panels, that the development would not have a detrimental impact on the AHLV or the landscape, and would be in accordance with Policies 29, and 39 of the CDP and Parts 12, and 15 of the NPPF in this regard.

Residential Amenity:

55. 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.
56. Due to the location and nature of the proposal it is not considered to have an unacceptable detrimental impact upon residential amenity of any neighbouring dwelling in terms of its size, overshadowing or loss of privacy.
57. The site is currently located within the garden space of Brookfield (which is adjacent to the properties the proposed PTP will serve) due to a previous historic covenant in place. The current septic tank is inadequate and of such an age that it has become ineffective in treating sewage and foul water. There are a number of report occurrences where the existing tank has overflowed on to the garden space of Brookfield, or into the River Derwent. Objections to the proposal were raised in relation to smell and odour.
58. Whilst there are concerns around the existing tanks odour and past pollution issues, the proposed modern package treatment plant is designed to effectively

deal with waste of up to 12 persons and would help solve the current issues being experienced and therefore reduce the impact on residential amenity of neighbours subject to it being maintained and managed in accordance with the manufacturer's details.

59. Concerns were raised regarding the capacity of the package treatment plant and whether this is adequate for the service users and staff of 4 and 5 Shotley Grove Road. These properties are owned by Cambrian Group (the applicant) and provide residential placements for young adults with additional needs that means there is a requirement for support staff to be present on site at all times. The applicant has provided details of staffing levels and working schedules to support the application.
60. The submitted information states that there are 3 residents at the properties with 7/8 staff working during the day between 8am and 8pm (11 maximum total persons during the daytime); with 2 further staff on site between 8pm-8am (5 total during the evening/night).
61. The application states that the proposed treatment plant is designed to service 12 people. The numbers provided by the applicants show that for the majority of the time the proposed treatment plant would not exceed the 12-person threshold. However, there would be periods whereby the maximum number of persons designed to use the treatment plant is exceeded, when the premises hosts monthly staff meetings, or ad-hoc term time meetings albeit these would be for a limited period of time.
62. It is therefore considered that the proposed package treatment plant, would remove the current issues being experienced with existing tank (e.g., pollution, smell, overflowing) and that the PTP capacity is sufficient to deal with the proposed users. The additional meetings are so infrequent that their impact on the capacity of the tank would be negligible.
63. Given the above, the scheme is not considered to have an unacceptable impact upon residential amenity, overshadowing, or loss of 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.

Impact on Shotley Bridge Conservation Area

64. 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.
65. Local authorities have a duty to preserve or enhance the Conservation Area as requested by section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990. This requires Local Planning Authorities in the exercise of their planning function with respect to any buildings or other land in Conservation Areas to pay

special attention to the desirability of preserving or enhancing the character or appearance of that area.

66. The application site lies in Shotley Bridge Conservation Area. The Conservation Area Appraisal states that several mills were situated along the Shotley Grove Road area which were demolished in the 1930's. The River Derwent is a dominant visual part of the village with views of the river seen from Shotley Grove Road and is listed as an important view/vistas within the area appraisal. Whilst this is acknowledged the PTP would be situated within the conservation area it is unlikely to have a negative impact on this.
67. As part of the application the Design and Conservation Team were consulted. They acknowledge that the tank is a replacement in terms of location and footprint and would be installed below ground. They state that the impact would be equal to the existing and have a neutral impact on the conservation area.
68. As such it is considered that the proposal would therefore preserve the significance and historical interest of the designated Conservation Area and would accord with Policy 44 in this respect.

Impact on trees:

69. Policy 40 (Trees, Woodlands and Hedges) states that proposals for new development will not be permitted that would result in the loss of, or damage to, trees, hedges or woodland of high landscape, amenity or biodiversity value unless the benefits of the scheme clearly outweigh the harm. Proposals for new development will be expected to retain existing trees and hedges or provide suitable replacement planting. The loss or deterioration of ancient woodland will require wholly exceptional reasons and appropriate compensation.
70. As part of the application an Arboricultural Method Statement (AMS) was submitted. This outlined any trees to be removed prior to development and those that will be retained along with pruning that maybe required.
71. The site is located between Shotley Grove Road and the River Derwent and is a grass covered area surrounded by self-seeded, young to semi mature broadleaved trees. To the northwest banks there are a line of larger trees.
72. It is stated and acknowledged that in order to install the PTP contractors would need a degree of working room to remove the septic tank and install the new package treatment system, which would result in the loss of a number of trees.
73. The submitted report recommends removing trees within Group 1 (Ash and Hawthorn) within 3m of the exposed concrete to the Northeast and Southwest and to the front (Southeast) with 1m to the rear (Northwest) and crown lifting to G2 (Willow and Ash) which overhang the working area to 3m above ground level. It is noted that this group of linear trees located north of the septic tank some have suffered storm damage with some being considered Category C (low quality and value)

74. The Council's tree officers were consulted as part of the application and have offered no objection to the proposed works highlighting some trees need to be removed to facilitate the installation. They note that this will not have a negative effect on the conservation area.
75. The consent to carry out work to protected trees only relates to the requirements of the Town and Country Planning Act 1990 and associated legislation. It is the applicant's responsibility to obtain any other legal consents which may be required, including the permission of any landowners involved.
76. It is therefore considered that subject to the works being undertaken in accordance with the submitted AMS (which can be secured by planning condition) that the proposal would accord with Policy 40 of the CDP and Part 15 of the NPPF.

Impact on ecology and protected species:

77. 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.
78. As part of the application a Preliminary Ecological Appraisal (PEA) was submitted. The PEA stated that the site has negligible potential for roosting bats and low/moderate potential for breeding birds. In assessing the site, the trees to be felled are unlikely to support breeding birds.
79. The PEA identified one tree (*Salix* spp.) that had features to support bats and breeding birds. It further states that if in the event the tree is to be felled or subject to works a check is required by an ecologist. The tree in question is not identified for felling or pruning works.
80. The Ecology Team were consulted as part of the application, and they had no issues with the proposals. They noted that the PEA provided sufficient avoidance measures to protect wildlife during the works.
81. In light of the above, it is considered that the application complies with Policy 43 of the CDP and Part 15 of the NPPF.

Water Management:

82. 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.
83. It is noted within the Shotley Grove area numerous properties use a septic tank or package treatment system to dispose of wastewater and foul sewage due to the nature of the area. The nearest sewer is located 10m higher than the properties with a pumped connection required. For this to be implemented a connection would have to cross multiple third-party land which may not be feasible.
84. As detailed above the existing tank is beyond its reasonable life span and needs replacing. The current tank serves 4&5 Shotley Grove Road (known as River View and River Cottage) and The Mill House further up the bank which are all part of The Cambrian Group ownership. The proposed PTP would only serve numbers 4 and 5, whilst Mill House will seek consent for its own tank which is scheduled to be submitted later. Given the present inter-relationship between the current septic tank and Mill House it is considered necessary to impose a condition, that requires a suitable means of dealing with the sewage and foul water of Mill House prior to the removal and disconnection of Mill House from a means of waste management.
85. As part of the application a Foul Water Drainage Statement was provided. This noted that the current tank takes foul water from the properties with the overflow spilling into the River Derwent to the North. The report states that the flows in the current system do not meet current water quality criteria by the Environment Agency and as such a new treatment facility is required.
86. The report suggests a high-level alarm is provided so that occupants know when maintenance is required. The Nuisance Action Team also recommended this within their comments.
87. The Environment Agency have no objections to the application and states as advice that there should be no discharge of foul or contaminated water from the site into groundwater or surface waters whilst the new plant is being installed.
88. Northumbrian Water have made no comments to date.
89. The application proposes a new upgraded package treatment plant which will serve 2 out of the 3 properties currently using the tank which are all owned by Cambrian Group in Shotley Grove. The new tank is an improvement to the existing and will allow foul waste to be disposed of correctly without further contamination and problems.

90. Policy 36 supports proposals for new or improvements to existing water treatment works unless the adverse impact of the development outweighs the need for greater capacity and other benefits. The installation of a new tank would prevent the existing deteriorating further and would deal with discharge more effectively thus limiting wider environmental impacts such as contamination and pollution especially given the proximity to the River Derwent.
91. The proposals accord with Policy 36 in this respect.

Highways and Public Rights of Way Implications:

92. 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.
93. Policy 26 states that existing green infrastructure should not be lost to development which includes Public Rights of Way (PROW).
94. The site is accessed by public by way 54 which serves a number of properties at Shotley Grove. The maintenance plan highlights that emptying and servicing will be undertaken from Shotley Grove Road.
95. The PROW Officer was consulted as Consett Route 54 runs adjacent to the site. They also noted that there was a historical claim for PROW close to the septic tank; however, the claim has remained dormant, and it is assumed there is no public interest to add this.

Impact on Archaeology:

96. As part of the application the Archaeology team were consulted as the site lies within a trigger area. They note that there would be no archaeological constraints as the works involved minimal new disturbance.

Other issues:

97. The proposal has generated some public interest with several representations and objections being received from local residents and the landowner. The objections, queries and concerns raised have been taken account and addressed within the report, where appropriate.
98. As part of the neighbourhood consultation issues were raised with regards to the siting of the new tank. The comment suggested that this should be sited near old unused garages encouraging direct ownership of the tank and maintenance. This would also allow for the sewage lorry to be situated off road whilst collecting the

foul water. During the application this was discussed with the applicant and agent who explained demolishing the garage was considered however this could not be accommodated due to insufficient distance from the tank to the property. In addition, any demolition would require an application for demolition in a conservation area.

99. Further comments were received regarding incorrect plans showing two properties rather than three connected to the existing tank. In addition to concerns were raised about plans not being to scale and that the plan tanks footprint is ten times larger than the original. It is noted on the application that the new tank would be solely to serve properties 4 and 5 Shotley Grove Road with the three properties currently connected to the existing. The scales on the existing and proposed plans show various scales so whilst one may appear larger or smaller this is due to its scale.
100. Concerns were also raised about land ownership, selling of additional land and existing covenants in relation to the septic tank. Whilst this is acknowledged; the above issues are outside the remit of the Planning Department and its legislation and therefore does not form part of this application. As a precautionary note consent should be obtained by the landowner before works are carried out.
101. Concerns were raised about The Mill House and that it should have its own tank. The agent has informed us that it is the applicant's intention to submit a future planning application for a new system solely for The Mill House. As such a condition has been attached preventing works from starting until a subsequent application is submitted and approved in writing for the above address.
102. Concerns were also raised about the tank overflowing on several occasions and complaints to the Environment Agency have not been responded to. Again, this is outside the remits of the Planning Department's control and do not form a material planning consideration in the case of the application.

CONCLUSION

In summary, the application site is considered to be acceptable and in accordance with Policies 21, 26, 29, 31, 36, 39, 40, 43 and 44 of the County Durham Plan and Parts 2, 4, 8, 12, 15 and 16 of the National Planning Policy Framework.

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

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 Policies 21, 26, 29, 31, 36, 39, 40, 43 and 44 of the County Durham Plan and Parts 2, 4, 8, 12, 15 and 16 of the National Planning Policy Framework.

3. The existing septic tank shall not be removed, disconnected or disused until a scheme for the provision of foul waste disposal for The Mill House, Shotley Grove Road, Shotley Bridge, DH8 8SE has been submitted to and approved in writing by the Local Planning Authority, and thereafter implemented in accordance with the agreed details.

Reason: To ensure satisfactory foul drainage provision for the property known as 'The Mill House' in accordance with Policy 36 of the County Durham Plan and Parts 2, 8 and 16 of the National Planning Policy Framework.

4. The development hereby permitted shall not be used by any other property other than 4 and 5 Shotley Grove Road, Consett, DH8 8SF.

Reason: To ensure foul drainage for the site is discharged appropriately in accordance with Policy 36 of the County Durham Plan and Parts 2, 8 and 16 of the National Planning Policy Framework.

5. Prior to the first use of the package treatment plant, a detailed management plan detailing how the treatment plant will be maintained, monitored, and emptied including the expected frequency for emptying shall be submitted to and approved in writing by the Local Planning Department. Thereafter the treatment plan shall be managed in accordance with the approved management plan for the lifetime of the development.

Reason: To ensure adequate maintenance of the tank and to ensure foul drainage for the site is discharged appropriately in accordance with Policy 36 of the County Durham Plan and Parts 2, 8 and 16 of the National Planning Policy Framework.

6. Prior to the first use of the development hereby approved, a high-level capacity alarm shall be fitted to, operable and maintained in accordance with the manufactures specification and thereafter shall remain in perpetuity for the lifetime of the development.

Reason: To notify when the tank is near full and requires emptying and to ensure foul drainage for the site is discharged appropriately in accordance with Policy 36 of the County Durham Plan and Parts 2, 8 and 16 of the National Planning Policy Framework.

7. The tree works hereby approved shall be carried out in accordance with BS 3998-2010: Recommendations for Tree Work and the European Tree Pruning Guide

(European Arboricultural Council) and in line with Arboricultural Method Statement submitted on 16th May 2022 by Elliott Consultancy Limited.

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

8. No 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 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 on trees other than what has been stated within the Arboricultural Method Statement submitted on 16th May 2022 by Elliott Consultancy Limited.

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.

9. The proposals hereby approved shall be carried out in accordance with the Preliminary Ecological Appraisal submitted on the 16th of May 2022 by LOBO Ecology.

Reason: In conserve protected species and their habitat in accordance with Policy 43 of the County Durham Plan and Part 15 of the National Planning Policy Framework.

10. The development hereby permitted should be maintained in accordance with the manufacturer's specification.

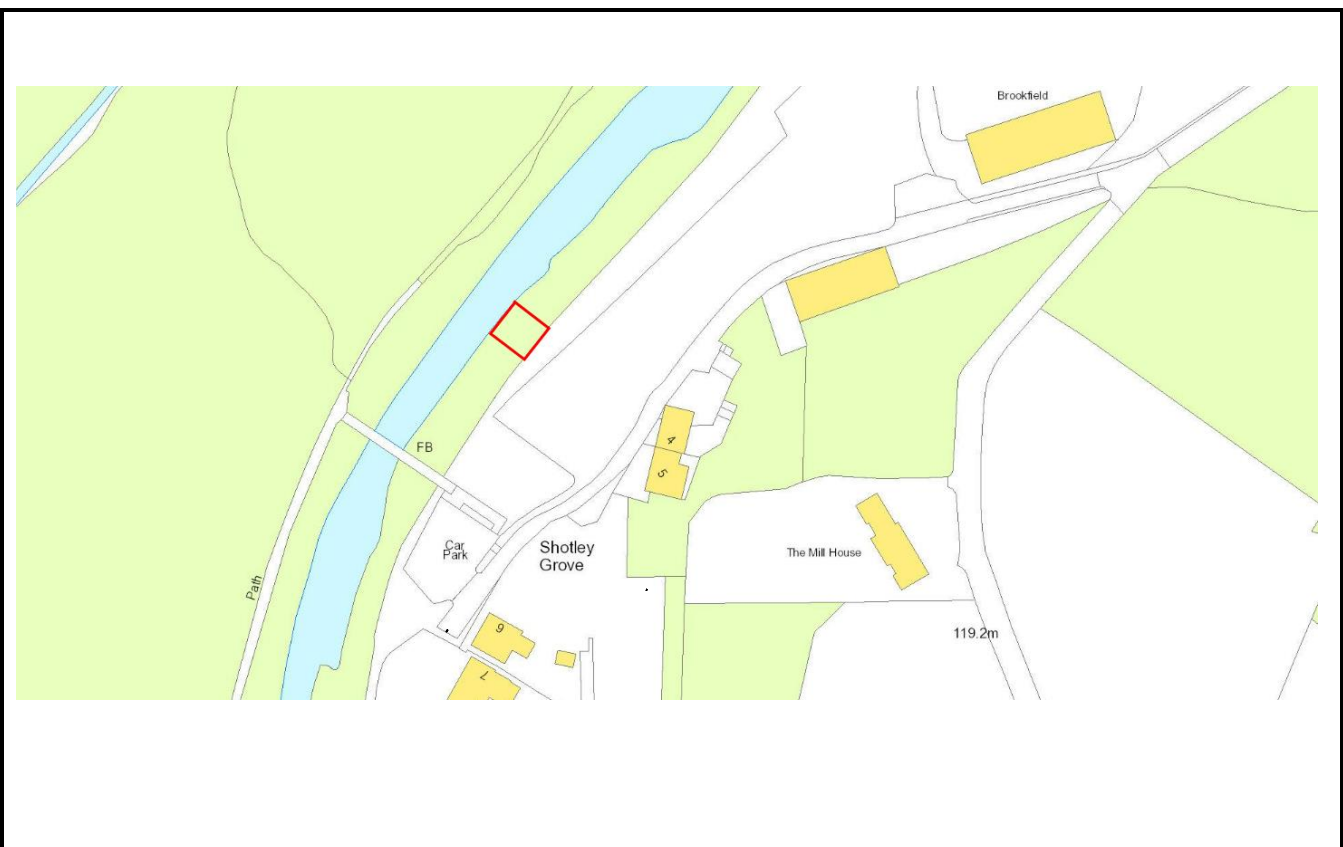
Reason: To ensure adequate maintenance of the tank and to ensure foul drainage for the site is discharged appropriately in accordance with Policy 36 of the County Durham Plan and Parts 2, 8 and 16 of the National Planning Policy Framework.

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
The National Planning Policy Framework (NPPF)
County Durham Plan (CDP)
Statutory consultation responses
Internal consultation responses
Public consultation responses



<p>Planning Services</p>	<p>DM/22/01445/FPA Replacement of existing septic tank with a domestic sewage treatment plant.</p>	
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