



## **Area Planning Committee (Central and East)**

**Date**      **Tuesday 13 June 2023**  
**Time**     **9.30 am**  
**Venue**    **Council Chamber, County Hall, Durham**

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### **Business**

#### **Part A**

1. Apologies for Absence
2. Substitute Members
3. Minutes of the meeting held on 9 May 2023 (Pages 3 - 20)
4. Declarations of Interest, if any
5. Applications to be determined by the Area Planning Committee (Central and East)
  - a) DM/21/02982/FPA - Sunridge Farm House, Thornley, Durham DH6 3EE (Pages 21 - 38)  
Change of use from agricultural to off road motorcycle training centre, with creation of motor track.
  - b) DM/22/03125/FPA - Land to rear of 31A to 33, Lobley Hill Road, Meadowfield, DH7 8RQ (Pages 39 - 64)  
Two storey detached 4bed dwelling and detached double garage with associated external works.
  - c) DM/23/00889/FPA - 4 St Marys Close, Shincliffe, Durham, DH1 2ND (Pages 65 - 78)  
Two storey rear extension with Juliet style balcony, pitched roof dormer to rear, front porch extension, conversion of garage into storage, external alterations to appearance and installation of solar PV panels to front facing elevation.
  - d) DM/22/03237/FPA - Sniperley Park and Ride, Sniperley Park, DH1 5RA (Pages 79 - 106)  
Extension to Sniperley Park and Ride by 262 total bays accommodating 29 disabled bays, 18 electric charging bays and 4 motorhome bays.

6. Such other business as, in the opinion of the Chair of the meeting, is of sufficient urgency to warrant consideration

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

County Hall  
Durham  
5 June 2023

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

Councillor D Freeman (Chair)  
Councillor D Oliver (Vice-Chair)

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

**DURHAM COUNTY COUNCIL**

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

At a Meeting of **Area Planning Committee (Central and East)** held in **Council Chamber, County Hall, Durham** on **Tuesday 9 May 2023** at **9.30 am**

**Present:**

**Councillor D Freeman (Chair)**

**Members of the Committee:**

Councillors L A Holmes (Vice-Chair), L Brown, I Cochrane, J Cosslett, M Currah (substitute for J Quinn), S Deinali, J Elmer, D McKenna, R Manchester, C Marshall, K Shaw and A Surtees

**1 Apologies for Absence**

Apologies for absence were received from Councillors A Bell and J Quinn.

**2 Substitute Members**

Councillor M Currah substituted for Councillor J Quinn.

**3 Minutes**

The minutes of the special meeting held on 30 March 2023 and meeting held 11 April 2023 were confirmed as correct records by the Committee and signed by the Chair.

**4 Declarations of Interest**

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

Councillor L Brown noted she was a Member of the City of Durham Parish Council, however, she was not a member of their Planning Committee and had not had any input into their submission in objection to applications on the agenda. She added that she was a member of the City of Durham Trust, however she was not a Trustee and had not been party to their submissions in objection to applications on the agenda. She explained that she was a Local Member in respect of Item 5b and noted she had predetermined and therefore would speak as Local Member, then leave the meeting during the consideration thereof.

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

### **a DM/22/00209/OUT - Land to the west of Dunelm Stables, Thornley, DH6 3BN**

The Principal Planning Officer, Leigh Dalby gave a detailed presentation on the report relating to the abovementioned planning application, a copy of which had been circulated (for copy see file of minutes). Members noted that the written report was supplemented by a visual presentation which included photographs of the site. The application was an outline application with some matters reserved (appearance, landscape and scale) for up to 20 self-build residential dwellings (C3) with associated works and was recommended for approval, subject to the conditions as set out in the report.

The Chair thanked the Principal Planning Officer and asked Kevin Ayton, Agent for the Applicant to speak in support of the application.

K Ayton noted that the proposals for 20 self-build plots represented the third and final phase of the larger site and noted there had been a number of enquires as regards the self-build plots. He added that the application would also help in terms of infrastructure and that phases one and two had demonstrated the principle of development and was supported by local plan policy. He explained that the proposals represented consolidation on three sides and was in keeping with phases one and two. He reiterated that the proposals were in line with policy, including in terms of amenity and habitat, and that the applicant had engaged with the Local Authority and that there were a number of benefits for Thornley from the development.

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

Councillor J Elmer noted he was very pleased with the proposal for self-build as that often meant a better quality of dwelling with better energy efficiency.

He noted that many of the issues relating to the development would be considered at the reserved matters stage and concurred with the landscape officer in terms of the mature hedgerow and proper safeguards. He noted that he was happy in terms of ecology being at the reserved matters stage, though felt that as self-build, while not wanting to constrain those choosing to build, he would hope for advice to be given in terms of improving the position in terms of wildlife such as minimising hard landscaping. He noted the condition relating to Policy 29 and energy efficiency and would hope for elements at reserved matters such as electric vehicle (EV) charging, solar panels and air source heat pumps. He noted that he was happy to move approval of the application.

Councillor L Brown asked as regards where the offsite affordable housing provision would be, and how close the development was to existing bungalow, as condition 12 referred to 0730 start and noted that 0800 may be preferable. The Principal Planning Officer noted that an 0800 start time did not seem unreasonable should Members wish, and noted the condition relating to the hedgerow, with landscaping to be at the reserved matters stage for each plot, as would any biodiversity net gain, though there were conditions relating to 40 trees to be planted and one bird and one bat box per dwelling. The Chair noted the issue of affordable housing, the Principal Planning Officer noted that there was not a defined location for the off-site provision, and whilst it was generally within the electoral division, there was not an earmarked site. Councillor L Brown noted she would second Councillor J Elmer, with the amended start time as noted.

Upon a vote being taken, it was:

## **RESOLVED**

That the application be **APPROVED**, subject to the Section 106 Legal Agreement, conditions as set out within the report and an amended condition in respect of 0800 start time for hours of operation.

### **b DM/22/01650/FPA - 1 Larches Road, Durham, DH1 4NL**

The Planning Officer, Michelle Penman gave a detailed presentation on the report relating to the abovementioned planning application, a copy of which had been circulated (for copy see file of minutes). Members noted that the written report was supplemented by a visual presentation which included photographs of the site. The application was for change of use from 6 bed C4 to 9 bed Sui Generis HMO with single storey rear extension and was recommended for approval, subject to the conditions as set out in the report.

*Councillor C Marshall left the meeting at 10.00am*

The Chair thanked the Planning Officer and asked Parish Councillor Grenville Holland, representing the City of Durham Parish Council, to speak on the application.

Parish Councillor G Holland explained that Members of the Committee would have noted that no less than 38 households in the immediate vicinity of the property had lodged written objections. He added that the strength and the breadth of those objections should alert the Committee to the level of feeling in the neighbourhood, a feeling which, as Members would be hearing, was based on their experiences in recent years. He noted that, in planning terms, the extension of the property apparently survived the restrictions imposed by County Durham Plan (CDP) Policy 16.2 whose intention was to prevent our city becoming no more than a student dormitory for Durham University. He added that, as Members were aware, it was a policy that was being bypassed by the landlords. He explained that, however, Policy 16 was not the only constraint on such developments, there were other policies designed to protect both the setting of our neighbourhoods and the welfare of its residents, and the integrity of those policies must not simply be minimised, as had happened in the Officer's report at paragraph 71. Parish Councillor G Holland noted that it was a great pity that Committee Members no longer made the once obligatory site visit prior to their meetings as it would have enabled Members to see first-hand the concerns of the residents.

Parish Councillor G Holland noted he would refer to the policies that led to the conclusion that the application should be refused, explaining that they included Part 12 of the National Planning Policy Framework (NPPF), CDP Policy 29 paragraphs a, c, e and f, and Policy 31, as well as Policies S1, H3 and D4 of the Durham City Neighbourhood Plan (DCNP).

He noted that Part 12 of the NPPF was a baseline policy, which sets the platform to achieve well-designed places, and offered guidelines as to how that target could be reached by requiring sustainable buildings and by making certain that developments will *'always add to the overall quality of an area, not just for the short term but over the lifetime of the development'*. He added that the proposed development at Larches Road missed that target completely. He explained that Policy 29 of the CDP provided more restrictive conditions, and that the proposed extension did not, to quote 29a, *'contribute positively to an area's character, identity, townscape and landscape features'*, nor did it help *'to create and reinforce locally distinctive and sustainable communities'*. He added that furthermore, it most certainly did not, to quote 29e, *'provide high standards of amenity and privacy and minimise the impact of [the] development upon the occupants of existing adjacent and nearby properties'*.

Parish Councillor G Holland explained that there was plentiful evidence from the local residents that the property already fails 29f, *'contribute towards healthy neighbourhoods'*; noting that indeed, once increased in size, as planned, its negative impact would be even more damaging.

In respect of CDP Policy 31, amenity and pollution, Parish Councillor G Holland noted that it required that *'there will be no unacceptable impact, either individually or cumulatively, on health, living or working conditions'* and that it *'can be integrated effectively with any existing community facilities'*. He added that the application also fell short of DCNP Policy S1, sections a) and c), because it did not, *'conserve the significance of the setting, character, local distinctiveness, tranquillity, and the contribution made to the sense of place'*. He noted that nor did it secure the *'equity and benefit to the local community'* required by that policy nor, according to the residents, did it offer *'a design and layout capable of respecting the privacy of, and visual impact on, occupiers of neighbouring properties'*.

Parish Councillor G Holland added that the application did not meet the constraints of DCNP Policy D4 by providing accommodation to the highest standards. He explained that this particular building was once a fine residential home with beautiful and well-maintained gardens and noted that now it was proposed to reduce it to no more than an unkempt functional building of convenience designed solely for profit by crowding in as many students as possible. He noted that as a new extension to an existing house, it would fail to respect *'the character and appearance of the local area'*. Parish Councillor G Holland added that the application did not meet the demands of DCNP Policy H3 because the development would most certainly not *'sustain and make a positive contribution to the character and quality of the area'*.

Parish Councillor G Holland noted, in summary, that the application failed elements of the NPPF Part 12, and the constraints embedded in CDP Policies 29 and 31 and DCNP Policies S1, D4 and H3.

He explained that the detailed record of neighbours' concerns made it clear that the proposed development would have an unacceptable impact on their neighbourhood and their lives. He added that even the Officer admits in her report that *'the change of use proposed will lead to a significant intensification of residential use. This will increase the likelihood of general noise... which may impact on neighbouring residential use'*. He added that, however, the Officer sets that aside as *'unlikely to cause a statutory nuisance'*. He asked did that mean that the policies he had just discussed carried no weight unless it was certain there would be a statutory nuisance.

Parish Councillor G Holland explained that the golden thread of these policies was that any development: must '*always add to the overall quality of the area*'; must '*sustain and make a positive contribution to the character and distinctiveness of the area*'; must bring '*equity and benefit to the local community*'; and must respect "*the privacy of occupiers of neighbouring properties*'. He noted that the phrasing, the words, and the spirit of those policies could not be set aside and added that simply concluding in the Officer's report that it would not do that much damage and that residents would just have to get used to the added problems it created in their community, did not accord with those policies and was no longer acceptable. He added that the Committee therefore would need to confirm that our planning policies, so recently endorsed and approved, actually mean what they say they mean, and that they were policies that set the standard both now and in the future. Parish Councillor G Holland explained that the application had understandably aroused strong local opposition and noted that the Committee would hear first-hand about those concerns. He concluded by asking that the Committee listen to them, as it was Members who acted as their voice, and today Committee Members were the only voice that they had.

The Chair thanked Parish Councillor G Holland and asked Madeleine Ashdown, representing local residents in objection, to speak in relation to the application. He noted there would be slides accompanying the representations.

M Ashdown thanked the Chair and explained she was speaking on behalf of the many residents in her neighbourhood who had objected to the application, and that residents would, in particular, like to thank our MP, Mary Foy for her ongoing help and support in respect of the matter.

She noted Parish Councillor G Holland had already explained why the application did not comply with the demands of relevant planning policies, accordingly, so noted that she would like to explain why residents objected so strongly to the application. She noted that in her statement, the applicant said '*I am a responsible landlord living locally and rarely have problems from my tenants*'. M Ashdown noted that residents' experience was that that was simply not true, and they had been told of problems elsewhere in the city. She noted that there had always been issues with this student accommodation, however, since this applicant bought 1 Larches Road in 2021, local residents had suffered ongoing problems that had caused disruption and distress to their family lives.

She explained that those problems included, to name a few:

1. late night noise and antisocial behaviour;
2. a serious outbreak of rats in the house next door;

3. uncontrolled storage of rubbish;
4. very poor maintenance of gardens and hedges;
5. parking cars and smoking weed in the back garden.

M Ashdown noted that in the last two years the students had hosted too many very noisy parties, disturbing neighbours until 3.00am or 4.00am, and the impact on the surrounding houses had been huge because the students gathered in the car port and in the garden outside the dwelling so that noise spread easily and widely. She added that the next-door property, Rounton, contained two student flats which were both Houses in Multiple Occupation (HMOs), and the students in both properties went back and forth between the two when parties were being held. She noted that when asked to quieten down, the students had been abusive. She added that neighbours had to call the police on several occasions, and the Community Response Team came out to the house wearing bodycams and dealt with the disturbances, which were recorded.

M Ashdown explained that the owners of the next-door property on Shaw Wood Close moved into their house about 18 months ago and the first thing they had to deal with was to call out pest control to deal with the outbreak of rats coming from next door, where dustbins were constantly overflowing and often not put out for collection. She noted that the bad management of waste had caused a major health hazard to neighbours living close by. She explained that the Applicant was never seen on site to oversee and manage this high-risk situation, rubbish was just dumped in the front drive when the tenants moved out.

M Ashdown noted that the back garden, once beautiful, was now abandoned and added that the photos shown by the Case Officer showed that the applicant cleaned up the garden when she put in the application. She added that neighbours on Shaw Wood Close repeatedly tried to contact the applicant to ask her to cut back the hedge between their properties and explained that the hedge had grown so high it had reached 9 metres high at one point. She noted that yet, the applicant ignored them so that at last, they had to cut the hedge back themselves leaving a note for her through the door. M Ashdown explained that the Applicant then came to their house shouting, called the police, and tried to have them charged with criminal damage. She noted that what the applicant describes in the Officer's report as '*having to involve the police*' because of problems with neighbours was actually threatening behaviour towards our neighbours who were simply trying to keep their own house in good order.

M Ashdown noted that the statement by the applicant in the Officer's report that '*Neighbours occasionally contact me; any problem is swiftly dealt with*' was clearly untrue.

She explained that students often smoked weed in the back garden; the smell was sometimes so strong that a close neighbour could not let her young daughter play in the garden for fear of her breathing in fumes. She added that, taking advantage of the neglected garden, students had often used the back lawn to park their cars, overlooking the neighbouring houses to the rear, cars being sometimes left over the holiday period.

M Ashdown noted the applicant was now planning to add another three bedrooms to a property that had already been extended from three to six. She noted the Case Officer did not think that there would be any overlooking issues between the extension and neighbouring properties, but the photo, set out in the presentation, shows that in fact it would intrude appreciably into the gardens of houses to either side. She reiterated that poor management by this landlord had already seriously affected our neighbourhood even with six residents in occupation and asked Members to imagine how that would be magnified by cramming in yet another three students. She added that indeed, the Case Officer admitted that in her statement: *'the change of use proposed will lead to a significant intensification of residential use of the property via the introduction of an increased number of bedrooms/occupants. This will increase the likelihood of general noise... which may impact on neighbouring residential use'*. M Ashdown asked how that could accord with planning policies designed to protect our neighbourhoods and reiterated that the proposals would make an awful situation for residents even worse. She thanked the Committee for listening to residents' concerns and asked, for the sake of all of those who live in the area, that Members refuse the application.

The Chair thanked M Ashdown and asked Councillor L Brown, Local Member, to speak in relation to the application.

Councillor L Brown thanked the Chair and explained that the property had originally been a four bedroom detached family home, adding she went to school with children who had lived there. She noted that turning it into a nine bedroom HMO represented overdevelopment that was off the scale, in direct conflict with CDP Policy 6 parts b and d, which refer to inappropriate back land development and the scale and character of such development and directed Members particularly to Paragraph 4.115 of Policy 6. She added that the application was also in conflict with CDP Policies 29 and 31, which deal with residential amenity. She noted there was a history of complaints about the property and an apparent lack of control by the owner, which could only be compounded by increasing the number of residents. She explained that DCNP Policy H3 referred to a development making a positive contribution to the character of an area, which should be taken into consideration. She added that Members should also consider the application in the context of the Council's Residential Amenity Supplementary Planning Document (SPD). She asked how many times could you extend a house before the character of the original property was lost?

Councillor L Brown, in respect of planning policy, noted that there had been many HMO conversions and extensions put before Committee in the last few years as the University had expanded. She noted that most of those had been approved under CDP Policy 16, however, too much weight was being given to both the Committee and Officers to that policy. She explained that this was understandable as Policy 16 was a quantifiable policy, where an application either met the criteria or did not. She noted that planning, as set out by the NPPF, was all about balance, adding that very little weight seemed to be given to other planning policies which also contain material planning considerations. She explained that those policies were equally important as they were all put through an equally stringent validation by Inspector Fieldhouse in 2019.

Councillor L Brown asked that the Committee therefore not only look at Policy 16, where of course the application meets the criteria, but also consider and give equal weight to whether the application stands or fails against CDP Policies 6, 29 and 31, as well as Policy H3 of the DCNP. She concluded by noting that policies that make one think were equally as important as a policy where the answer was handed to one on a plate.

The Chair thanked Councillor L Brown and asked the Committee for their comments and questions.

*Councillor L Brown left the meeting at 10.21am*

Councillor J Elmer thanked the speakers, including the representations on behalf of residents. He noted that Councillor L Brown had spoken of 'balance' and while the application was in line with Policy 16, there were other policies to consider, for example Policy 6, point 4.115 which stated: '*...conversions and replacement buildings, proposals should not significantly increase the size or impact of the original building where this would have an adverse effect on the character of the surrounding area or the amenity...*'. He noted that the Committee had heard as regards the issues with amenity, anti-social behaviour, noise, threatening, abuse, parties, drug use and police involvement. He added that represented significant harm.

*Councillor J Cochrane left at 10.23am*

Councillor J Elmer explained that Council Tax records gave an HMO percentage in the area of 8.5 percent, however, it was likely higher as it was not always possible to tell by Council Tax records whether a property was being used as a student HMO. He noted the objections that had been raised by the residents, Local Member, City of Durham Parish Council, City of Durham Trust and the Local MP and explained that therefore he would move refusal of the application.

Councillor J Cosslett noted he would second the motion for refusal.

*Councillor I Cochrane entered the meeting at 10.25am*

Councillor K Shaw referred to a recently approved purpose built student accommodation (PBSA) block, noting such applications were approved, in part, as they helped to reduce the demand for change of use of residential dwellings into student HMOs. He added he shared the concerns raised by residents in respect of the application. He noted that Members were referred to policies within the CDP, NPPF and DCNP and told by Officers that the application should not be refused, however, he felt that there must be a tipping point. He added there had been a 900 bed student accommodation previously approved and noted that he felt that now we were at that tipping point. He explained he understood that each application should be considered on its own merits, however, in this case the move from six to nine bedrooms was too much and therefore he was opposed to the application.

Councillor A Surtees noted she agreed with Councillor K Shaw and noted that Members were in a very difficult position and noted Members had sat in Committee many times considering HMO applications. She noted there was a need to look at this issue and to have a firm policy as, at the moment, applicants use the NPPF, and reiterated that the Council needed to 'grab the bull by the horns' in terms of policy. She noted she too was opposed the application.

The Chair noted that he felt the Council did have the requisite policies to deal with HMO applications.

Councillor J Elmer noted for clarification that the large PBSA located down the hill from the application site was very much a University project and that they preferred their PBSAs and therefore he felt refusing this application would align with Durham University's position.

Councillor K Shaw noted that he felt any refusal in this case would not be carte blanche for the future applications for change of use for HMO, rather was specific for this application.

The Principal Planning Officer, Paul Hopper noted that Policy 16 was a policy relating to the principle of HMOs, designed to protect the balance of communities. He noted the Committee had noted the issues of noise and disturbance and how that impacted the community. He added that Officers had felt that the application was in accordance with Policy, however, the speakers had referred to other policies relating to noise and disturbance that were material.

He added that if Members felt that those issues outweighed in terms of residential amenity, if they could expand on their reasoning as he felt it would be important, should the decision required to be defended at appeal. Councillor J Elmer noted he felt the strongest point was in relation to Policy 6, in securing the amenity of neighbouring properties, not just in terms of noise, but also anti-social behaviour, rats, drug use, parties, abuse and police involvement. He noted there was ample evidence of existing impact, made worse if the property was extended. The Principal Planning Officer noted that the identity of the applicant was not material, nor was previous impact. Councillor J Elmer noted it was the impact on amenity by the additional number of students proposed by the application. The Lawyer (Planning and Highways), Neil Carter noted that he would caution against any refusal reason linked to the applicant or tenants, rather to focus on amenity issues, not individual tenants or neighbour disputes.

Councillor A Surtees noted those were the reasons she felt that there needed to be an HMO policy with criteria for clarification, reiterating she felt the policy in place was not firm enough.

Upon a vote being taken it was:

## **RESOLVED**

That the application be **REFUSED** as the change in use of the property to a larger house in multiple occupation (Use Class Sui Generis) and the associated increase in occupants would have an adverse impact on the amenity of existing residents through increased noise, disturbance and antisocial behaviour, contrary to the aims of policies 6, 29 and 31 of the County Durham Plan and Part 15 of the NPPF.

*Councillor L Brown entered the meeting at 10.39am*

### **c DM/23/00456/FPA - 3 Wentworth Drive, Durham, DH1 3FD**

The Senior Planning Officer, Lisa Morina gave a detailed presentation on the report relating to the abovementioned planning application, a copy of which had been circulated (for copy see file of minutes). Members noted that the written report was supplemented by a visual presentation which included photographs of the site. The application was for change of use from dwelling (use class C3) to House in multiple occupation (HMO) (use class C4).and was recommended for approval, subject to the conditions as set out in the report.

The Chair thanked the Senior Planning Officer and asked Parish Councillor Susan Walker to speak on behalf of the City of Durham Parish Council in relation to the application.

Parish Councillor S Walker thanked the Chair and noted that the Parish Council's Planning Committee strongly objected to the application. She noted that the application represented the first change of use application since the introduction of the Article 4 Direction to Mount Oswald in October 2011. She explained that in their original justification for the introduction of the Article 4 Direction, the County Council had concluded that:

*'a) there is evidence of student households (which are generally HMOs) in these areas and;*  
*b) residents have expressed concerns that concentrations of HMOs can negatively impact upon residential amenity (the quality of an area and the impact on local living conditions) and change the overall character of an area'.*

Parish Councillor S Walker noted that one of the key challenges identified in the DCNP was the loss of family homes to student accommodation and the imbalance it created. She noted the imbalance in parts of the city was damaging the quality of life and future sustainability of schools, shops and other services and facilities. She explained the Parish Council had regard to the objection letters submitted by neighbouring properties and noted that over 30 residents had attended a recent meeting of the Parish Council's Planning and Licensing Committee to discuss the matter with the Parish Council. She explained that it should be noted that nearby residents had reported being detrimentally affected by anti-social behaviour attributed to other student properties in the locality and residents had also reported that attempts to rectify the problems with HMOs had fallen on deaf ears, with no meaningful planning enforcement action when things had gone wrong.

Parish Councillor S Walker noted it was reasonable to assume that the occupiers of an HMO were likely to lead independent lives from one another and, taking into account the size of the application site, the activity generated by several persons living independent lives, with separate routines, and their attendant comings and goings along with those of their visitors would lead to a level of activity that would be markedly more intensive than which could be reasonably be expected to be associated with a single household. She added that the activity, within an area where there was already a number of existing HMOs, would have a detrimental effect on the living conditions of neighbouring properties. She noted that, in particular, it was fair to assume that any future tenants of the property would likely be more frequent users of the city's night-time economy and therefore the likelihood of noise at anti-social hours was increased significantly.

Parish Councillor S Walker explained that CDP Policy 29 was clear that all development would be required to achieve well designed buildings and places, having regard to SPDs and other local guidance documents where relevant and:

*‘e) provide high standards of amenity and privacy, and minimise the impacts of development upon the occupants of existing adjacent and nearby properties’ and;*

*‘f) contribute towards healthy neighbourhoods and consider the health impacts of development and the needs of existing and future users’.*

Parish Councillor S Walker explained that Policy 31 relating to amenity and pollution also stated that development would be permitted where it can be demonstrated that there would be no unacceptable impact, either individually or cumulative, on health, living or working conditions. She added that the Parish Council was concerned that the present proposals would result in a further imbalance in the community and would have a detrimental impact on the surrounding residential amenities through noise and disturbance, contrary to CDP Policies 29 and 31, as well as the NPPF Paragraph 130(f) which sought to resist development that adversely affects residential amenity.

Parish Councillor S Walker asked Members to consider the car parking needs of the proposed development, with the proposals appearing to have two spaces for six unrelated adults and their visitors and guests, to be provided on a narrow single driveway. She noted that no dimensions for those proposed in-curtilage parking spaces had been provided as part of the submitted plans and therefore it was impossible to identify if they meet the requirements of Council standards. She explained that the Parish Council was also concerned as regards the proposed bin storage and cycle storage for the dwelling, within the garage itself, further restricting the parking space within the garage. She added that the reality would be that cars would be spilling out on to the street if the development was approved. Parish Councillor S Walker noted that, in addition, the narrowness of the driveway would mean that the cars would need to be removed for transporting the bins to and from the kerbside, and in all probability to access the garage as a bicycle store. She added that would require a significant level of coordination and cooperation from six unrelated adults and it was not unreasonable to accept that the management of household waste could become somewhat unneighbourly, giving rise to a significant loss of amenity to local residents.

Parish Councillor S Walker explained that there was no provision of EV charging points as required by the Council’s Parking and Accessibility SPD, which would make potential residents dependent on the more expensive public charging network.

In considering the needs of any future residents, Parish Councillor S Walker reminded Members that Policy 29 stated that '*all new residential development will be required to comply with the Nationally Described Space Standards (NDSS)*'. She explained that residents noted the objections from residents and also the website for the original developer of the site. She noted that the application site house is of the house type '*Bradgate*' and the proposed bedroom six was the former study of the dwelling, the original developers having not thought it large enough to be called a bedroom. She noted that while the proposed elevations submitted by the applicant do not include room dimensions, neighbours in the same house type have measured their own study rooms and concluded that bedroom six was in fact 5.91m<sup>2</sup>. She added that was below the 7.5m<sup>2</sup> minimum required by the NSSS and the minimum 6.51m<sup>2</sup> required by HMO space standards. Parish Councillor S Walker noted that, putting aside the immorality of people in HMOs not having the rights to the same standards as the rest of the community, she felt the Committee deserved that that measurement be checked.

Parish Councillor S Walker explained that much of the proposed gross internal floorspace of the dwelling was proposed to be taken up by private bedrooms which effectively leaves very limited communal living space for future occupants. She noted that, as such, the applicant's assertion that the dwelling could accommodate six bedrooms was incorrect, adding that Members had a duty to potential tenants of the developer, that they were not "packed in like sardines".

Parish Councillor S Walker concluded by noting that the development was not only significantly detrimental to the amenity of neighbouring residents, it was not even providing barely adequate provision for future occupants and for those reasons, and the fact Durham City needed more familiar homes not fewer, the application should be refused without delay.

The Chair thanked Parish Councillor S Walker and asked Fiona Adamson, Chair of the Mount Oswald Residents Association, to speak in relation to the application.

F Adamson noted she represented 47 residents and apologised that 45 of those had been unable to attend the Committee. She reminded Members that the estate had been created to provide local family homes, with families having bought properties on that basis. She added it was not a case of '*town versus gown*', rather that the Mount Oswald development had been for mixed use, with two colleges for students, of 850 beds, and the rest for residential homes. She noted that the approval for the PBSAs would be negated if HMOs were permitted it was against the original vision of the Mount Oswald development.

She added the threat of systematic loss of family homes was a serious issue and residents had been delighted as regards the Article 4 Direction. She noted the Officer's report referred to an HMO percentage of 7.3 percent, however, local knowledge of additional properties where landlords pay Council Tax as the price to pay to operate an HMO. She added that a large HMO property at the Bellway site also skewed the figures, and that looking at the postcode, one in five properties were HMOs.

F Adamson noted that CDP Policies 29 and 31 and explained that the impact of six people would be greater than a family and that student properties within the development were easily recognisable, with unkempt gardens, rubbish and a number of cars at those properties. She noted that it was unfair that existing residents should be impacted negatively and that was contrary to Policies 29 and 31. She noted that it was stated that the property would be for rent, not necessarily for students, but could include families, however, she noted that as someone that had grown up in Durham City, all areas now had a proliferation of HMOs and therefore it was important to prevent what was happening. She noted that the 150 residents of the development had bought their forever homes and noted the Elected Members of the Committee could prevent the takeover of a family area.

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

Councillor L Brown noted the application was within her Electoral Division and referred to paragraph 87 which set out the public highways were not adopted and asked whether this matter was in hand by the Council. She also noted that the previous application had referred to the balance in terms of student properties within an area and noted that Planners had not expected these properties to become HMOs as they had been deemed too expensive to be let for students and therefore no covenants had been placed on the properties. She therefore noted that Members should look at the balance and while the proposals may meet the requirements of Policy 16, she would say the application was against CDP Policies 21, 29, 31 and those within the DCNP and therefore she would vote against the application.

Councillor J Elmer noted that for the sake of consistency, he would note similarities to the previous application, adding six students into an area, where there were already concerns relating to anti-social behaviour, litter, noise, there would be impact upon residential amenity. He noted that additionally there was a lack of cycle parking, parking, EV charging and there was the question of the NDSS and bedroom sizes. He added that with 47 neighbours objecting, there was a strength of feeling from the community, and he felt it was important that Elected Members listened.

He concluded by noting that the area should be for family homes, including for older people, and that the University had the students covered in this area, and therefore the application should be refused. Councillor L Brown seconded the motion for refusal.

Councillor K Shaw noted his concerns, and the need to be consistent in decision making. He added the proposal represented a smaller six bedroom HMO and was a more acceptable scale of development than the previous application. He added that in this case he did not feel the tipping point had been reached and he did not have the same level of concerns as he had for the previous application, therefore he felt the Committee could not refuse the application.

The Chair asked for Officers to address the points raised by the Committee.

The Senior Planning Officer noted that the whole property as proposed would meet the NDSS requirements, with the applicant stating that it would meet requirements, the objectors saying that it would not. She noted that in terms of Licensing requirements, they were the same for five or six bedroom. In terms of proposed living conditions, it was felt that the proposals were in line with CDP Policy 16 and therefore acceptable in terms of the impact upon amenity.

The Highway Development Manager, Phil Harrison noted that arrangements for parking were the same as if the property was a family home and therefore the same as previously approved when the properties were granted permission. Councillor L Brown asked if there was a date for highway adoption. The Highway Development Manager noted that the Section 38 process was ongoing, and he would speak to the relevant Officers and update Councillor L Brown accordingly.

The Principal Planning Officer, Paul Hopper noted the differences between this application and the previous application, with the previous application being for the increase from six to nine HMO and the current being for the change of use to a six bedroom HMO. He added that should the Committee refuse the application as it failed to accord with the requirements of Policy 16, that it would be challenging to defend that position on upon appeal.

The Chair asked for refusal reasons in relation to the motion put forward by Councillor J Elmer and L Brown. Councillor L Brown noted she felt the application was contrary to DCNP T1, T2, H3 and CDP Policies 21, 29 and 31. The Lawyer (Planning and Highways) asked what specifically was objectionable, which part of the policy was felt to be engaged.

Councillor L Brown noted that parking problems would be elevated in future, contrary to DCNP policies relating to parking, she noted Policy H3 and CDP Policies 29 and 31 related to impact upon residential amenity, noting that while compliant with Policy 16, she had noted the number of complaints from local residents. The Lawyer (Planning and Highways) asked whether it was felt that the application was prejudicial to highway safety or would exacerbate existing issues. Councillor L Brown noted that there were issues of people speeding up, parking especially give the 850 bed PBSA nearby. She noted as regards the Article 4 Direction and that there had been an impact in terms of CV, referring to Facebook pages that gave information on where to park in the Mount Oswald development if going into the city, noting that a lot of students parked in the areas. She added that an additional up to six cars would impact upon the other residents of the area.

The Lawyer (Planning and Highways) noted that was exacerbating existing parking and highway safety issues and added he was not sure that would be a sustainable refusal reason and asked for comment from the Highway Development Manager. The Highway Development Manager noted that issues were currently under the control of the developer and would be for them to address, though once adopted, they would be for the Council to address. He noted DCC standards was for two parking spaces for a five bed property and that the NPPF set a very high bar and therefore he felt refusal on the parking situation would not hold up at appeal as regards one more space. The Lawyer (Planning and Highways) noted that therefore he would advise if Members were to refuse the application they steer away from parking and highway safety and look to other residential amenity impacts. Councillor L Brown noted that it was always possible to see which properties were student properties and asked if housing legislation was against it was not enforced. She asked if it was fair for residents to pay a premium for their homes and to have to live with disruption.

The Chair noted that while there may be problems with existing HMOs, it was more difficult to quantify impact from this property as it was not yet an HMO. Councillor L Brown conceded that this application was slightly different from the last application, however, she had seen so many HMO applications in her Division and many people move out of the area once an HMO is granted next door. The Lawyer (Planning and Highways) noted that amenity impact was subjective and for Members to come to a view upon. He noted that there had to be an assumption that planning and other legislation would work and that a decision on an application should not be on the track record of an applicant or students, rather upon the proposed land use. He noted that simply stating that students would bring a lifestyle and problems would be a difficult reason to sustain at appeal, however, the decision was for the Committee.

The Chair noted the motion for refusal put forward by Councillor J Elmer, seconded by Councillor L Brown and upon a vote being taken, the motion was **LOST**.

Councillor K Shaw noted that reluctantly, as he felt there were no material policy reasons to refuse the application, he would propose the application be approved. He was seconded by Councillor A Surtees, who added she too had struggled to find any material reasons for refusal.

Upon a vote being taken, it was:

## **RESOLVED**

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



## Planning Services

# COMMITTEE REPORT

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### APPLICATION DETAILS

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Application No:	DM/21/02982/FPA
Full Application Description:	Change of use from agricultural to off road motorcycle training centre, with creation of motor track.
Name of Applicant:	Ann McCarrol
Address:	Sunridge Farm House Thornley Durham DH6 3EE
Electoral Division:	Trimdon and Thornley
Case Officer:	Leigh Dalby (Principal Planning Officer) Tel: 03000 261 959 Email: leigh.dalby@durham.gov.uk

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### DESCRIPTION OF THE SITE AND PROPOSAL

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#### The Site

1. The application site consists of approximately 6.07ha of agricultural land located to the south of the main farm buildings of Sunridge Farm which itself is located approx. 0.45km to the North East of Thornley and 0.8km to the South East of Ludworth.
2. The site is surrounded by open countryside to the North, East and West with sporadic farm buildings, to the immediate South of the site is Thornley Cemetery which is currently in operation and frequented by visitors and mourners, with open countryside and the settlement of Thornley beyond.

## The Proposal

3. The application is retrospective, with the track formation works having already been undertaken and the operation of the track having commenced. As such the application seeks planning consent for the change of use of the site from agricultural land for what has been described as a “Community off-road motorcycle training centre”.
4. As detailed above, the track and its layout has been constructed utilising banked turns, and land contouring to provide for events/training track for use by motor cyclists. The applicant also indicated that parking and storage spaces would be provided within the site for up to 16 cars; 20 motorcycles and 10 light vans.
5. Access to the site would be provided via the existing Sunridge farm access to the public highways and an internal access track.
6. The application has been called to the committee by Councillor L Hovvels due to level of local resident complaints and to allow the Committee to consider the material concerns and considerations raised.
7. The proposal was previously report to the Committee on 12<sup>th</sup> July 2022, which resolved to defer determination of the application to allow further information to be provided relating to noise, transport, business and cost, storage and repair, and for a site visit to be arranged prior to re-consideration of the application by the Committee.

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### PLANNING HISTORY

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DM/15/02269/PNC Change of use of agricultural building to a dwellinghouse. Prior Approval Reqd and Refused 11th September 2015

DM/15/03147/PNC Change of use of agricultural building to 3no. dwellinghouses. Prior Approval is Required 1st December 2015

DM/15/03429/PNA 2 buildings with total floor space of 450 square metres.

DM/19/01478/PNC Prior approval of proposed change of use of agricultural building to 3 no. dwelling units Prior Approval Reqd and Refused 4th July 2019

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### PLANNING POLICY

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#### **NATIONAL POLICY**

8. 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.
9. 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;
  10. 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.
  11. 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.
  12. 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.
  13. 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.
  14. 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.
  15. NPPF Part 12 Achieving Well-Designed Places - The Government attaches great importance to the design of the built environment, with good design a key aspect of sustainable development, indivisible from good planning.
  16. NPPF Part 15 Conserving and Enhancing the Natural Environment - Conserving and enhancing the natural environment. The Planning System should contribute

to and enhance the natural and local environment by protecting and enhancing valued landscapes, geological conservation interests, recognising the wider benefits of ecosystems, minimising the impacts on biodiversity, preventing both new and existing development from contributing to or being put at unacceptable risk from pollution and land stability and remediating contaminated or other degraded land where appropriate.

**LOCAL PLAN POLICY:**

17. The following policies within the County Durham Local Plan are considered relevant in terms of this proposal:
18. Policy 1 (Quantity of Development) outlines the levels of employment land and housing delivery considered to be required across the plan period.
19. Policy 10 (Development in the Countryside) states that development will not be permitted unless allowed for by specific policies in the Plan or Neighbourhood Plan or unless it relates to exceptions for development necessary to support economic development, infrastructure development or development of existing buildings. The policy further sets out 9 General Design Principles for all development in the Countryside.

Provision for economic development includes: agricultural or rural land based enterprise; undertaking of non-commercial agricultural activity adjacent to applicant's residential curtilage. All development to be of design and scale suitable for intended use and well related to existing development.

Provision for infrastructure development includes; essential infrastructure, provision or enhancement of community facilities or other countryside based recreation or leisure activity.

Provision for development of existing buildings includes: change of use of existing building, intensification of existing use through subdivision; replacement of existing dwelling; or householder related development.

20. Policy 21 (Delivering Sustainable Transport) requires all development to deliver sustainable transport by: delivering, accommodating and facilitating investment in sustainable modes of transport; providing appropriate, well designed, permeable and direct routes for all modes of transport; ensuring that any vehicular traffic generated by new development can be safely accommodated; creating new or improvements to existing routes and assessing potential increase in risk resulting from new development in vicinity of level crossings. Development should have regard to Parking and Accessibility Supplementary Planning Document.
21. Policy 29 (Sustainable Design) requires all development proposals to achieve well designed buildings and places having regard to SPD and sets out 18 elements for development to be considered acceptable, including: positive contribution to areas character, identity etc.; adaptable buildings; minimising greenhouse gas emissions and use of non-renewable resources; providing high

standards of amenity and privacy; contributing to healthy neighbourhoods; and suitable landscape proposals. Provision for all new residential development to comply with Nationally Described Space Standards, subject to transition period.

22. Policy 31 (Amenity and Pollution) sets out that development will be permitted where it can be demonstrated that there will be no unacceptable impact, either individually or cumulatively, on health, living or working conditions or the natural environment and that can be integrated effectively with any existing business and community facilities. Development will not be permitted where inappropriate odours, noise, vibration and other sources of pollution cannot be suitably mitigated against, as well as where light pollution is not suitably minimised. Permission will not be granted for locating of sensitive land uses near to potentially polluting development. Similarly, potentially polluting development will not be permitted near sensitive uses unless the effects can be mitigated.
23. Policy 32 (Despoiled, Degraded, Derelict, Contaminated and Unstable Land) requires that where development involves such land, any necessary mitigation measures to make the site safe for local communities and the environment are undertaken prior to the construction or occupation of the proposed development and that all necessary assessments are undertaken by a suitably qualified person.
24. Policy 39 (Landscape) states that proposals for new development will only be permitted where they would not cause unacceptable harm to the character, quality or distinctiveness of the landscape, or to important features or views. Proposals are expected to incorporate appropriate mitigation measures where adverse impacts occur. Development affecting Areas of Higher landscape Value will only be permitted where it conserves and enhances the special qualities, unless the benefits of the development clearly outweigh its impacts.
25. 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.

26. Policy 56 (Safeguarding Mineral Resources) states that planning permission will not be granted for non-mineral development that would lead to the sterilisation of mineral resources within a Mineral Safeguarding Area. This is unless it can be demonstrated that the mineral in the location concerned is no longer of any current or potential value, provision can be made for the mineral to be extracted satisfactorily prior to the non-minerals development taking place without

unacceptable adverse impact, the non-minerals development is of a temporary nature that does not inhibit extraction or there is an overriding need for the non-minerals development which outweighs the need to safeguard the mineral or it constitutes exempt development as set out in the Plan.

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

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## **CONSULTATION AND PUBLICITY RESPONSES**

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### **CONSULTEE RESPONSES:**

28. The following comments were received following consultation with Statutory and Internal consultees.

#### Statutory and Internal Consultees

29. **DCC Highways** – Following comments dated 21.02.22 requesting further information around the potential usage numbers of the proposed facility, this additional information has now been received.

The applicant has stated that circa 12 vehicles would visit the site on a weekday, and 40 at the weekend. These numbers are considered acceptable and would not give any rise to potential road safety issues or cause a "severe" impact as per NPPF paragraph 111. Therefore, from a Highways perspective, this proposal would be considered acceptable.

30. **DCC Env. Health (Nuisance)** - In my comments dated 15th March 2022 consideration of tonal noise was advised. Therefore, we would suggest further information is provided with respects to spectral characteristics/tonal noise and the potential impact on the identified noise sensitive receptors.

Further information has been submitted in a revised noise report, version 2 dated 25th April 2023. Figure 6.0, page 15 – Motocross Noise Frequency Analysis. This evaluates noise levels during periods - no activity at NSR, trackside at 7m, activity at NSR and the difference between activity and no activity. In summary this analysis establishes a 4dB(A) increase at 500Hz and 4KHz and a rating of 'slight/moderate' increase in noise depending on the sensitivity of the receptors.

The locality is predominately a rural area and it maybe argued that a motorcycle track will change the character of the area. Despite the acoustic assessment and the predicted moderate increase in noise by 4dB(A); it is not unreasonable to assume noise will be heard to some degree in terms of impact on amenity.

The information submitted demonstrates that the application complies with the thresholds stated within the TANS. This would indicate that the development will not lead to an adverse impact.

However, the planning officer should consider the supporting detail.

A noise management plan has been submitted has been submitted under section 5 Recommendations and Mitigation and proposed operation times have also been suggested.

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 believe the granting of planning permission for the development may potentially result in a statutory nuisance being created by noise from motorcycle noise

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.

o We would suggest operating times for the off-road motorcycle training track are conditioned to 0900 to 1700 Monday to Friday, Saturday 0900 to 1300, Not in use Sundays and Bank Holidays.

o We would suggest adherence to the submitted Noise Management Plan is conditioned, as detailed on page 17, section 5 - Recommendations and Mitigation of the submitted Noise Impact Assessment, dated April 2023, ref project number 8431ES, version 2

31. **DCC Landscape** - Given the site is well screened from public vantage points (particularly in summer months), the proposals would not have significant landscape or visual effects or conflict with policies dealing with those matters.
32. **DCC Spatial Policy** – The principle of the proposal has element of acceptability under parts of Policy 10 of the County Durham Plan. However, in this case, the motor track is situated adjacent to sensitive receptors (users of the PROW and cemetery) and the impact on their amenity in terms of noise and disturbance is of paramount consideration, and would appear to conflict with other elements of Policy 10 and other policies within the County Durham Plan.
33. **DCC Public Rights of Way** - There are two Public Rights of Way close to this site, Shadforth Footpath 19 is to the East and Shadforth Footpath 41 is to the South. Shadforth Footpath 41 is in very close proximity to the site.

There appears to be a buffer between the site and the footpath however I do have some concerns regarding the noise potential. I note that to mitigate noise issues the motorcycles will be decibel tested and that hours of use will be limited. Given the close proximity of the site to the Public Rights of Way any further noise reduction measures would be encouraged.

34. **DCC Ecology** – No objections

35. **Thornley Parish Council** – No objection to the principle of the use, however, concerns are raised over the operating times and potential conflict with the cemetery through noise and disturbance.
36. **Durham Fire and Rescue** – No objection
37. **Durham Constabulary** – No objection to the principle as it removed the common complaint that 'bikers have nowhere to go', However, the following concerns are raised:
- 1) Noise for local residents from multiple motorcycles where baffles have been removed from the exhaust.
  - 2) Unroadworthy / un registered motorcycles travelling at speed and in an anti-social manner to the location along footpaths and bridal paths
  - 3) Has the track been reviewed from a safety POV by professionals? I note that it is being called a 'training centre' with instructors, however the presence of first aiders and marshals make it seem more like a pay as you go track with little control. Would be a proper registration system with registrations of the motorbikes and rider details, or non-registered vehicles only attending on trailers?

## **PUBLIC RESPONSES**

38. The application has been publicised by way of neighbour notification (76no in total), site notice and press advert. A summary of the comments received are as follows:
39. Objections (33no in total)
- Loss of amenity through excessive noise generation;
  - Noise assessment insufficient no assessment of weekend noise
  - Adverse impacts upon the enjoyment of nearby dwellings;
  - Adverse impact upon the amenity and enjoyment of sensitive locations nearby such as the nearby cemetery and footpaths;
  - Lack of consideration or submitted details in respect of impacts on local ecology;
  - Site in operation as a motorcycle track since 2021 without planning permission
  - Poor road signage to site.
  - Operates at weekends
  - £25 per session too expensive for locals to use the facility
  - Access tracks causes mud on the road which is slippery
  - Impact on house prices due to the noise
40. Support (5no in total)
- Good for local community and children
  - Reduce Anti-social behaviour
  - Riders use appropriate safety protection
  - Noise has minimal effect

- Opportunity to engage with a organised hobby

#### **APPLICANTS STATEMENT:**

41. This application is in response to the growing anti-social behaviour of off-road motorcycle riders.
42. This has been the subject of a recent discussion in the House of Commons initiated by the local MP for Easington District Mr Grahame Morris (whose support we are seeking).
43. This is available from the House of Commons Library and through the link below.
44. Anti-social behaviour and off-road bikes Debate Pack 25 May 2022 Number CDP-2022-0097 By Fintan Codd, Lewis Pickett (specialist)  
<https://www.grahamemorrismp.co.uk/2022/05/31/anti-social-behaviour-and-off-road-bikes>
45. Despite the fact that the Minister for State for Crime and Policing, Kit Malthouse MP, in December 2021, explained that the Government has provided the police, councils and other agencies with a “range of tools and powers” to response to anti-social behaviour, including “anti-social incidents involving off-road bikes.” the problem continues .
46. The main goal in promoting this application is to take these off-road motorcycles away from the public domain and off bridle paths, public footpaths and farm properties who regard their presence as a nuisance and trespass. Current legislation is not working, and both police and local authorities are stretched to their limits.
47. To deter anti-social behaviour all user members as a condition of their membership must sign an undertaking that they will not use their motorcycle on any public thoroughfare as in public footpaths, bridle paths, public road, trespass on farm fields.
48. The track will provide a safe, contained, fun facility and to get these motorcycles away from the public into a controlled regulated area.
49. Although demand is extremely high, in consideration of neighbour’s comments, the opening times will be curtailed to one day per week at weekends The opening times will be strictly limited to 10am until 4pm. This rather than the initial opening times on the application form.
50. Sunridge Farm, Thornley is in total 45 acres of grassland presently, it is in the sole ownership of Anne McCarrol along with the farmhouse which is the family residence. Her son Stuart McCarroll has always had an interest and indeed a passion for motor cross trial type off road motorcycles. In the past his parents would allow him, and a few friends use the private tracks around the farm to enjoy their motorcycles. Off road bikes can legally be ridden on private land with the owner’s permission.

51. On an occasion Mrs McCarrol noticed that they had strayed off their land and were also using a bridle path nearby. She immediately stopped this activity. The young men complained that they felt curtailed in the confines of the farm track and that everyone else with trials type motorbikes were using public footpaths, bridle paths and generally trespassing on fields and paths all over the area.
52. She agreed to allow her son to create a winding track on an area of the farm in approximately 15 acres of field not currently in use. This would mimic a winding pathway around the field as some competition tracks do. This track was completed and is used on a regular basis. The word spread and requests were received from all over the area to use the facility.
53. It has now become so popular that it has become necessary to regulate it and on advice from council officials this planning application has been submitted.
54. All other regulatory measures implemented as follows:
55. Welfare facilities are available, these include toilet facilities, changing area, hot and cold water, first aid room and administration office.
56. Marshals will always be employed and deployed for track days and personnel on site. This will provide part time employment to approximately 5 individuals from the county community.
57. Mrs McCarrol wants this facility to succeed whilst causing as little disruption to neighbours as possible so she has sought advice from the industry body and will strictly adhere to the following:
  - the correct insurances will be in place,
  - a decibel meter will be deployed and all motorcycles will be decibel tested according to requirements in Appendix1 below and rated prior to being allowed to use the track
  - no motorcycles will be allowed on the facility unless they pass the industry decibel check
  - the riders will be examined for competent ability to use the facility.
  - training instructors will be on site at all track days to offer full training of the safe use of motorcycles on the track and to ensure riders pass a competent rider test.
58. A charge will be made on track days to cover the cost of marshals, first aiders, instructors, checking mechanic. The point of this application is to provide a safe, contained, fun facility and to get these motorcycles away from the public into a controlled regulated area.
59. Current legislation allows the track to be used for 14 days per annum but demand has been so great that this has been exceeded and Mrs McCarroll is seeking to regulate this through this application.
60. The applicant has read the comments from consultees listed below and will seek to adhere to any advice.

61. Nuisance Action Team have requested a noise impact assessment, In response the applicant will commission a Noise Impact Assessment and adhere to the recommendations
62. Highways development management have no objections in principle but would like further information which will be provided

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

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## **PLANNING CONSIDERATIONS AND ASSESSMENT**

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63. 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 Paragraph 47 of 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, the impact on residential amenity, the character and appearance of the area and visual amenity and highway safety.

### Principle of Development

64. Policy 10 (Development in the Countryside) states that development will not be permitted unless allowed for by specific policies in the Plan or Neighbourhood Plan or unless it relates to exceptions for development necessary to support economic development, infrastructure development or development of existing buildings. The policy further sets out 9 General Design Principles for all development in the Countryside.
65. As detailed above the site lies within a rural location detached from any nearby conurbation. Policy 10 states that “development in the countryside will not be permitted unless allowed for by specific policies in the Plan, relevant policies within an adopted neighbourhood plan relating to the application site or where the proposal relates to an exception listed in the policy”.
66. Policy 10 criterion g) supports development of development of a new, or the enhancement of, an existing countryside based recreation or leisure activity which will improve access to the countryside for all in terms of walking, cycling, horse riding and sailing without giving rise to adverse environmental impacts. Policy 10 also advises that “new development in the countryside must accord with all other relevant development plan policies and by virtue of their siting, scale, design and operation must not” conflict with criteria l) to r) and advises that “New development in the countryside must also:” accord with criterion s) and t). Criterion l), p) q) and r) all appear applicable.

67. In respect to criteria l) Policy 10 advises that development must not “give rise to unacceptable harm to the heritage, biodiversity, geodiversity, intrinsic character, beauty or tranquillity of the countryside either individually or cumulatively, which cannot be adequately mitigated or compensated for;” In this regard whilst the Council Ecologist has not objected to the proposal in terms of biodiversity; it is considered that the proposal would by virtue of the noise and disturbance created by the motor cycles have a detrimental impact on the character and tranquillity of the Countryside. The proposal would therefore fail to comply with criteria l) of Policy 10.
68. Criteria p) of Policy 10 states that development must not “be solely reliant upon, or in the case of an existing use, significantly intensify accessibility by unsustainable modes of transport. New development in countryside locations that is not well served by public transport must exploit any opportunities to make a location more sustainable including improving the scope for access on foot, by cycle or by public transport”.
69. It would appear that the proposal would be in direct conflict with criterion p) as visitors to the proposal would appear to be solely reliant upon unsustainable modes of transport. The criterion also advises that, “New development in countryside locations that is not well served by public transport must exploit any opportunities to make a location more sustainable including improving the scope for access on foot, by cycle or by public transport”. However, it is considered that criterion p) need to be considered in light of the advice set out in paragraphs 84, 85 and 110 of the NPPF.
70. The relevant part of paragraph 84 of the NPPF requires that planning policies and decisions should enable the development and diversification of agricultural and other land-based rural businesses; and allow for sustainable rural tourism and leisure developments which respect the character of the countryside.
71. NPPF Paragraph 85 recognises that decisions relating to rural business in locations that are not well served by public transport ensure that any development is sensitive to its surroundings, does not have an unacceptable impact on local roads and exploits any opportunities to make a location more sustainable (for example by improving the scope for access on foot, by cycling or by public transport).
72. NPPF Paragraph 110 advises that in assessing sites that may be allocated for development in plans, or specific applications for development, it should be ensured that:
- a) appropriate opportunities to promote sustainable transport modes can be – or have been – taken up, given the type of development and its location;
  - b) safe and suitable access to the site can be achieved for all users;
  - c) the design of streets, parking areas, other transport elements and the content of associated standards reflects current national guidance, including the National Design Guide and the National Model Design Code; and

- d) any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree.
73. In regard to the above paragraphs the NPPF is clear that rural diversification and enterprises should respect and be sensitive to the character of the area and the surroundings and should seeks to promote sustainable modes of transport. It is considered that the proposal due to its noise and dust generating nature does not respect the location, particularly in relation to the neighbouring cemetery and will have an adverse impact on the character of the Countryside in this location. It is therefore considered that the proposal fails criteria p)
74. Criteria Q of Policy 10 relates to highway safety, that will be considered in detail below,
75. Criteria R of Policy 10 requires that development will not have an adverse impact upon residential or general amenity, in this regard the proposal has been in operation for approx. 2 years, and as evidenced within the level objections to the planning application, and 13 separate complaints to the Environmental Health Nuisance Action team since March 2021 in relation to noise has been causing nuisance in terms of noise, that has impacted the residential amenity of the dwellings close to the site, in addition concerns have been raised in relation to the general amenity of the area and tranquillity that should be afforded to the adjoining Cemetery to allow services and visitors to undertake their activities on site in the peace and tranquillity that a place of this nature should be afforded.
76. The Council's Env. Health section have considered the submitted noise assessment and mitigation proposal; and whilst not objecting have confirmed that there will be a slight / moderate increase in noise of approx. 4dB(A), and given the location the increase in noise will be heard to some degree in terms of impact on the amenity; although the level of which is left to a planning judgement as to whether the increase is acceptable. Whilst it is considered that the impact on the residential amenity of neighbours can be ameliorated through the measures proposed, it is considered that the proposal fails to comply fully with Criteria R of Policy 10 due to the adverse impact of the proposal due to the noise generation associated with a use of this nature on the general amenity of the area, in particular the tranquillity and peaceful value of the Countryside and the impact on the neighbouring cemetery use.

#### Principle of Development Conclusion

77. It is considered that the principle of the proposed use as a moto-cross / cycle training and track facility is unacceptable due to being contrary to the provisions of Policy 10 of the Country Durham Plan as detailed above.

#### Impact upon Residential Amenity

78. 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.

79. 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.
80. As detailed above in paragraph 75, the Council's Env. Health officer has assessed the development and concluded that whilst there will be a slight / moderate increase in noise, it is not sufficient subject to the proposed conditions to cause a statutory nuisance. Therefore, it is considered in relation to Policy 31 that the proposal will not cause a significant detrimental impact in relation to noise generated by the development on nearby residents to warrant refusal of the application.
81. However, the site is set within the open countryside, where there are a number of public rights of way surrounding the site and adjoins the local Ludworth Cemetery. One of the values and expectations of the Countryside is that users are able to enjoy the peaceful and quiet of the Countryside, to be closer to nature and the natural environment; similarly, there is an expectation that Cemeteries are located within an environment which is both respectful to those who are interred and allows visitors to respectfully mourn their loved ones and allow peaceful contemplation.
82. It is considered that the proposal will by its nature generate noise, dust and odour (in the form of engine exhaust fumes) that will have a detrimental impact on the natural environment and the intrinsic value of the Countryside, and will have a detrimental impact on the neighbouring cemetery which directly adjoins the site which is considered to be a sensitive site, in that the users of the cemetery site will not be able to visit the site in the peaceful and quiet environment that is typical and expected of a cemetery environment
83. Therefore, in conclusion it is considered that the proposal is unacceptable in relation to the requirements of Policy 29 and 31 of the County Durham Plan and sections 8 and 12 of the NPPF. In that the proposal will have a detrimental impact on the amenity of the natural environment and the sensitive neighbouring use.

### Highway and Pedestrian Safety

84. 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
85. The Council's Highway Engineers have assessed the proposal and concluded that the level of vehicle movement to and from the site is not considered to cause a detrimental impact in highway safety.
86. In light of the above it is considered that at present the scheme is acceptable in line with Policy 21 of the County Durham Plan, and Part 9 of the NPPF.

### Impact on the character and appearance of the streetscene and landscape

87. 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.
88. 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.
89. In relation to the impact on the proposal on the character and appearance of the area and landscape. The Council's Landscape team have considered the application and confirmed that the development would be well screened from public vantage points (particularly in summer months), and that the proposals would not have significant landscape or visual effects. It is therefore considered that the proposal is acceptable in relation to Policy 29(a) and 39 of the Country Durham Plan.

### Ecology

90. 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.

91. In relation to the above a County Ecologist has considered the proposal and concluded that the use is acceptable offering no objections. The scheme is therefore considered acceptable in relation to Policy 41 of the County Durham Plan.

#### Any other matters

92. There are a number of letters of support to the application that state that the use will be good local community and children to use the facility and will reduce anti-social behaviour through the use unlawful use of bikes through the villages and Countryside that is experienced within many parts of County Durham.
93. However, it is considered that the extent that this use will reduce anti-social behaviour and misuse of motorbikes within the County will be minimal. The supporting information states that all bikes must be well maintained and will be inspected prior to use, users will not be able to ride their bikes to the site, and a charge of £20 per visit to use the facility and £20 per week to store bikes.
94. The majority of anti-social users of bikes, do so on bikes that are not well maintained and to a standard that would permit use on the site, and that the requirements to have the bikes brought to site on a trailer or within a van, along with the costs involved with using the site would preclude the majority of youths from using the site.

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#### **CONCLUSION**

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91. It is considered that the proposal for a moto-cross/cycle training facility and track within this rural location is unacceptable by reason that the proposal would fail to comply with Policies 10, 21, 29 and 31 of the County Durham Plan which require that new development will not be permitted in rural locations where it will result in an unacceptable impact, either individually or cumulatively, on the character and tranquillity of the area, general amenity of neighbouring land users and natural environment, and relies on unsustainable modes of transport and where is it not demonstrated that the development can be integrated effectively with any existing business, residential and community facilities (Ludworth Road Cemetery)

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#### **RECOMMENDATION**

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That the application be **Refused** for the following reason

1. The proposal due to its nature would cause unacceptable harm to the intrinsic character and tranquillity of the Countryside, be reliant on unsustainable modes of transport, and result in a detrimental impact on the general amenity of the area, specifically in relation to the users of the Ludworth Road Cemetery which is considered to be a sensitive location contrary to Policies 10, 21, 29 and 31 of the County Durham Plan, and sections 6, 8, 9, and 12 of the NPPF.

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## **STATEMENT OF PROACTIVE ENGAGEMENT**

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

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## **BACKGROUND PAPERS**

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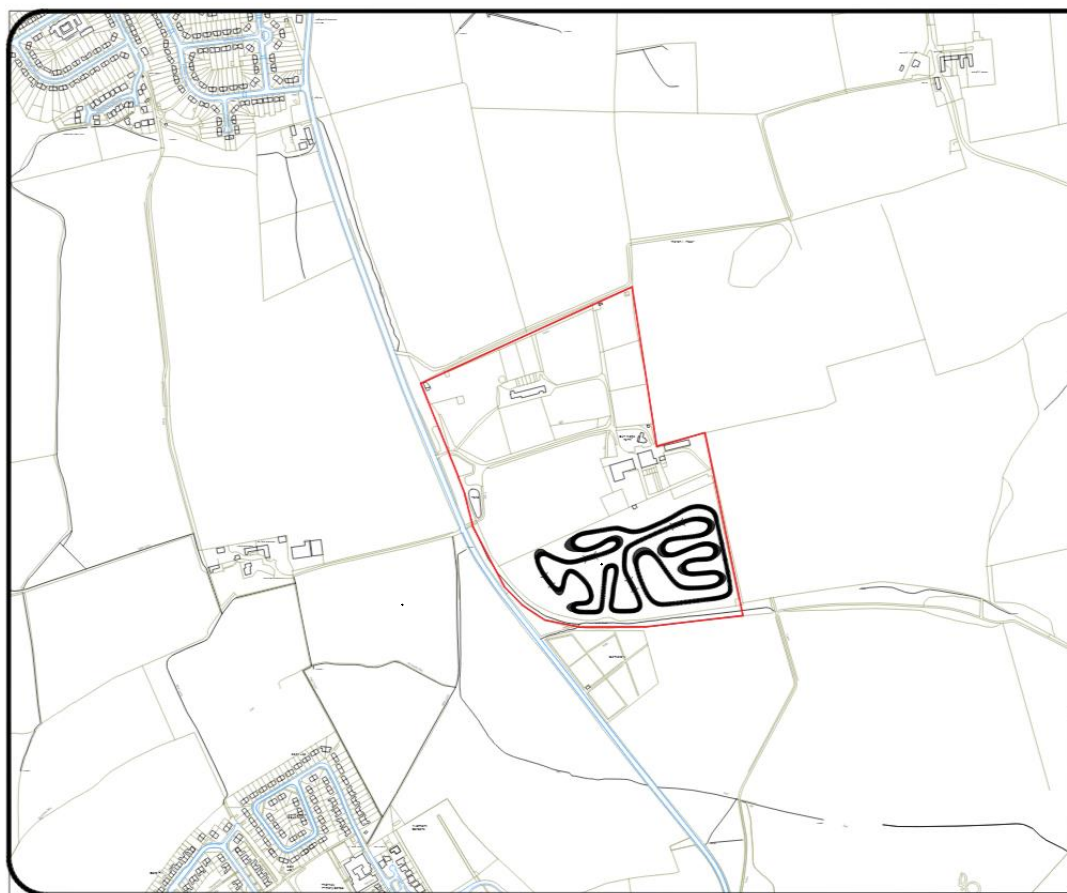
Submitted application form, plans supporting documents and subsequent information provided by the applicant.

The National Planning Policy Framework (2021)

National Planning Practice Guidance Notes

County Durham Plan (2020)

Statutory, internal and public consultation responses



## Planning Services

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Sunridge Farm, Thornley, Durham

**Date June 2022**

**Scale NTS**

## Planning Services

# COMMITTEE REPORT

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### APPLICATION DETAILS

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<b>APPLICATION No:</b>	DM/22/03125/FPA
<b>FULL APPLICATION DESCRIPTION:</b>	Two storey detached 4bed dwelling and detached double garage with associated external works
<b>NAME OF APPLICANT:</b>	Ms Elaine Irving
<b>ADDRESS:</b>	Land To Rear Of 31A To 33 Lobley Hill Road Meadowfield DH7 8RQ
<b>ELECTORAL DIVISION:</b>	Brandon
<b>CASE OFFICER:</b>	Michelle Hurton Planning Officer <a href="mailto:Michelle.hurton@durham.gov.uk">Michelle.hurton@durham.gov.uk</a> 03000 261398

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### DESCRIPTION OF THE SITE AND PROPOSALS

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#### The Site

1. The application site is a parcel of land located to the rear of 31A - 33 Lobley Hill Road, Meadowfield. Dwellings along this part of Lobley Hill Road are characterised by two storey detached, semi-detached and terraced properties which are set back from the A690 located to the west of the street. The site would be accessed from the south west via the unadopted lane located to the rear of Lobley Hill Road which adjoins the unclassified highway 'St Johns Road'.
2. The site is bound by cemetery grounds associated with St Patricks Roman Catholic Church to the east, the access road to the cemetery to the north, allotments are located to the south and the unadopted lane lies to the west

#### The Proposal

3. The application seeks planning permission for the erection of a two-storey detached four bed property with a detached double garage.
4. The application is reported to planning committee at the request of Brandon and Byshottles Parish Council who consider the application raises issues relating to highway safety, loss of wildlife since removal of trees carried out prior to submitting the application, the parish having a right of access over the land into the allotment/grazing site and land ownership issues. The application is also reported to the planning committee at the request of the local ward Councillor Jonathan Elmer who raises concerns regarding the impact of the development upon protected trees

and that this matter is such that the application should be determined by the committee.

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## **PLANNING HISTORY**

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5. There is no planning history for this site.

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## **PLANNING POLICY**

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### **NATIONAL POLICY**

#### National Planning Policy Framework

6. The following elements of the National Planning Policy Framework (NPPF) are considered relevant to this proposal:
7. NPPF Part 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.
8. 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.
9. 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.
10. 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.
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 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. The following policies of the County Durham Plan (CDP) are considered relevant to this proposal:
17. 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.
18. 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.

19. Policy 27 (Utilities, Telecommunications and Other Broadcast Infrastructure) requires residential development to 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.
20. Policy 29 (Sustainable Design) requires all development proposals to achieve well designed buildings and places having regard to SPD advice and sets out 18 elements for development to be considered acceptable, including: making positive contribution to areas character, identity etc.; adaptable buildings; minimising greenhouse gas emissions and use of non-renewable resources; providing high standards of amenity and privacy; contributing to healthy neighbourhoods; and suitable landscape proposals. Provision for all new residential development to comply with Nationally Described Space Standards
21. Policy 31 (Amenity and Pollution) sets out that development will be permitted where it can be demonstrated that there will be no unacceptable impact, either individually or cumulatively, on health, living or working conditions or the natural environment and that they can be integrated effectively with any existing business and community facilities. Development will not be permitted where inappropriate odours, noise, vibration and other sources of pollution cannot be suitably mitigated against, as well as where light pollution is not suitably minimised. Permission will not be granted for sensitive land uses near to potentially polluting development. Similarly, potentially polluting development will not be permitted near sensitive uses unless the effects can be mitigated.
22. Policy 32 (Despoiled, Degraded, Derelict, Contaminated and Unstable Land) requires that where development involves such land, any necessary mitigation measures to make the site safe for local communities and the environment are undertaken prior to the construction or occupation of the proposed development and that all necessary assessments are undertaken by a suitably qualified person.
23. 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.
24. 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.
25. 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.

26. Policy 43 (Protected Species and Nationally and Locally Protected Sites) states 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.
27. The Council's Residential Amenity Standards Supplementary Planning Document (RASSPD) provides detailed guidance and promotes high quality amenity and design standards.

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

## **NEIGHBOURHOOD PLANNING POLICY**

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

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## **CONSULTATION AND PUBLICITY RESPONSES**

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### **STATUTORY RESPONSES:**

29. The Highway Authority raises no objection to the application following the submission of amended plans incorporating a turning head on the outside of the garden curtilage to allow vehicles to turn around and drive out of the street in a forward-facing manoeuvre and notes that the current DCC parking standards would be adhered to with a requirement of 2 off street spaces.
30. Brandon and Byshottles Parish Council objects to the application citing that they have had access over the land to the allotment/grazing site since 1974, trees were cleared prior to the submission of the application resulting in loss of wildlife, birds and bat habitat, the rear lane is a narrow private road maintained by residents which has one way in and out. The land is not owned by the applicant and is owned by the electric company.
31. County Councillor J Elmer has commented noting that the footprint of the building overlaps the root protection area of a tree protected by a tree preservation order, requiring tree works which would spoil a well-balanced tree. The applicant has already removed an extensive amount of vegetation from the site, demonstrating a willingness to recklessly remove habitat. The proposal requires to be assessed against policy 40 of the CDP.

32. County Councillor Taylor objects to the application citing that it would not accord with part 8 or 15 of the NPPF, will create backland development off a narrow unadopted, unlit lane which is unsuitable to service a large property and would need to be widened to accommodate a dwelling at this part of the lane which is not possible. A new residential access would need to be created which will change the character of the area causing safety issues for existing residents, especially children who use the back lane as a communal area. A dwelling of this size would require tremendous amounts of material deliveries by large vehicle, which will be hard given the narrowness of the lane and will cause disruption to local residents.
33. The Coal Authority raise no objection as the site is not within a high risk area.

#### **INTERNAL CONSULTEE RESPONSES:**

34. Environment, Health and Consumer Protection (Nuisance Action Team) raise no objection to the application subject to the inclusion of conditions relating to construction works
35. Environment, Health and Consumer Protection (Contaminated Land) raise no objection to the application subject to the inclusion of conditions relating to land contamination.
36. Landscape and Arboriculture (Trees) raise no objection to the application subject to the development being carried out in accordance with the amended arboricultural information.
37. Ecology raises no objection to the application following the submission of amended plans incorporating bird and bat units on the dwelling to adhere to an ecological enhancement under the NPPF.

#### **PUBLIC RESPONSES:**

38. The application was advertised by way of site notice and neighbour notification letters were sent to nearby properties. One letter of support and eight letters of objection have been received.
39. Reasons for support note that the proposal would be an excellent addition to the area, making good use of derelict land being shelter for vermin, therefore will enhance and improve the area. The tree is a nuisance, blocking gutters and drains and has no botanical interest being a common garden sycamore.
40. Reasons for objection are summarised as:
  - Impact upon residential amenity in that the proposal would adversely impact upon neighbouring properties from increased noise and disturbance during the construction works. There are no properties which looking onto the front or rear of Lobley Hill Road therefore resident's privacy will be compromised. The property will cause overshadowing to surrounding properties and the allotments. There will be overlooking and loss of privacy to gardeners of the allotments. Residents will be disturbed by smells during construction from sewer work.
  - Impact upon parking and highway safety, specifically regarding the access being by the rear lane which is a private road for residents only. The lane is not wide enough for HGV/construction vehicles, and there is no space for a large

vehicle to manoeuvre a three-point turn without driving on resident's private land. There is an existing parking problem in the area and no pedestrian pavement along the entire length of the road. A further four cars will cause more erosion to the lane. The private rear lane is the only safe place for children to play. The entrance to the land is in front of residents garage and rear yard entrance where they park. The bin lorry enters the street in reverse for collections because of limited manoeuvrability. A new access will need to be created. The proposed access is not suitable for use as a building site entrance, a more suitable entrance to the plot would be via the cemetery drive

- Impact upon the character and appearance of the area given the size of the dwelling being extensive in comparison with the surrounding properties
- Prior to submission of application an excessive number of trees were removed from the site resulting in the destruction of wildlife habitat. The amended plans submitted which include the bird and bat boxes are disproportionate to the scale of the impact this development will have on local wildlife and the environment
- Land not being within the applicant's ownership, the dwelling will partially block the view of the cemetery, funeral processions going to and from the cemetery will be impeded by the construction process. Residents with land to the rear of Lobley Hill Road must abide by a legal covenant prohibiting the erection of a permanent structure. Approving the application will set a precedent for further buildings which the unadopted lane cannot sustain. Maintenance of the rear lane is the responsibility of each resident. Right of vehicular access over the lane within objector's boundary will not be given. Residents advised that the land was to be used as an overflow from the cemetery and not built upon. Neighbour did not receive a letter notifying them of the application and found out via a post on Facebook. The application is upsetting for residents, causing tension and affecting mental health. One of the properties within Lobley Hill Road is soon to become a childrens home

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

#### **APPLICANT'S STATEMENT:**

41. I would like to respond to the public/consultee comments for the application DM/22/03125/FPA.
42. I have provided copies of my Land Registry documentation to the Planning dept to demonstrate that I legally own the application site. In addition I confirm that Northern Power Grid have no objections to the build (as demonstrated in a letter they personally sent to me) and do not own any land within my boundary. I am in communication with Northern Power Grid, who are happy to build a perimeter fence around the sub-station.
43. My solicitor has assured me that I have legal right to access my own land down the unadopted road. This is my only access and this access has been used for over 55 years. As with all residents, I am happy to and also obliged to contribute to the maintenance of the unadopted road.
44. Regarding the allotments access, there is an established, well used pedestrian and vehicle access to the allotment via a track further up the un-adopted road. Over the last two years, I have been in communication with Lauren the allotment manager and

she has recently paid for and erected a 6 feet high fence along the boundary line of my land and the allotments. There is therefore neither an allotment access via my land or any need for access via my land.

45. Since purchasing the land, I have improved the area by clearing it of fly-tipping, rubbish, glass, bricks, etc. To do this, I hired and paid for a skip. This has improved the land for local wildlife and my own use as it was previously in a dangerous state. I sought advice from a professional arborist company who assessed the trees and bushes for me. Those removed by this professional company were three overgrown leylandii trees and some invasive, overgrown rhododendron. All the existing trees of high landscape value, providing amenity and biodiversity value will not only be retained and respected but enjoyed by my family, the wildlife and I. I have the greatest respect for wildlife and green spaces and wish to incorporate this into my family home if this planning application is approved. The invasive rhododendrons which were removed were done so to increase biodiversity.
46. The application site has never been an orchard and no fruit trees have been removed. I am retaining fourteen trees on the perimeter of the plot, which I will continue to enjoy and look after on my property. There are two trees with TPO's. I have followed the advice of the Durham County Council tree consultation report and the plans for the building have now been revised in order to site the house and garage outside the perimeter of the tree canopy and root growth area to ensure that there is no chance of causing damage.
47. The plans have incorporated a turning point large enough for delivery vehicles to turn and leave the access road in a forward gear. At the request of Highways, this turning area is out with the site boundary fence line.
48. I believe the proposed house and garage to be modest in relation to the site area. In fact the build area represents less than 15% of the site area.
49. In response to comments regarding keeping children safe on the unadopted road, I work with children in care and with children with special education needs, and consider keeping children safe is paramount. For that reason, Durham County Highways advice has been fully taken on board in the revised site plan.
50. I believe that the design has followed the advice from consultee comments with regard to planning matters. The nuisance action team have advised that they are satisfied that this will not cause a statutory nuisance. I had pre application advice from the Durham County Council planning department and have based the design on their advice.
51. In summary, I feel that I have listened to all comments received and responded in a positive and pro-active manner in order to produce a development which will enhance the locality.

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## **PLANNING CONSIDERATIONS AND ASSESSMENT**

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52. As identified in Section 38(6) of the Planning and Compulsory Purchase Act 2004 the key consideration in the determination of a planning application is the development plan. Applications should be determined in accordance with the development plan unless material considerations indicate otherwise. In assessing the proposals against the requirements of the relevant planning guidance and development plan policies and

having regard to all material planning considerations it is considered that the main planning issues in this instance relate to the principle of development, impact on the character and appearance of the area, impact on residential amenity, impact on highway safety and other matters.

### Principle of the Development

53. 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 Paragraph 218 of the National Planning Policy Framework (NPPF), the policies contained therein are material considerations that should be taken into account in decision-making.
54. The NPPF is a material planning consideration, and the County Durham Plan 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. Section 5 (Delivering a sufficient supply of homes) of the NPPF clarifies the Government's objective of significantly boosting the supply of homes.
55. Policy 6 (Development on Unallocated Sites) of the CDP states that the development of sites which are not allocated in the Plan or in a Neighbourhood Plan which are either (i) within the built-up area; or (ii) outside the built-up area (except where a settlement boundary has been defined in a neighbourhood plan) but well related to a settlement, will be permitted provided the proposal accords with all relevant development plan policies and:
- a. is compatible with, and is not prejudicial to, any existing, allocated or permitted use of adjacent land;
  - b. does not contribute to coalescence with neighbouring settlements, would not result in ribbon development, or inappropriate backland development;
  - c. does not result in the loss of open land that has recreational, ecological or heritage value, or contributes to the character of the locality which cannot be adequately mitigated or compensated for;
  - d. is appropriate in terms of scale, design, layout, and location to the character, function, form and setting of the settlement;
  - e. will not be prejudicial to highway safety or have a severe residual cumulative impact on network capacity;
  - f. has good access by sustainable modes of transport to relevant services and facilities and reflects the size of the settlement and the level of service provision within that settlement;
  - g. does not result in the loss of a settlement's or neighbourhood's valued facilities or services unless it has been demonstrated that they are no longer viable;
  - h. minimises vulnerability and provides resilience to impacts arising from climate change, including but not limited to, flooding;
  - i. where relevant, makes as much use as possible of previously developed (brownfield) land; and
  - j. where appropriate, it reflects priorities for urban regeneration.
56. It is considered that the site lies within the built-up area of Meadowfield. Policy 6 of the CDP 'Development on Unallocated Sites' is supportive of development proposals providing they satisfy criteria 'a' to 'j' where relevant. For this proposal it appears criteria 'a, b, c, d, e and f' are likely to cause the key consideration for determining the acceptability of the proposal.

57. Planning permission is sought for the erection of a detached two storey, four bedroomed dwelling with detached double garage. The site will be enclosed by a 2m high close boarded fence with access taken from the unadopted rear lane of Lobley Hill Road which leads directly off St Johns Road from the west.
58. The application site is located within a locality regarded as semi urban with both residential properties and commercial/industrial businesses nearby. To the rear of the site is a cemetery, concerns have been raised from neighbouring residents regarding funeral processions going to and from the cemetery being impeded by the construction process during the construction of the dwelling. The erection of one additional dwelling would be compatible with the surrounding area in accordance with criterion a of Policy 6. Whilst it is noted that there would be some disruption during the construction phase of the development, this would be for a short period of time and conditions should be attached to any approval granted regarding a construction management plan and working hours.
59. The acceptability or otherwise of the proposed development therefore rests upon assessment of the proposals against Policy 6, and other relevant policies of the CDP. General assessment of the proposed development in relation to criteria b to f are detailed below within the body of the report.

### Sustainability of the Site

60. Paragraph 104c of the NPPF advises that opportunities to promote walking, cycling and public transport use be identified and pursued, in turn, paragraph 105 states 'the planning system should actively manage patterns of growth in support of these objectives. Significant development should be focused on locations which are or can be made sustainable, through limiting the need to travel and offering a genuine choice of transport modes. This can help to reduce congestion and emissions and improve air quality and public health. However, opportunities to maximise sustainable transport solutions will vary between urban and rural areas, and this should be taken into account in both plan-making and decision-making.'
61. Criterion f) of Policy 6 requires development to have good access by sustainable modes of transport to relevant services and facilities and reflect the size of the settlement and the level of service provision within that settlement which is in line with the aims of the NPPF.
62. The Chartered Institution of Highways and Transportation (CIHT) Planning for Walking report 2015 identifies that 'People travelling on foot want routes that are direct, as level as possible, enjoyable and have destinations in sight. Safe road crossings are an essential element of routes.' In turn, the Council's Building for Life SPD requires new development to have good access to existing public transport links to help reduce dependency on the private car. To achieve this, the SPD sets out the design review process which includes questions with set criteria, one of which relate to public transport. Question 3 being 'Does the scheme have good access to existing public transport links to help reduce car dependency?'. One of the criteria within that question is: are there bus stops within 400m of the site?
63. The application site is located within close distance to shops, services and public facilities within Meadowfield and Langley Moor and is located within walking distance of the nearest school the St Patrick's Roman Catholic Primary School for ages 4 - 11 which is within 200m of the site, there is a further primary school located within 700m to the north within Langley Moor. There are seven bus stops within 400m of the site which has regular bus services to Durham City Centre.

64. Taking the above into consideration, officers consider that the location of the site is within a sustainable location capable of supporting the quantum of development proposed at a single dwelling, and therefore accords with Policy 6 f) of the CDP.

#### Impact on residential amenity

65. Paragraph 130 of the NPPF requires that planning decisions 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. Policy 31 (Amenity and Pollution) of the CDP displays broad accordance with the aims of paragraph 130 in this regard and 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.
66. The application site is located within a locality regarded as semi urban with both residential properties and commercial/industrial businesses nearby. The impact of the development upon residential amenity is a material consideration in determination of this application. Concerns have been raised regarding the noise, dust, smells etc. The Environmental Health officer (EHO) have commented stating the proposal is noise sensitive, in a semi urban area. The main concern associated with this proposal is road traffic noise impacting upon the amenity of future occupiers given the close proximity of the A690. In addition, there is also a concern that neighbouring amenity will be impacted upon during construction, given the close proximity of neighbouring properties. Given this the EHO has recommended that a condition be attached to any approval granted regarding construction and working hours.
67. Whilst it is acknowledged that there will likely be some disruption during the construction phase, this would be limited and experienced only for a short period. Precise details of how that construction phased would be managed could be secured through submission and agreement of a construction management plan to include detail of dust/odour/noise suppression measures, controls in relation to working hours and delivery times and as such any impact could be adequately mitigated and could not sustain refusal of the application in this instance.
68. Paragraph 3.1 of the Residential Amenity Standards - Supplementary Planning Document (RASSPD) states that all new development, including new dwellings, will have some bearing on neighbouring properties and it is important to ensure that the impact does not result in a significant loss of privacy, outlook or light for occupiers of new dwellings and existing dwellings. The design and layout of new development should ensure that reasonable privacy and light is provided for surrounding residents and occupiers, particularly in relation to residential use and enjoyment of dwellings and private gardens. Spacing between the windows of buildings/dwellings should achieve suitable distances for privacy and light, whilst also preventing cramped and congested layouts. Paragraph 3.2 of the RASSPD states that in order to achieve this these objectives, in residential housing developments, the following minimum distances will usually be required to protect the privacy, outlook and residential amenity of habitable room windows:

69. A minimum distance of 21m between habitable room windows, where either dwelling exceeds single storey, and a minimum of 18m between habitable room windows and both dwellings are single storey.
70. Where a main facing elevation containing a habitable room window is adjacent to a gable wall which does not contain a habitable room window, a minimum distance of 13m shall be provided where either dwelling exceed single storey or 10m where both dwellings are single storey.
71. Concerns have been raised by local residents with regard to loss of privacy, overlooking and overshadowing of the allotment site from the proposed development. The front elevation (south facing) faces onto the allotment site located to the rear of Lobley Hill Road and is set back by approximately 28m from the shared boundary. To the rear of the dwelling (north facing) is a residential housing estate, however this is separated from the rear boundary of the site by an intervening access road which leads off from the A690 located to the west of the site down to the cemetery grounds, which are located to the side of the dwelling (east facing), there is also a distance from the rear elevation of the dwelling to the side gable of number 24 Church Meadows of approximately 29m. The opposite side elevation (west facing) face onto the rear elevations of 32 and 33 Lobley Hill Road. From the original rear elevation of 32-33 Lobley Hill Road to the site boundary is approximately 17m. The side elevation of the proposed dwelling is set in from the western site boundary of approximately 17m. Number 32 Lobley Hill Road does have a single storey extension which extends the full length of their rear garden. The distance from the rear elevation of the single storey extension to the site boundary is approximately 8m, with the addition of the distance to the gable elevation of the proposed dwelling, it is considered that there will be adequate separation distances proposed to ensure there would not be any adverse impacts upon loss of privacy and overlooking, nor would there be any adverse impacts in terms of overshadowing of the allotment site given how far the dwelling is set back from the shared boundary.
72. In turn, the residential amenity standards SPD expects new developments to incorporate usable, attractively laid out and private garden space conveniently located in relation to the property it serves. The garden areas should be of an appropriate size, having regard to the size of the dwelling and character of the area. The length of gardens will generally be dictated by the minimum separation distancing standards, however they should be no less than 9m in length when measured from the rear elevation to the rear boundary, unless site specific circumstances allow for an alternative solution, and it is deemed that privacy and amenity would not be adversely affected. The outdoor amenity space provided with the proposed dwelling will incorporate areas of hardstanding to the front to create a driveway and paving around the perimeter of the dwelling. It is not clear from the drawing what the remainder of the garden space will be laid with, therefore a landscaping condition will be attached to any approval granted. However, there will be over the required 9m of garden space.
73. The Nationally Described Space Standards (NDSS) is a Government introduced nationally prescribed internal space standard which sets out detailed guidance on the minimum standard for all new homes and was created with the aim of improving space standards within new residential development across all tenures. Evidence compiled during formulation of the County Durham Plan identified that many new homes in the county were being built below NDSS and that this was having an impact on the quality of life of residents. As a result, the Council determined that it was necessary to introduce the NDSS in County Durham with the aim of improving the quality of new build development coming forward.

74. Criteria e) of Policy 29 of the CDP which requires new development to provide high standards of amenity and privacy. In this regard, it is noted that all of the bedrooms would exceed the minimum requirements of the NDSS. With regard to the total overall internal space provided across the dwelling as a whole, again this would be in excess of the recommended requirements of the NDSS standard for a 4 bedspace 7 person dwelling and as such is considered to provide an acceptable amount of internal space in accordance with criteria e) of Policy 29 of the CDP.
75. Therefore, the proposed development is considered to comply with Policies 6, 29 and 31 of the CDP and Parts 12 and 15 of the NPPF.

#### Impact on the character and appearance of the area

76. Paragraph 124 of the NPPF advises that the creation of high quality buildings and places is fundamental to what the planning and development process should achieve, and that good design is a key aspect of sustainable development, creating better places in which to live and work.
77. Policy 6 d) of the CDP states that development should be appropriate in terms of scale, design, layout and location to the character, function, form and setting of the settlement. Policy 29 relates to sustainable design, and states that all proposals will be required to achieve well designed buildings and places having regard to supplementary planning documents and contribute positively to an area's character, identity, heritage significance, townscape and landscape features, helping to create and reinforce locally distinctive and sustainable communities; and create buildings and spaces that are adaptable to changing social, technological, economic and environmental conditions and include appropriate and proportionate measures to reduce vulnerability, increase resilience and ensure public safety and security.
78. Neighbouring residents have raised objections to the proposed development stating that the dwelling would be out of keeping with the surrounding area given the size of the dwelling and garage proposed. The character and appearance of the surrounding area incorporates a range of dwelling designs which includes two storey terraced, semi-detached and detached properties. There is a variety of house types with differing boundary treatments within the local vicinity of the site with some properties having single and double garages. The proposed dwelling would be two storey in height and would include a double detached garage to the front. Given the size of the dwelling in relation to the size of the plot and the type of dwellings surrounding the site, it is considered that the dwelling would fit with the character and appearance of the area and would not create any adverse impacts upon visual amenity or the wider streetscene.
79. Concerns have been raised from local councillors and neighbouring residents that prior to the submission of the application an excessive number of trees were removed from the site.
80. 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.
81. The Tree officer commented on the scheme noting that one of the trees (T1) protected by a tree preservation order (TPO) was shown to be within the proposed construction

zone. Given the nature of the site and location of the build, vital roots may be damaged despite the measures proposed to protect the root protection area (RPA). It was therefore recommended that the proposed dwelling was relocated towards the southwestern edge of the site, outside the RPA. With regard to T2, another tree protected by a TPO was shown outside of the construction zone and therefore protective fencing must be put in place prior to construction and remain so throughout the build. A condition to this effect would be attached to any approval granted.

82. There are a number of other trees located to the west of the site which are not protected by a TPO, however, development was requested to be removed from their RPAs as the proposed development may increase pressure to remove/prune trees within the curtilage due to leaf drop and shade.
83. Amended plans were submitted showing the dwelling re-located southwest, placing the dwelling at the edge of the root protection area, and indicates a cellweb system should be placed at ground level. The Tree officer has noted that the submitted Arboricultural information (AIA & TPP) is satisfactory and complies with current regulations. All works must comply to those shown within reports i.e., hand dig and protective fencing etc. A condition would be attached to any approval granted in this regard.
84. It is noted from objectors that several trees were removed from the site prior to the submission of this application. These trees were not protected by a TPO and the site is not located within a conservation area and as such their removal at that time was not subject to any planning control.
85. Concerns have been raised by Cllr Taylor who considers the scheme to represent inappropriate backland development that would be accessed via a narrow lane. Policy 6 b) of the CDP states that development will be permitted where it does not contribute to coalescence with neighbouring settlements, would not result in ribbon development, or inappropriate backland development. Backland sites are areas of land which do not have a direct street frontage, are linked to the road via an access between buildings which themselves have direct road frontages. Backland development comes in many forms, for example, a new house within the rear garden of an existing house, or the development of hidden sites accessed via a narrow lane between buildings are typical examples.
86. Whilst the site is considered to be backland development in as much as it would not have its own street frontage, the policy does not prohibit backland development in principle. Each application must be determined on its own merits and in this case the proposed scheme would not be unduly constrained, with the dwelling being comfortably accommodated within the site without amounting to over development. Furthermore, the separation distances between existing dwellings and the proposed dwelling can be achieved, as would a safe means of access and egress that could be shared with other dwellings.. Therefore, it is considered that the proposed scheme would not amount to inappropriate backland development.
87. Taking the above into consideration, it is considered that the proposed development would accord with Policies 6, 29 and 40 of the CDP and Parts 12 and 15 of the NPPF.

#### Highway Safety and Access

88. Policy 21 (Delivering Sustainable Transport) of the CDP 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.

89. In turn, criteria f) of Policy 6 of the CDP states that development will not be prejudicial to highway safety or have a severe residual cumulative impact on network capacity.
90. Concerns have been raised regarding the impact upon parking and highway safety, specifically regarding the access to the dwelling being by the rear lane of Lobley Hill Road which is a private road and the cost of maintaining this is borne by the residents. Respondents consider the lane is not suitable either for construction traffic or the additional trips generated by the proposed dwelling. Concerns have also been raised regarding there being existing parking problem in the area and that there is no pedestrian pavement along the entire length of the road. Residents are also concerned that a further four cars will cause more erosion to the lane which is the only safe place for children to play.
91. Cllr Taylor has concerns that a new residential access would need to be created which would change the character of the area causing safety issues for existing residents, and especially children who use the back lane as a communal area. He also has concerns that a dwelling of this size would require tremendous amounts of deliveries by large vehicle, which will be hard given the narrowness of the lane and lead to disruption to local residents. Further concerns of the local residents are that the entrance to the land is in front of resident's garage and rear yard where they park, that the proposed access is not suitable for use as a building site entrance, and that a more suitable entrance to the plot would be via the cemetery drive.
92. The Highways Authority has been consulted and notes that in terms of highway safety, the principle of a dwelling in this location would be acceptable. However, the rear of Lobley Hill Road is a dead end. A proposed property would introduce additional vehicles to the rear lane such as delivery vehicles, which do not currently need to use the rear lane. The Highway Authority notes that it would not be acceptable to require these vehicles to have to reverse out of the lane. Therefore, amended plans were required to provide a turning facility capable of allowing vehicles of Transit Van/ Supermarket delivery van size, to turn and exit the lane in a forward gear.
93. Amended plans were submitted showing the entrance gates relocated within the application site to enable a shared turning head to be created which is considered acceptable. The turning head itself would be occupy part of the application site which is presently unregistered. However, this does not preclude delivery of this element of the development. The planning system is not the arbitrator of any land ownership dispute which is a civil matter relating to the parties involved. The specific construction detail and delivery of the turning head would be secured through planning condition, and that this be installed prior to the commencement of the works to construct the dwelling itself. In order to impose a planning condition requiring particular works, a Local Planning Authority must be satisfied that the applicant is capable of undertaking the works specified. The part of the application site across which the turning head would be delivered is presently unregistered and as such the applicant has placed notice in the local press and completed ownership certificate D contained within the planning application. This meets the procedural requirements contained within the Town and Country Planning (General Development Procedure) Order.
94. It is noted that a number of objections refer to the rear of Lobley Hill Road as being a private road, and that they question the applicant's right to use it. Any legal right to

use that existing access lane is a civil matter between the parties involved and this does not preclude the granting of planning permission.

95. Further concerns relate to delivery vehicles during the construction phase, specifically use of the lane by HGV's unloading materials and contractor's vehicles parking. In addition, residents are concerned that the lane is not wide enough for larger vehicles of this type to manoeuvre into and out of the site without driving on resident's private land. Comments received note that the refuse wagon currently is required to enter the street in reverse for collections because of the limited manoeuvrability in the area.
96. Given the constrained nature of the rear lane, a Construction Management Plan would be required to be submitted and approved, prior to commencement on site. A condition of this effect would be attached to any approval granted and would cover such details as dropping off of materials, parking location, etc.
97. The DCC Parking and Accessibility Standards document requires developers to provide an appropriate level of safe parking which is appropriate to the scale, location and character of the development. Therefore, for a 4 bed dwelling with double garage 2no in curtilage parking spaces are required along with 1no electric vehicle charging point. The proposed scheme has adequate in-curtilage parking provision, however, there is no mention of an electric vehicle charging point and therefore a condition will be attached for details to be provided prior to the occupation of the dwellinghouse.
98. Therefore, notwithstanding the concerns raised by residents in relation to parking, access and highway safety, the Highway Authority raise no objection subject to conditions stated and are satisfied with revised the turning head. As such it is not considered that the development would have a detrimental impact upon highway safety sufficient to sustain refusal of the application. In light of the above, it is considered that the development would be in accordance with the aims of Policies 6 and 21 of the CDP and Part 9 of the NPPF.

## Ecology

99. Policy 43 (Protected Species and Nationally and Locally Protected Sites) of the CDP states 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. As already discussed concerns were raised regarding the removal of trees from the site prior to the submission of the planning application and with them existing habitat, and that plans for the proposal to include bird and bat boxes integrated within the fabric of the dwelling would be disproportionate and insufficient mitigation when compared to the scale of the impact this development would have on local wildlife and the environment.
101. Paragraph 174 of the NPPF states that planning decisions should contribute to and enhance the natural and local environment by minimising impacts on and providing net gains for biodiversity. 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.

102. 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.
103. The Ecology officer has confirmed that the new dwelling should incorporate integrated bat and bird box units as ecological enhancements in order to comply with the biodiversity requirements of the National Planning Policy Framework. Amended plans were sought and received incorporating the integrated boxes within the side elevations of the dwelling. The Ecology officer is satisfied that the proposed mitigation would deliver the biodiversity net gain requirements in compliance with Policy 41 of the CDP.
104. It is therefore considered that the proposed development would accord with Policies 41 and 43 of the CDP and Part 15 of the NPPF.

### Contaminated Land

105. Paragraph 178 of the NPPF advises that planning decisions should ensure a site is suitable for its proposed use taking account of ground conditions and any risks arising from land instability and contamination. Policy 32 (Despoiled, Degraded, Derelict, Contaminated and Unstable Land) of the CDP requires that where development involves such land, any necessary mitigation measures to make the site safe for local communities and the environment are undertaken prior to the construction or occupation of the proposed development and that all necessary assessments are undertaken by a suitably qualified person.
106. The Environmental Health (Contaminated Land) officer has confirmed that they have reviewed the historical maps with respect of land contamination and the available information, including the submitted screening assessment form and have confirmed that a contaminated land condition is required to be attached to any approval granted.
107. It is therefore considered that the proposed development would accord with Policy 32 of the CDP and Part 15 of the NPPF.

### Drainage

108. 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.
109. 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.

110. The proposed development will be connected to the mains sewer for the disposal of foul sewage and surface water will be connected to a soak away if the ground is suitable, alternatively surface water will also be connected to the main sewer. The drive will be laid with tarmac and there are areas of paving proposed around the perimeter of the dwellinghouse. There is no mention of these areas of hardstanding being from permeable or porous materials and therefore a condition will be attached to any approval granted requesting specific details of the proposed hardstanding areas. It is therefore considered taking into consideration the proposed condition that the development would accord with Policies 35 and 36 of the CDP

### Connectivity

111. Policy 27 of the CDP requires new residential development to be served by a high-speed broadband connection unless it can be demonstrated that this is not appropriate. The development would be located in a residential area. Similar, requirement in terms of broadband connectivity and broadband connectivity would be delivered in this wider context. As such it does not appear that there would be any significant constraints to delivering the connectivity in accordance with the requirements of Policy 27 of the CDP. However, that said, a pre-commencement condition would be attached to any approval granted for specific details to be submitted and agreed in writing by the Local Planning Authority.

### Other Matters

112. Policy 29 of the CDP criteria c) and d) require that developments should seek to minimise greenhouse gas emission by seeking to achieve zero carbon buildings and provide renewable and low carbon energy generation and should minimise the use of non-renewable and unsustainable resources. Details submitted in support of the application notes that solar panels will be installed within an area of the south facing plane of the roof, that air source heat pumps will be installed for heating/hot water, materials used for the construction of the building will be from recycled materials and high performance glazing is proposed. No specific details have been provided in terms of the location the solar panels and air sourced heat pumps, nor the type of panels and therefore, a condition would be attached to any approval granted in this regard.
113. Other areas of concern which have been raised relate to the land not being within the applicant's ownership, the dwelling will partially block the view of the cemetery. Residents with land to the rear of Lobley Hill Road must abide by a legal covenant prohibiting the erection of a permanent structure. Right of vehicular access over the lane within objector's boundary will not be given. The concerns raised are civil issues and whilst these areas of concern have been noted, they are not material planning considerations which can be taken into consideration.
114. Approving the application will set a precedent for further buildings which the unadopted lane cannot sustain. Given the location of the land located to the rear of the properties along Lobley Hill Road not forming part of the properties garden curtilage, any structures proposed would require the submission of a planning application, which would be considered on their own merits.

115. Residents were advised that the land was to be used as an overflow from the cemetery and not built upon. One of the properties within Lobley Hill Road is soon to become a children's home.
116. The use of the land being an overflow with the cemetery is not a material planning consideration and would be a civil matter between the cemetery and applicant. With regard to there being a children's home within the street. The addition of one dwelling is not considered to adversely impact the children's home. The dwelling is sited within a residential area and therefore is well related. The construction will cause some disruption, however, will be for a short period of time.
117. Some respondents have raised concern at the extent to which the Council publicised the planning application noting that they did not receive a letter notifying them of the application and found out via a post on social media. Whilst the concerns are noted the application was advertised by means of a site notice adjacent to the application property and letters sent to adjoining occupiers which exceeds the minimum statutory requirements as contained in the Town and Country Planning (Development Management Procedure) Order.

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## CONCLUSION

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118. In summary, it is considered that the principle of development is acceptable and the site represents a sustainable location capable of accommodating the quantum of development proposed and as such would accord with the aims of Policy 6 of the CDP subject to appropriate planning conditions described within the report and listed below.
119. When assessed against other policies of the County Durham Plan relevant to the application, it is considered that the proposal would provide a well-designed dwelling which would not have a detrimental impact upon the character and appearance of the area. Furthermore, the proposal is not considered to have any detrimental impacts on the residential amenity of neighbouring properties, nor would it adversely impact upon highway safety.
120. It is therefore considered that the application is acceptable and complies with Policies 6, 21, 27, 29, 31, 32, 35, 36, 40 and 43 of the County Durham Plan and Parts 2, 4, 5, 8, 9, 12 and 15 of the National Planning Policy Framework.

### Public Sector Equality Duty

121. 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.
122. In this instance, officers have assessed all relevant factors and do not consider that there are any equality impacts identified.

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## RECOMMENDATION

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

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

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

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

Reason: To define the consent and ensure that a satisfactory form of development is obtained in accordance with Policies 6, 21, 27, 29, 31, 32, 35, 36, 40 and 43 of the County Durham Plan and Parts 2, 4, 5, 8, 9, 12 and 15 of the National Planning Policy Framework.

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

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

4. 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.

5. No development shall commence until a land contamination scheme has been submitted to and approved in writing by the Local Planning Authority. The submitted scheme shall be compliant with the YALPAG guidance and include a Phase 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.

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

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

7. No development shall commence until 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

8. 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 29 c) and d) of the CDP

9. 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.

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

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

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

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

Trees, hedges and shrubs scheduled for retention.

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

Details of planting procedures or specification.

Finished topsoil levels and depths.

Details of temporary topsoil and subsoil storage provision.

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

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

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

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

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

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

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

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

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

Replacements will be subject to the same conditions.

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

12. No 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.

13. The turning head as detailed on drawing Site Plans ref ML/1D Rev D received 30th April 2023 shall be installed prior to the commencement of works relating to the construction of the dwellinghouse. The turning head shall thereafter be retained and available for use in perpetuity.

Reason: In the interest of highway safety in accordance with Policies 6 f) and 21 of the County Durham Plan and Part 9 of the National Planning Policy Framework.

14. 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.

15. Prior to the occupation of the dwellinghouse, details of an electric vehicle charging point including a plan showing the proposed location within the site shall be submitted to and approved in writing by the Local Planning Authority. The charging point shall be constructed in accordance with the approved details thereafter and remain in perpetuity.

Reason: In the interest of highway safety in accordance with Policies 6 f) and 21 of the County Durham Plan and Part 9 of the National Planning Policy Framework.

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## **STATEMENT OF PROACTIVE ENGAGEMENT**

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

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## **BACKGROUND PAPERS**

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

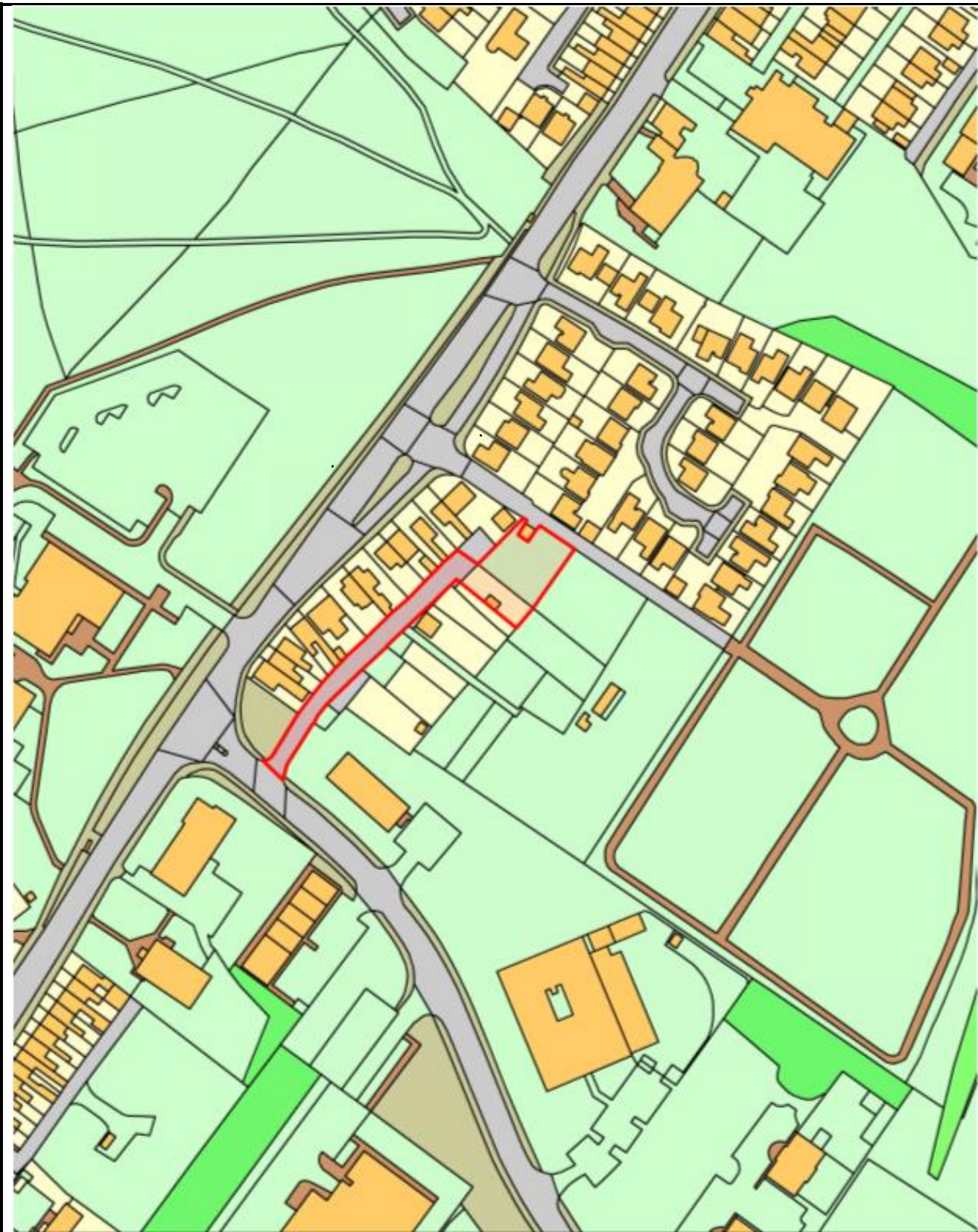
Statutory, internal and public consultation responses

The National Planning Policy Framework (2021)

National Planning Practice Guidance Notes

County Durham Plan (2020)

Residential Amenity Standards SPD (2022)



<b>Planning Services</b>	DM/22/03125/FPA Two storey detached 4bed dwelling and detached double garage with associated external works at Land To the Rear Of 31A To 33 Lobley Hill Road Meadowfield DH7 8RQ	
This map is based upon Ordnance Survey material with the permission of Ordnance Survey on behalf of Her majesty's Stationary Office © Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceeding. Durham County Council Licence No. 100022202 2005		
	<b>Date</b> 13 June 2023	<b>Scale</b> NTS

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# COMMITTEE REPORT

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## APPLICATION DETAILS

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<b>APPLICATION No:</b>	DM/23/00889/FPA
<b>FULL APPLICATION DESCRIPTION:</b>	Two storey rear extension with Juliet style balcony, pitched roof dormer to rear, front porch extension, conversion of garage into storage, external alterations to appearance and installation of solar PV panels to front facing elevation.
<b>NAME OF APPLICANT:</b>	Mr Neil Box
<b>ADDRESS:</b>	4 St Marys Close, Shincliffe, Durham, DH1 2ND
<b>ELECTORAL DIVISION:</b>	Durham South
<b>CASE OFFICER:</b>	Elinor Woodruff Planning Officer 03000 261059 <a href="mailto:elinor.woodruff@durham.gov.uk">elinor.woodruff@durham.gov.uk</a>

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## DESCRIPTION OF THE SITE AND PROPOSALS

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### The Site

1. The application property is a semi-detached, two-storey dwelling located within St Marys Close, a 1960/70s residential estate situated within the north-western part of the village of Shincliffe and within Shincliffe Conservation Area.
2. The small, enclosed estate is characterised by well-spaced detached and semi-detached dwellings with a rectilinear emphasis that are set on open-plan plots interspersed with landscaped elements.
3. The property is bordered by open countryside to the north and the main thrust of built development within Shincliffe to the south, the Parish Church of Saint Mary to the southeast and further residential properties within the village to the west.

### The Proposal

4. The application seeks full planning permission for the construction of a two-storey rear extension with Juliet style balcony, a pitched roof dormer to the rear, the installation of solar panels to front facing roof elevation, a front porch extension, the conversion of the garage to storage and other external alterations to appearance.
5. The proposed two-storey extension would extend from the rear elevation by approximately 4.5m and have a width of approximately 4.8m. It would have a pitched roof, with an overall height of approximately 6.6m to the ridge and 5.2m to the eaves. The roof of the two-storey extension would sit below that of the existing roof ridgeline. The two-storey extension would consist of a kitchen to the ground floor, with a set of bi-fold doors to the northeast facing elevation and an additional bedroom to the first

floor, with a Juliet style balcony. To the northwest elevation of the proposed two-storey extension, two new windows are proposed at first floor, that would have obscured glazing, and three new windows to the ground floor, with the central window having obscured glazing.

6. It is proposed that a dormer window be constructed to the roof of the existing, single storey rear extension. This would project from the existing roof by approximately 3.5m and have a width of 2m. It is proposed to have a pitched, tiled roof to match the existing property, with a maximum height of 2.2m..
7. The application also proposes an extension to the front porch and 7no. solar panels to the front facing roof elevation. The proposed porch, located to the southwest facing elevation would measure approximately 3m by 2m and would have a maximum height of 2.7m. It would have a flat roof and would be rendered in the colour chalk white.
8. In addition to the above, to accommodate the proposed two-storey extension, part of the existing garage would be demolished. This would sterilise the use of the garage for the storage of a private car replaced with an area of general storage for use in association with the dwelling.
9. The application report to the Planning Committee at the request of Shincliffe Parish Council who raise concerns over the size of the proposed extensions, the part demolition of the existing garage which they considered is not in keeping with the style of the existing building and surrounding close and conservation area; They also raise concern regarding the impact on the amenity of neighbouring properties, especially in regard to loss of light. They consider the above issues to be such that the application should be determined by the Committee.

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## **PLANNING HISTORY**

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10. No relevant planning history.

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## **PLANNING POLICY**

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### **NATIONAL POLICY**

11. A revised National Planning Policy Framework (NPPF) was published in July 2021 (with updates since). The overriding message continues to be that new development that is sustainable should go ahead without delay. It defines the role of planning in achieving sustainable development under three overarching objectives – economic, social and environmental, which are interdependent and need to be pursued in mutually supportive ways.
12. In accordance with Paragraph 219 of the National Planning Policy Framework, existing policies should not be considered out-of-date simply because they were adopted or made prior to the publication of this Framework. Due weight should be given to them, according to their degree of consistency with the Framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given). The relevance of this issue is discussed, where appropriate, in the assessment section of the report. The following elements of the NPPF are considered relevant to this proposal.
13. *NPPF Part 2 - Achieving Sustainable Development.* The purpose of the planning system is to contribute to the achievement of sustainable development and therefore

at the heart of the NPPF is a presumption in favour of sustainable development. It defines the role of planning in achieving sustainable development under three overarching objectives - economic, social and environmental, which are interdependent and need to be pursued in mutually supportive ways. The application of the presumption in favour of sustainable development for plan-making and decision-taking is outlined.

14. *NPPF Part 4 - Decision-making.* Local planning authorities should approach decisions on proposed development in a positive and creative way. They should use the full range of planning tools available, including brownfield registers and permission in principle, and work proactively with applicants to secure developments that will improve the economic, social and environmental conditions of the area. Decision-makers at every level should seek to approve applications for sustainable development where possible.
15. *NPPF Part 6*
16. *NPPF Part 9 – Promoting sustainable transport.* Encouragement should be given to solutions which support reductions in greenhouse gas emissions and reduce congestion. Developments that generate significant movement should be located where the need to travel will be minimised and the use of sustainable transport modes maximised.
17. *NPPF Part 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.
18. *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.
19. *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.
20. *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>

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

particular relevance to this application is the practice guidance with regards to; air quality; design process and tools; determining a planning application; flood risk; healthy and safe communities; land stability; land affected by contamination; housing and economic development needs assessments; housing and economic land availability assessment; natural environment; neighbourhood planning; noise; open space, sports and recreation facilities, public rights of way and local green space; planning obligations; travel plans, transport assessments and statements; use of planning conditions; Tree Preservation Orders and trees in conservation areas and; water supply, wastewater and water quality.

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

## LOCAL PLAN POLICY:

### The County Durham Plan

22. *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.
23. *Policy 21 - Delivering Sustainable Transport.* Requires all development to deliver sustainable transport by: delivering, accommodating and facilitating investment in sustainable modes of transport; providing appropriate, well designed, permeable and direct routes for all modes of transport; ensuring that any vehicular traffic generated by new development can be safely accommodated; creating new or improvements to existing routes and assessing potential increase in risk resulting from new development in vicinity of level crossings. Development should have regard to Parking and Accessibility Supplementary Planning Document.
24. *Policy 29 – Sustainable Design.* Requires all development proposals to achieve well designed buildings and places having regard to SPD advice and sets out detailed criteria which sets out that where relevant development is required to meet including; making a positive contribution to an areas character and identity; provide adaptable buildings; minimise greenhouse gas emissions and use of non renewable resources; providing high standards of amenity and privacy; contributing to healthy neighbourhoods; providing suitable landscape proposals; provide convenient access for all users; adhere to the Nationally Described Space Standards.
25. *Policy 31 - Amenity and Pollution.* Sets out that development will be permitted where it can be demonstrated that there will be no unacceptable impact, either individually or cumulatively, on health, living or working conditions or the natural environment and that they can be integrated effectively with any existing business and community facilities. Development will not be permitted where inappropriate odours, noise, vibration and other sources of pollution cannot be suitably mitigated against, as well as where light pollution is not suitably minimised. Permission will not be granted for sensitive land uses near to potentially polluting development. Similarly, potentially polluting development will not be permitted near sensitive uses unless the effects can be mitigated.

26. *Policy 39 – Landscape.* Policy 39 - *Landscape* - Proposals for new development will only be permitted where they would not cause unacceptable harm to the character, quality or distinctiveness of the landscape, or to important features or views. Proposals are expected to incorporate appropriate mitigation measures where adverse impacts occur. Development affecting Areas of Higher landscape Value will only be permitted where it conserves and enhances the special qualities, unless the benefits of the development clearly outweigh its impacts.
27. *Policy 44 – Historic Environment.* 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.
28. The Council's Residential Amenity Standards Supplementary Planning Document (SPD) provides detailed guidance and promotes high quality amenity and design standards.

#### **NEIGHBOURHOOD PLAN:**

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

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### **CONSULTATION AND PUBLICITY RESPONSES**

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#### **STATUTORY RESPONSES:**

30. Highway Authority – Advises that applicant is proposing an additional parking area and therefore, this would require an additional dropped vehicular crossing, and so the applicant would be required to enter into a S184 agreement with the Local Highway Authority. All works to the adopted highway would be at the applicant's expense.
31. Shincliffe Parish Council – object to the application, raising concerns in regards to the size of the proposed extensions, especially the proposed dormer, stating that it does not match that of the existing style of the existing property and surrounding close. In addition to this, the potential for loss of light and impact on the amenity of neighbouring properties. Finally, the loss of balance to the design of the close and subsequently the conservation area, by removing part of the garage to accommodate the two-storey extension to the rear.

#### **INTERNAL CONSULTEE RESPONSES:**

32. Design and Conservation – Advises that the subject property is of no historic interest and its merit architecturally are limited due to its age and typical period design. Overall, it makes a neutral contribution to the character and appearance of the Conservation Area. Recommends that the development proposals would cause no harm to the character, appearance, or significance of the Conservation Area in accordance with NPPF Part 16 and CDP Policy 44.

#### **PUBLIC RESPONSES:**

33. The application has been advertised by way of a site notice, press notice and individual notification letters to neighbouring residents.

34. Four letters of objection have been received from neighbouring properties raising the following concerns:
- Loss of light.
  - Excessive size of the proposed extensions to the rear.
  - The loss of balance in regard to the semi-detached dwelling with partial loss of the garage.
  - Overlooking and overbearing.
  - The proposed changes to the front elevation not being keeping with the character and appearance of the host property and surrounding close.

**APPLICANTS STATEMENT:**

35. An additional Planning Statement has been provided in support of the application, below is the conclusion of that statement.
36. The proposal seeks to create a rear two-storey extension that is not visible from within the street. The houses on the estate are very small and it is understandable that as new residents move in, they are seeking to improve the sizes of the houses to accommodate modern day living for larger families, which is being proved by the number of side and rear extensions elsewhere on the estate. It is believed that the Parish Council have only requested one project be considered at committee in 2009 and do not appear to have objected to the most recent two-storey side extensions that were granted permission as outlined above.
37. The proposal seeks to create a rear two-storey extension that is not visible from within the street. The houses on the estate are very small and it is understandable that as new residents move in, they are seeking to improve the sizes of the houses to accommodate modern day living for larger families, which is being proved by the number of side and rear extensions elsewhere on the estate. It is believed that the Parish Council have only requested one project be considered at committee in 2009 and do not appear to have objected to the most recent two-storey side extensions that were granted permission as outlined above.
38. The alterations to the frontage of the property have been minimised to retain the character of the existing area. It would be expected that any new occupier would want to replace the existing dated windows and doors to more energy efficient windows. The existing windows are a mixture of grey and white upvc and replacing them with white would be an improvement that would be in-keeping with the character of the surrounding area. Solar panels will also be added to supply electricity to the property.
39. The existing property has two relatively small double bedrooms and a single box room, the proposal would create one additional bedroom and increase the size of the existing box room by the continuation of the existing roof and the introduction of a dormer, a feature that exists on a property located on Low Road that is also located within the Conservation Area. The two-storey extension is positioned away from the common boundary of the adjoining property. It is considered that the proposed extension does not create overlooking issues that is worse than the current arrangement as no.3's garden is angled away from the client's property and the existing window in this area is being replaced with a Juliet balcony to the extension. The plot size can easily accommodate a small extension that is proposed whilst improving the character of the area.
40. It is therefore hoped that for reasons outlined above, that the Council can consider the proposal as being acceptable in its entirety.

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## PLANNING CONSIDERATIONS AND ASSESSMENT

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41. Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The NPPF is a material planning consideration. The County Durham Plan (CDP) forms the statutory development plan and the starting point for determining applications as set out in the Planning Act and reinforced at Paragraph 12 of the NPPF. The CDP was adopted in October 2020 and provides the policy framework for the County up until 2035.
42. Having regard to the requirements of Section 38(6) of the Planning and Compulsory Purchase Act 2004 the relevant Development Plan policies, relevant guidance and all other material planning considerations, including representations received, it is considered that the main planning issues in this instance relate to the principle of the development, impact on the character and appearance of the area, the impact on residential amenity and the impact on highway safety/parking.

### The Principle of the Development

43. Paragraph 80 of the National Planning Policy Framework (NPPF) states that planning policies and decisions should help create the conditions in which businesses can invest, expand and adapt. Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development.
44. Policy 6 (Development on Unallocated Sites) of the CDP states the development of sites which are not allocated in the Plan and are either (i) within the built-up area; or (ii) outside the built-up area but well-related to a settlement, will be permitted provided the proposal accords with all relevant development plan policies and certain other criteria including:
  - a) is compatible with, and is not prejudicial to, any existing, allocated or permitted use of adjacent land;
  - b) does not contribute to coalescence with neighbouring settlements, would not result in ribbon development, or inappropriate backland development;
  - c) does not result in the loss of open land that has recreational, ecological or heritage value, or contributes to the character of the locality which cannot be adequately mitigated or compensated for;
  - d) is appropriate in terms of scale, design, layout, and location to the character, function, form and setting of, the settlement;
  - e) will not be prejudicial to highway safety or have a severe residual cumulative impact on network capacity;
  - f) has good access by sustainable modes of transport to relevant services and facilities and reflects the size of the settlement and the level of service provision within that settlement;
  - g) does not result in the loss of a settlement's or neighbourhood's valued facilities or services unless it has been demonstrated that they are no longer viable;
  - h) minimises vulnerability and provides resilience to impacts arising from climate change, including but not limited to, flooding;
  - i) where relevant, makes as much use as possible of previously developed (brownfield) land; and
  - j) where appropriate, it reflects priorities for urban regeneration.

45. The site is located within the built-up area and the proposed extensions would relate to the existing use of the dwelling. As such, the development is considered to be compatible with the existing use and would not result in the loss of open land in accordance with criteria 'c' of policy 6. In terms of scale, design and layout it is considered to be appropriate although this is considered in more detail elsewhere in this report, and given the existing level of parking provision would not be prejudicial to highway safety, or have a severe residual cumulative impact on network capacity in compliance with criteria 'd' and 'e'. The existing premises is considered to be situated in a sustainable location close to bus stops and other services in accordance with criteria 'f'. Criteria 'b' and 'g-j' are not considered to be relevant to this application.
46. The extension would be used in direct association with the existing use and therefore the principle of development is supported by Policy 6 subject to detailed consideration of the issues listed below.

#### Impact on Residential Amenity

47. Paragraph 126 of the NPPF advises that planning decisions should create places that have a high standard of amenity for existing and future users. Paragraph 180 of the NPPF states that planning policies and decisions should also ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment and in doing so should mitigate and reduce to a minimum potential adverse impacts resulting from noise from new development - and avoid noise giving rise to significant adverse impacts on health and the quality of life.
48. In accordance with this, Policy 31 (Amenity and Pollution) of the CDP states that development will be permitted where it can be demonstrated that there will be no unacceptable impact, either individually or cumulatively, on health, living or working conditions or the natural environment and can be integrated effectively with any existing business and community facilities. Policy 29(e) requires development to provide high standards of amenity and privacy and minimise the impact of development upon the occupants of existing adjacent and nearby properties. Policy 6 (a) states that development on unallocated sites will be permitted provided the proposal is compatible with, and not prejudicial to, any existing, allocated or permitted use of adjacent land.
49. The Council's Residential Amenity SPD also provides information in relation to extensions. In respect of rear extensions, it states that rear extensions are usually the simplest and most acceptable way of extending the size and number of rooms in your home. It goes on to state that sunlight and daylight are important factors in securing a good quality living environment. To minimise the potential for overshadowing to neighbouring properties and to help determine whether a more detailed daylight and sunlight assessment is needed the Council operate what is known as a '45-degree code'. The code is applied by drawing an imaginary line at 45-degrees from the mid-point of the nearest window to a habitable(ii) room on any adjoining owner's property. If this line cuts through any part of the development proposed, then this is a clear indication the extension is potentially too large and should be reduced in scale. The extent of the impact will however depend upon a number of factors including the orientation of the property, existing features such as boundary walls, outbuildings and other solid structures, ground levels and the type of window impacted upon (i.e., whether it is a primary or secondary window).
50. Objections have been raised that the proposal would result in an unacceptable reduction in the amount of natural day light and sunlight to neighbouring properties as

well as creating overshadowing into windows and the garden area of neighbouring properties.

51. Whilst of notable size the proposed two-storey extension would not breach the 45-degree code and therefore it is not considered that the proposed would significantly impact upon the sunlight to neighbouring properties, nor would it cause significant overshadowing. There are no material considerations which would suggest that despite not breaching this code this element of the proposal would result in any unacceptable impact in this regard. The proposed windows to the northwest facing, side elevation would be obscured glazing to the first floor, and therefore would not lead to any overlooking. This could be secured via planning condition.
52. The proposed Juliet style balcony would be located to the rear of the property at first floor and would look out over the garden. There is potential that some overlooking of adjacent gardens may occur. However, the balcony would not face any habitable room windows and there would be no loss of privacy in this regard. Given the orientation of the extension and the sizeable rear gardens to adjacent properties the level of overlooking would not be unduly significant, sufficient areas of adjacent gardens would remain unaffected. As such, it is not considered the proposed balcony would significantly impact upon the residential amenity of neighbouring properties.
53. Therefore, based on the above, the proposed is considered acceptable in respect of Policies 29 and 31 of the County Durham Plan and Parts 12 and 15 of the NPPF.

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

54. The National Planning Policy Framework (NPPF) sets out the Government's commitment to good design. Paragraph 124 states that, good design is a key aspect of sustainable development, creates better places in which to live and work and helps makes development acceptable to communities.
55. 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.
56. Policy 39 (Landscape) of the County Durham Plan states that development affecting Areas of Higher Landscape Value defined on Map H, will only be permitted where it conserves, and where appropriate enhances, the special qualities of the landscape, unless the benefits of development in that location clearly outweigh the harm.
57. Policy 44 (Historic Environment) of the County Durham Plan requires all development proposals respect for, and reinforcement of, the established, positive characteristics of the conservation area in terms of appropriate design (including pattern, layout, density, massing, features, height, form, materials and detailing).
58. Objections have been received with regard to the changes to the front elevation, including the removal of the arch topped window, use of render, the size and scale of the proposed two-storey extension and dormer to the rear, loss of space between houses and the partial demolition of the existing garage impacting upon the balance of the semi-detached properties. It has been highlighted that the estate won two awards upon its completion in 1962.

59. Given the sites location within the Shincliffe Conservation Area, the Council's Design and Conservation Section has been consulted and advises that the existing property is of no historic interest; its merit architecturally is limited due to its age and typical period design and overall, it makes a neutral contribution to the character, appearance, and significance of the conservation area. In regard to the two-storey extension, the Officer advises that given its position to the rear of the property, it would be unseen from the surrounding public realm and would not impact upon the character and appearance of the conservation area. It is also considered that the proposed two-storey extension would be subordinate in size to the host dwelling and would have a roof pitch that would match that of the of the existing property.
60. Regarding the front porch extension to the southwest facing elevation, although larger than the existing porch would appear subordinate to the host dwelling as per requirements of the Council's Residential Design Guide SPD. The Design and Conservation Section does not consider that it would not dominate the front elevation or appear as an incongruent addition given that front porch design varies within the estate. As such it is not considered that this element of the proposals would be harmful to the character and appearance of the conservation area.
61. It is proposed to render the lower half of the front facing elevation and the walls of the proposed front porch. This would not be in keeping with the surrounding conservation area, as render has not yet been introduced to the front elevation of the properties in the close. However, it is a material which has been used to the rear elevations. Whilst the Council's Design and Conservation Section have advised that the proposed render would not fully comply with Policy 29 of the CDP given that the property makes a neutral contribution to the Conservation Area its use is not considered sufficient to sustain refusal of the application.
62. Paragraph 2.23 of the Residential Amenity Standards SPD states that Dormer extensions should: a) Use materials that are matching or of similar appearance where appropriate; b) be set below the ridge line; c) not dominate the roofscape of the property; d) be set back from the eaves line by an appropriate dimension sufficient to achieve a subordinate appearance; and e) ensure any side facing windows are obscure glazed. The proposed dormer to the rear elevation would meet all the above requirements and would be considered a subordinate addition to the existing roofscape and host property. As mentioned previously, the dormer window is also considered to be permitted development
63. Finally, it is proposed to install 7no. solar panels to the front facing roof elevation. The Council's Design and Conservation Section has advised that solar PV can often appear visually intrusive and incongruous, however given the visually contained nature of the estate and its neutral contribution to the conservation area, the visual impact of the solar pv would be considered neutral and therefore difficult to resist. The proposed solar panels would also accord with part c) of Policy 29, that seeks for development to provide renewable and low carbon energy generation.
64. To address the received objections, that have been summarised above. The majority of the proposed development would be located to the rear of the property and therefore would not be readily visible from the surrounding close and conservation area. It has been commented that the proposals to the rear would be visible from the A177 to northeast of the site. However, there is a large area of mature trees and vegetation that screens the rear of the properties and wider close from the A177. As such, it is not considered that the proposal would be widely visible from the Area of High Landscape Value. The proposed two-storey extension would be sited directly behind the existing property and although part of the garage is to be demolished to provide access to the rear garden around the extension, this would not reduce the space

between dwellings. The changes to the front of the property would not fundamentally undermine the design approach taken when the estate was first constructed. The majority of the existing materials to the front would be retained and a condition can be attached to the decision that requires a sample of the external render prior to installation.

65. In conclusion, the proposed development would be of a scale and design that would be appropriate to the host property and the character of the area. Although, render is proposed to the front elevation, which would not be in keeping with the surrounding area, it is not considered sufficient to sustain refusal of the application. Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that special attention must be paid to the desirability of preserving or enhancing the character or appearance of the conservation area, and in this case, it is considered that the character and appearance would be preserved. Finally, the proposals would not be visible from the surrounding landscape and therefore would conserve the special qualities of the Area of High Landscape Value. The proposals are therefore considered to be in accordance with Policies 29, 39 and 44 of the CDP and the Residential Amenity Standards SPD.

### Impact on Highways

66. Paragraph 110 of the NPPF advises that planning decisions should ensure development provides safe and suitable access to the site for all users.
67. Paragraph 111 of the NPPF advises that development should only be prevented or refused on highways grounds if there would be unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.
68. CDP Policy 21 is broadly in accordance with the above and relates to the delivery of sustainable transport and states that the transport implications of development must be addressed as part of any planning application and [in part] that all development should deliver sustainable transport by ensuring that any vehicular traffic generated by the development, following the implementation of sustainable transport measures, can be safely accommodated on the local strategic highway network.
69. The application proposes the conversion of the garage to storage and the addition of 1 no. bedroom, to increase the number of bedrooms at the property from three to four. The Parking and Accessibility Standards 2019, Paragraph 4.1.1.1 (Extension to Existing Residential Properties) states that where existing residential properties are being extended there may also be a requirement for increased provision. Based on the 'Residential Car Parking Research', the amount of rooms a dwelling has directly correlates with levels of car ownership. Therefore, it is necessary to increase parking provision in line with the standards above to ensure that there is sufficient space for vehicles to park without causing obstruction from parking on the street and on the pavement. Table 6 provides standards for where additional requirement is necessary.
70. Table 6 states that a 3-bed extended to a 4 bed requires 1 additional space, with a minimum of 2 spaces including existing provision. The application proposes an additional parking area to the front, that would extend approximately 2m in front the front elevation of the property. It is considered that the area to the side and front of the property is large enough to provide 2 in-curtilage parking spaces. The Highway Authority has been consulted and advise that the additional parking area is sufficient and would require an additional dropped vehicular crossing. Consequently, the applicant would be required to enter into a S184 agreement with the Local Highway Authority and this can be identified via planning informative.

71. Therefore, based on the above it is considered that sufficient parking would be provided relative to the proposed development. The proposals would therefore accord with Policy 21 of the CDP in this respect.

#### Public Sector Equality Duty

72. 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.
73. In this instance, officers have assessed all relevant factors and do not consider that there are any equality impacts identified.

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## CONCLUSION

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74. Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The development plan in this case relates to the County Durham Plan. Paragraph 11 of the NPPF establishes a presumption in favour of sustainable development. For decision taking this means approving development proposals that accord with an up-to-date development plan without delay (paragraph 11 c).
75. The proposal relates to the construction of a two-storey rear extension, dormer window, front porch extension, solar panels to the front facing roof elevation and partial demolition of the existing garage to accommodate the rear extension. It is considered, based on the above that the proposals would be subordinate additions to the host property, with only the front porch being visible from the surrounding public realm and conservation area. The proposals would not breach the 45-degree code and therefore, would not have a significant impact upon the amenity of neighbouring properties. The Council's Design and Conservation Section considers that the proposals would have a neutral impact upon the character and appearance of the conservation area and therefore raise no objections to the proposals.
76. Therefore, the proposed development is considered acceptable in principle and would not have an unacceptable impact upon the character and appearance of the area, residential amenity or highway safety in accordance with the requirements of Policies 6, 21, 29, 31, 39 and 44 of the County Durham Plan, Parts 2, 4, 9, 12, 15 and 16 of the NPPF and Section 72 of the Town and Country Planning (Listed Building and Conservation Areas) Act 1990 and as such is recommended for approval subject to the planning conditions listed below.

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## RECOMMENDATION

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

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

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

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

Plan	Drawing No.	Date Received
Location Plan		27.03.2023
Proposed Plans and Elevations	02 REV_B	18.04.2023
Existing Plans and Elevations	P079-01	27.03.2023

Reason: To define the consent and ensure that a satisfactory form of development is obtained in accordance with Policies 6, 21, 29, 31, 39 and 44 of the County Durham Plan and Parts 2, 4, 9, 12, 15 and 16 of the National Planning Policy Framework.

3. 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) the proposed 3no. windows to the side, northwest facing elevation shall be obscured to level 3 or higher of the Pilkington scale of privacy or equivalent and shall be maintained thereafter in perpetuity.

Reason: In the interests of the residential amenity of neighbouring properties in accordance with Policies 29 and 31 of the County Durham Plan and Part 12 of the National Planning Policy Framework.

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

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

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## **STATEMENT OF PROACTIVE ENGAGEMENT**

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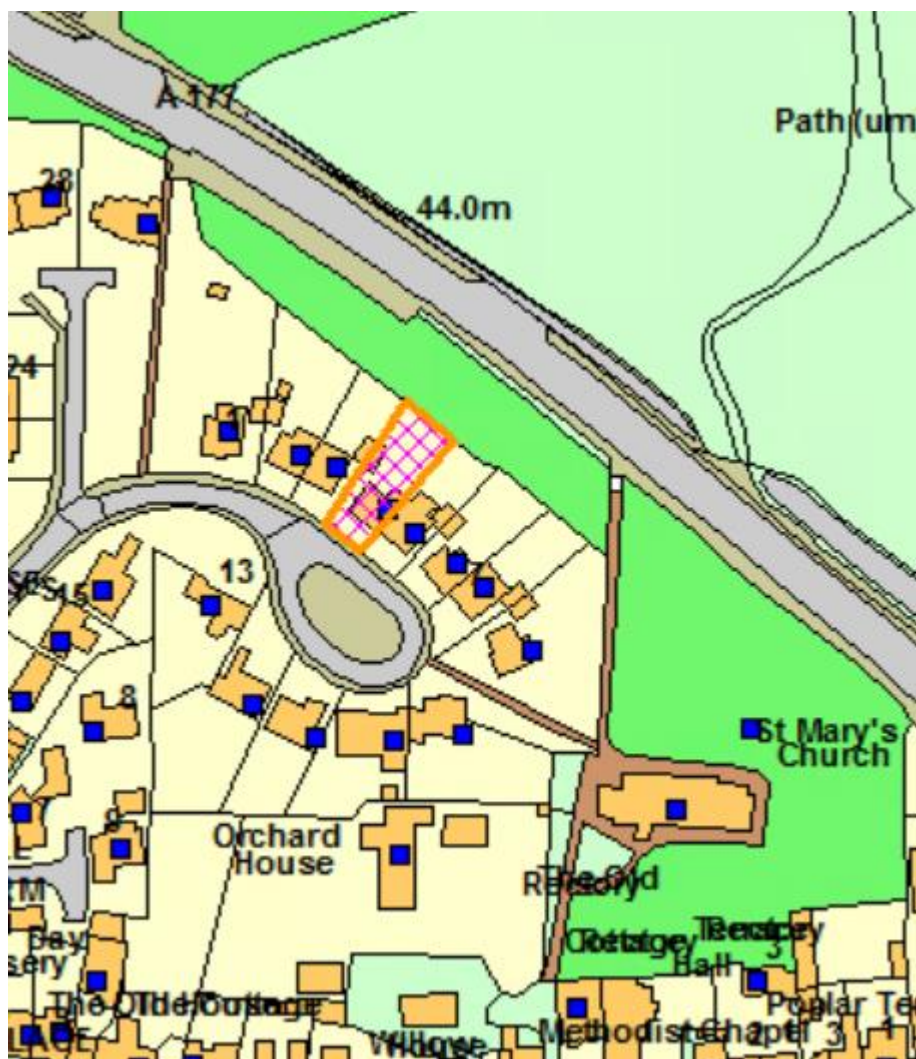
In accordance with Article 35(2) of the Town and Country Planning (Development Management Procedure) (England) Order 2015, the Local Planning Authority has, without prejudice to a fair and objective assessment of the proposals, issues raised and representations received, sought to work with the applicant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

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## **BACKGROUND PAPERS**

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- Submitted application form, plans supporting documents.
- The National Planning Policy Framework (2021)
- National Planning Practice Guidance notes.
- County Durham Plan 2020
- Statutory, internal and public consultation responses
- County Durham Parking and Accessibility Standards 2019
- Residential Amenity Standards SPD (2022)



### Planning Services

No. 4 St Marys Close,  
Shincliffe,  
Durham  
DH12ND

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Two storey rear extension with Juliet style balcony, pitched roof dormer to rear, front porch extension, conversion of garage into storage, external alterations to appearance and installation of solar PV panels to front facing elevation.

**Date**  
June 2023

**Scale**  
NTS

# COMMITTEE REPORT

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## APPLICATION DETAILS

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<b>APPLICATION NO:</b>	DM/22/03237/FPA
<b>FULL APPLICATION DESCRIPTION:</b>	Extension to Sniperley Park and Ride by 262 total bays accommodating 29 disabled bays, 18 electric charging bays and 4 motorhome bays
<b>NAME OF APPLICANT:</b>	Durham County Council
<b>ADDRESS:</b>	Sniperley Park And Ride Sniperley Park DH1 5RA
<b>ELECTORAL DIVISION:</b>	Esh and Witton Gilbert Chris Shields
<b>CASE OFFICER:</b>	Senior Planning Officer 03000 261394 <a href="mailto:chris.shields@durham.gov.uk">chris.shields@durham.gov.uk</a>

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## DESCRIPTION OF THE SITE AND PROPOSALS

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### The Site

1. The application site extends to approximately 1.3 hectares (ha) to the west of the existing Sniperley Park and Ride site. It comprises predominantly agricultural land used for arable farming and some woodland plantation associated with the original park and ride site established for screening purposes. There is an existing hedgerow within the site and clusters and an older group of trees to the north east. Sniperley Farm, a vacant collection of farm and farm house buildings, is situated to the north west of the site. To the south of Sniperley Farm and bordering the site is Durham Community Fire Station. The A691 runs along the boundary of the site to the south west. There are no public rights of way within or adjacent to the site.
2. The nearest residential properties to the site are located approximately 160m to the south east at Sniperley Grove, 290m to the east at Westcott Drive and 550m to the north west at Sniperley Hall.
3. The site comprises an area of lowland agricultural habitats with areas of woodland and hedgerows all surrounding the parkland setting of Sniperley Hall. There are no Sites of Special Scientific Interest (SSSI) within 2km of the site. However, there are a number of Local Wildlife Sites (LWS) within 2km of the site, the closest is Bearpark Bog at approximately 390m to the south west of the site across the A691, Lower Browney Valley approximately 1km to the south west, Flass Vale approximately 1.2km to the south, Pity Me Carrs approximately 1.2km to the north east and Hoppers Wood approximately 1.3km to the east. There are also a number of Local Nature Reserves (LNR) within 2km of the site, Flass Vale is located approximately 1.2km to the south and Framwellgate Carrs is located approximately 1.2km to the north.
4. The site is not located within a Conservation Area and there are no designated heritage assets within the site, however there are designated and non-designated heritage

assets in the surrounding area. These include the Durham Castle and Cathedral World Heritage Site (WHS) approximately 2.4km to the south east; Durham City Conservation Area approximately 1.2km to the south east; Kimblesworth Grange Farmhouse with wall and outhouse attached (Grade II) approximately 2km to the north; Cottage and Stables c. 100m west of Kimblesworth Grange Farmhouse (Grade II) approximately 2km to the north; non- designated Lanchester Hospital (Former Earls House County Industrial School) approximately 850m to the north west; and non-designated Sniperley Hall, Sniperley Hall Historic Park and Garden of Local Interest and Sniperley Farm located approximately 500m to the north west of the site.

5. The site is not located within any designated landscapes but is bounded by an Area of Higher Landscape to the north, south and west. There are also no areas of ancient woodland, protected trees or trees in conservation areas within or in close proximity to the site. The site is located immediately adjacent to the Green Belt.
6. The site is located entirely within a Coalfield Development Low Risk Area and also within a mineral safeguarding area for coal and glacial sand and gravel. The site is also entirely within Flood Zone 1 and minor groundwater vulnerability zone and has been identified as containing areas of high, medium and low surface water flooding risk.
7. The site is located within the consultation zone for High Moorsley meteorological service and Newcastle Airport.

#### The Proposal

8. This proposal is a western extension to the existing Sniperley park and ride site and would provide 262 total bays including 29 disabled bays, 18 electric charging bays and 4 motorhome bays. The site would be accessed using the existing park and ride site entrance and would utilise the existing bus pickup and drop off point.
9. The extension to the park and ride site would involve the loss of some structure planting, hedgerow and trees that formed part of the screening for the original development. Mitigation planting would be provided as part of this proposal.
10. All proposed bays would comply with the dimensions stipulated within the Council's Parking Standards, namely 2.4m x 4.8m, with a 1.2m wide marked access zones for the proposed disabled parking. These markings would be replicated around the proposed electric vehicle (EV) bays, ensuring they can also be used by disabled parking bay users.
11. The site would be illuminated with LED lights on 18 No. columns measuring between 10m to 12m in height. The lights would be operational between dusk and dawn but would be turned off between the hours of 20:00 and 06:00 and at all times on Sundays to correlate with the operating hours of the park and ride facility. During events in the city the lights may be overridden to stay on longer if the park and ride site is still use after normal operating hours.
12. The proposed extension aims to reduce vehicle movements into the city, improve local air quality, and provide a green alternative to private vehicle use. The location of the facility is strategically connected to important roads, intercepting many vehicles that would have entered the city and contributed to air pollution.
13. It is anticipated that construction works would take 27 weeks with commencement in July 2023.

14. This application is being reported to the County Planning Committee because it involves major development of more than 2ha.

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## **PLANNING HISTORY**

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15. Planning permission was granted in 2004 for a Park and Ride site at Sniperley under reference 8/928/4/219. The site has been in operation since 2005.
16. The Council is currently considering 3 planning applications (DM/22/03778/FPA, DM/23/00591/OUT and DM/22/03712/OUT) as part of the Sniperley Park housing allocation.

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## **PLANNING POLICY**

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### **NATIONAL POLICY**

17. A revised National Planning Policy Framework (NPPF) was published in July 2021. 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.
18. In accordance with Paragraph 219 of the National Planning Policy Framework, existing policies should not be considered out-of-date simply because they were adopted or made prior to the publication of this Framework. Due weight should be given to them, according to their degree of consistency with the Framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given). The relevance of this issue is discussed, where appropriate, in the assessment section of the report. The following elements of the NPPF are considered relevant to this proposal.
19. *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.
20. *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.
21. *NPPF Part 8 – Promoting Healthy and Safe Communities* – The planning system can play an important role in facilitating social interaction and creating healthy, inclusive and safe communities. 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 community facilities and services should be adopted.

22. *NPPF Part 9 – Promoting Sustainable Transport* – Encouragement should be given to solutions which support reductions in greenhouse gas emissions and reduce congestion.
23. *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.
24. *NPPF Part 13 – Protecting Green Belt Land* – The Government attaches great importance to Green Belts. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and permanence. Green Belt land serves 5 purposes; to check the unrestricted sprawl of large built-up areas; to prevent neighbouring towns merging into one another; to assist in safeguarding the countryside from encroachment; to preserve the setting of historic towns; and to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.
25. *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.
26. *NPPF Part 15– 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, site of biodiversity or 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.
27. *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.
28. *NPPF Part 17 - Facilitating the sustainable use of minerals*. It is essential that there is a sufficient supply of minerals to provide the infrastructure, buildings, energy and goods that the country needs. Since minerals are a finite natural resource, and can only be worked where they are found, best use needs to be made of them to secure their long-term conservation.

<https://www.gov.uk/government/publications/national-planning-policy-framework--2>

29. 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; climate change; determining a planning application; flood risk and coastal change; healthy and safe communities; historic environment; light pollution; natural environment; noise; renewable and low carbon energy; travel plans, transport

## LOCAL PLAN POLICY:

### The County Durham Plan (October 2020)

30. *Policy 4 – Housing Allocations* – identifies the locations for new housing within the County. Applications for housing on these allocations if in accordance with the site-specific requirements of the policy and infrastructure requirements should be approved if in accordance with other relevant policies in the plan.
31. *Policy 5 - Durham City's Sustainable Urban Extensions* - identify site specific requirements for proposed housing development to two locations on the edge of Durham City (Sniperley Park and Sherburn Road). Development is required to be comprehensively masterplanned and to demonstrate how the phasing of development will have regard to the provision and timing of the infrastructure and services necessary to support them. The policy advises that the Sniperley Park development will comprise of 1,700 houses. A detailed set of criteria based requirements for the development are established within the policy including; a need for a local centre; primary school; formation of linear park; highway network improvements and park and ride expansion.
32. *Policy 10 - Development in the Countryside* - states that development will not be permitted unless allowed for by specific policies in the Plan or Neighbourhood Plan or unless it relates to exceptions for development necessary to support economic development, infrastructure development or development of existing buildings.
33. *Policy 14 - Best and Most Versatile Agricultural Land and Soil Resources.* Development of the best and most versatile agricultural land, will be permitted where it is demonstrated that the benefits of the development outweigh the harm, taking into account economic and other benefits. All development proposals relating to previously undeveloped land must demonstrate that soil resources will be managed and conserved in a viable condition and used sustainably in line with accepted best practice.
34. *Policy 20 – Green Belt* – states that development proposals within the Green Belt will be determined in accordance with the national planning policy.
35. *Policy 21 – Delivering Sustainable Transport* – Requires planning applications to address the transport implications of the proposed development. All development shall 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.
36. *Policy 22 – Durham City Sustainable Transport* – states that in order to reduce through-traffic in Durham city centre, various sustainable transport measures will be promoted. These include enhancing the current transport infrastructure in the city centre, improving walking and cycling paths that connect the University to the city centre, and implementing enhancements for walking, cycling, and public transport connections between Aykley Heads, Sniperley, Framwellgate Moor, Newton Hall, and the city

centre. Additionally, walking, cycling, and public transport improvements will be made to link Gilesgate, Dragonville, Carrville, Belmont, and the city centre. These efforts aim to encourage sustainable modes of transportation and alleviate congestion in the city centre

37. *Policy 24 - Provision of Transport Infrastructure* – Advises that new and improved transport infrastructure will be permitted where; it is necessary to improve highway/public transport infrastructure; minimises harmful impacts; provides provision for all users whilst also either supporting economic growth, enhancing connectivity or accommodating future development sites.
38. *Policy 28 – Safeguarded Areas* – Within safeguarded areas development will be subject to consultation with the relevant authority and will be permitted within the defined consultation zones of the Major Hazard Sites and Major Hazard Pipelines, where it can be demonstrated that it would not prejudice current or future public safety. The Policy also requires that development would not prejudice the safety of air traffic and air traffic services, that there would be no unacceptable adverse impacts upon the operation of High Moorsley Meteorological Officer radar and the operation of Fishburn Airfield, Shotton Airfield and Peterlee Parachute Drop Zone Safeguarding Areas.
39. *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).
40. *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 the development can be effectively integrated 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 to an acceptable level.
41. *Policy 32 – Despoiled, Degraded, Derelict, Contaminated and Unstable Land* – requires that where development involves such land, any necessary mitigation measures to make the site safe for local communities and the environment are undertaken prior to the construction or occupation of the proposed development and that all necessary assessments are undertaken by a suitably qualified person.
42. *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.
43. *Policy 39 – Landscape* – States that proposals for new development will only be permitted where they would not cause unacceptable harm to the character, quality or distinctiveness of the landscape, or to important features or views. Proposals are expected to incorporate appropriate mitigation measures where adverse landscape and visual impacts occur. Development affecting Areas of Higher landscape Value will

only be permitted where it conserves and enhances the special qualities of the landscape, unless the benefits of the development clearly outweigh its impacts. Development proposals should have regard to the County Durham Landscape Character Assessment and County Durham Landscape Strategy and contribute, where possible, to the conservation or enhancement of the local landscape.

44. *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. Where trees are lost, suitable replacement planting, including appropriate provision for maintenance and management, will be required within the site or the locality.
45. *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 well as biodiversity net gains. Proposals are expected to protect geological features and have regard to Geodiversity Action Plans and the Durham Geodiversity Audit and where appropriate promote public access, appreciation and interpretation of geodiversity. Development proposals which are likely to result in the loss or deterioration of irreplaceable habitat(s) will not be permitted unless there are wholly exceptional reasons and a suitable compensation strategy exists.
46. *Policy 43 – Protected Species and Nationally and Locally Protected Sites* – States 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. 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.
47. *Policy 44 – Historic Environment* – Requires development proposals to contribute positively to the built and historic environment. Development should seek opportunities to enhance and where appropriate better reveal the significance and understanding of heritage assets.
48. *Policy 56 - Safeguarding Mineral Resources* – Sets out that planning permission will not be granted for non-mineral development that would lead to the sterilisation of mineral resources within a Mineral Safeguarding Area unless certain exception criteria apply.

#### **NEIGHBOURHOOD PLAN:**

Witton Gilbert Neighbourhood Plan (July 2017)

49. *Policy 1 - Settlement Boundary of Witton Gilbert* – Development within the settlement boundary of Witton Gilbert will be supported where the accord with policies within the Development Plan. Development will not be supported on land beyond the settlement boundary unless allowed for by specific policies in the NPPF and Local Plan. Development must not give rise to unacceptable harm in the Neighbourhood Area.
50. *Policy 6 - Sustainable Design*. Requires design to contribute positively to place-making and sustainable design and should be developed in response to a robust

analysis of the character of the building environment and local landscape character. Emphasis is also placed on energy efficiency and incorporating renewable and low carbon energy generation where viable.

51. *Policy 7 – Biodiversity in the Parish of Witton Gilbert.* Requires the integration of biodiversity into new development where possible. Where loss is necessary, alternative provision should be provided so as to achieve a net benefit for biodiversity.

*The above represents a summary of those policies considered relevant. The full text, criteria, and justifications can be accessed at: <http://www.durham.gov.uk/article/3266/Development-Plan-for-County-Durham> (Adopted County Durham Plan and Adopted Witton Gilbert Neighbourhood Plan)*

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## **CONSULTATION AND PUBLICITY RESPONSES**

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### **STATUTORY RESPONSES:**

52. *Highway Authority* – has raised no objections and support the application as it would reduce congestion on the road network by allowing commuters and visitors to park their cars at Sniperley and take the bus into the City Centre. The proposal would not harm the road network, and the use of the park and ride would actually reduce the number of private cars entering the City Centre, easing congestion on the A691 and A167. With the additional 262 bays, at least 262 car trips into Central Durham could be replaced by trips via bus, but turnover of each space across the day could remove even more trips via car from the local road network.
53. *Drainage & Coastal Protection (Lead Local Flood Authority)* – has raised no objections to the proposals. Officers have confirmed that the drainage strategy meets with their requirements.

### **INTERNAL CONSULTEE RESPONSES:**

54. *Spatial Policy* – raise no policy objections to the application. Officers advise that the site is part of land allocated within Policy 4 (Reference H5) of the CDP for housing/mixed use development. It is a specific policy requirement of Policy 5 for the park and ride to be expanded, and this proposal would deliver that requirement. It would need to be ensured that off-site connections to the wider development cells are delivered when the main parties working on the planning submissions for Sniperley Park re-submit their application(s).
55. *Environmental Health and Consumer Protection (Nuisance)* – has raised no objections to the proposals. Officers have recommended conditions to limit construction hours and initially requested that a dust action plan be incorporated into the Construction Management Plan. A revised Construction Management Plan has now been submitted with the dust action plan included.
56. *Environmental Health and Consumer Protection (Air quality)* – has raised no objections to the proposal. Initially, officers requested additional information in relation to the potentially cumulative effects of the proposed development in combination with other developments, including the proposed Sniperley Park housing developments. Upon reviewing the additional information Air Quality officers were of the opinion that the proposed development would be acceptable.
57. *Environmental Health and Consumer Protection (Contaminated land)* – has raised no objections to the proposals but have advised that an informative be included that

provides in the event any unforeseen contamination is encountered during construction.

58. *Ecology* – has raised no objections to the proposals. Officers have commented that the Preliminary Ecological Appraisal (PEA) is sufficient to assess the application and have requested that Section 7 of the PEA is delivered by condition. In addition, £60,000 would need to be transferred to the Councils Biodiversity Compensation Fund to mitigate the loss of habitat from the site.
59. *Landscape* – has raised no objections to the proposals. Officers have noted that the proposals would involve the removal of a significant portion of established structure planting and a hedge. The removal of this planting would reduce screening in this area and the introduction of the car park extension would have an urbanising effect. However, the proposals include the provision of structure planting along the outer boundaries, which, in combination with increased hedge height, is designed to gradually achieve visual density and screen the site in the medium to long term.
60. *Design and Conservation* – has raised no objections to the proposals. Officers have commented that there have been extensive pre-application discussions in relation to the parking layout and opportunities for landscaping. Officers have stated that those opportunities have been maximised.
61. *Archaeology* – has raised no objections to the proposals.

#### **PUBLIC RESPONSES:**

62. The applications have been advertised by site notice and in the local press as part of the planning procedures. Notification letters were sent to individual properties in the vicinity of the site. 2 letters offering comments have been received in response to the consultation.
63. The County Durham Green Party has commented that it supports the concept of the park and ride site but feels that there are opportunities being missed in relation to the path to net zero. This includes not incentivising use of the facility by pedestrians and cyclists, not setting up the site as a 'transport hub' and a lack of solar panels and fast chargers for buses. The absence of a dedicated cycle link from the proposed Sniperley Park housing allocation has also been criticised.
64. The City of Durham Trust has advised that it welcomes the expansion of the park and ride as a contribution to Durham's sustainable transport planning. However, the Trust criticises the minimal landscaping and suggest that the park and ride extension could be used as part of the parking requirement for the Sniperley Park development.

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

*<https://publicaccess.durham.gov.uk/online-applications/search.do?action=simple&searchType=Application>*

#### **APPLICANTS STATEMENT:**

65. The A167 and A691 are part of the Strategic Transport Network in County Durham and are key commuter routes into Durham city centre, however beyond the location of the existing Park and Ride site, the road network suffers from significant congestion on the approach to the City centre, particularly in areas such as Sniperley roundabout, Dryburn Road and Framwellgate Peth. The increasing economic development

planned in the city centre, as well as the removal of the Relief Roads from the Local Plan, could further impact the already congested road network. Traffic modelling has identified a benefit in extending the existing Park and Ride site in order to enable future development.

66. The Traffic modelling carried out has identified the requirement for an extended P&R site to intercept traffic from the A167 and A691 approaches to the City to alleviate forecast congestion on the existing road network. The site would have an additional 262 parking spaces with provision of:
- 13 additional disabled bays
  - 14 additional EV charging bays with a further 27 EV charging bays safeguarded through design
  - Extended CCTV coverage
  - Extended streetlighting coverage
  - Secure cycle storage provision
67. To ensure the site is suitably screened from external views, retained soil embankments with woodland planting are proposed. The extended carriageway and parking surface is proposed to be permeable, linking surface water to the existing sustainable urban drainage (SuDS) basin to the north of the existing site.
68. Benefits of the proposal include:
- An expanded P&R site aiming to meet future forecast demand.
  - An expanded, more sustainable mode of transport into Durham City Centre
  - An expanded, lower cost option to parking within the city centre
  - Increased interception of vehicular trips will remove vehicles from the city's highway network, improving air quality within Durham's Air Quality Management Area
  - Improved highway network resilience
  - Provision of EV charging bays
  - Secure cycle storage provision
  - Visual screening to minimise external views into the site
  - Provision of extended CCTV and streetlighting
  - Off-highway construction, minimising impact on road users during the construction phase

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## **PLANNING CONSIDERATIONS AND ASSESSMENT**

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69. 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 development, layout and design, locational sustainability of the site, access and traffic, residential amenity, contamination and coal mining risk, flooding and drainage, landscape, ecology, cultural heritage, safeguarded areas, agricultural land and public sector equality duty.

### **The Principle of the Development**

70. 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) and the Witton Gilbert Neighbourhood Plan (WGNP) are the statutory development plans relevant to this proposal and are the starting point for determining applications as set out in the Planning Act and reinforced at Paragraph 12 of the NPPF. The CDP was adopted in October 2020 and provides the policy framework for the County up until 2035. The WGNP was adopted in September 2019 and covers the period 2018 to 2033.

71. 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.
72. In light of the adoption of the CDP, and the WGNP, the Council now has an up-to-date development plan. Paragraph 11 of the NPPF establishes a presumption in favour of sustainable development. For decision taking this means approving development proposals that accord with an up-to-date development plan without delay (Paragraph 11 c). Accordingly, Paragraph 11(d) of the NPPF is not engaged.
73. The application site is located within the Sniperley area of Durham City and is adjacent to a site allocated for housing within CDP Policy 4 with the reference H5 (Land at Sniperley Park) for 1700 houses across the 107.8ha site. CDP Policy 4 states that applications which come forward for housing development on allocated housing land will be approved where they comply with other requirements of the CDP. Development of allocation H5 must be considered in the context of CDP Policy 5.
74. The Council led on the production of a Masterplan for Sniperley as a means to guide the future planning, design and development of the site as it moves towards delivery. The masterplan was subject to a public consultation (29 November 2021 to 14 January 2022) in order to seek views from interested parties. The comments received to the consultation were considered, with changes to the Masterplan implemented where necessary, and an updated version was formally adopted (22 June 2022) using agreed delegated powers, in consultation with Members. The masterplan is a material consideration, and it will be expected that any decision-maker have regard to its requirements.
75. CDP Policy 5 sets out a number of general requirements, to ensure that the site delivers attractive, well-designed places, incorporating sustainable development principles in accordance with Policy 29 (Sustainable Design in the Built Environment). Policy 5 also sets out several specific requirements for the site, and it is part k.) which is relevant to this proposal as it specifically requires the expansion of the park and ride facility at Sniperley Park. It specifies that “attractive and safe links between the housing and the existing park and ride facility will be created to maximise its use by residents”.

This is about ensuring that all the residential cells at Sniperley Park can connect into the linear park and footpath/cycle connections (which would run throughout the site) and use these network routes to arrive safely and logically at the P&R facility. This issue is also reflected within the 'Sniperley Park Sustainable Development Masterplan Vision Document' (2022) with the Masterplan Vision (P32, no.11) covering the P&R link and setting out the development will "enhance safe and attractive pedestrian and cycle links into expanded P&R".

76. CDP Policy 21 strives to deliver, accommodate and facilitate investment in safe sustainable modes of transport in the following order of priority: those with mobility issues or disabilities, walking, cycling, bus and rail transport, car sharing and alternative fuel vehicles. Investment in, and expansion of, the P&R facility would accord with this policy, particularly as there would be disabled and electric charging bays and the proposal will promote the use of public transport.
77. CDP Policy 21 also requires development to have regard to the policies set out in the County Durham's Strategic Cycling and Walking Delivery Plan and that cycle parking or secure cycle storage should be provided to facilitate increased cycle use.
78. CDP Policy 22 seeks to reduce the dominance of car traffic, address air quality and improve the historic environment in Durham City and sets out further transport interventions which apply to Durham city. Part c.) relates to public transport improvements linking Sniperley with the city centre. This proposal to extend the existing park and ride would assist in delivering these improvements.
79. CDP Policy 24 states that new and improved transport infrastructure will be permitted where it is necessary to improve the existing highway network, minimises and mitigates any harmful impact upon the built, historic and natural environment and the amenity of local communities and makes safe and proper provision for all users, prioritising the movement of pedestrians, cyclists and public transport. Transport infrastructure proposals should also support economic growth, enhance connectivity either within the county or other parts of the region, accommodate future development sites
80. The proposed development has been identified as being a necessary highway improvement as part of CDP Policy 5. The specific impacts of the development are assessed in the relevant sections of this report, however, it is considered that the development would not cause significant harm to the built, historic or natural environment or the amenity of local communities. The facility would have level accesses, bicycle storage and access parking bays, providing access for all users and would enhance connectivity within the county. It is therefore considered that the proposal would accord with CDP Policy 24.
81. The opening paragraph of CDP Policy 10 states that development in the countryside will not be permitted unless allowed for by specific policies in the Plan. These specific policies are set out in footnote 54 (of the CDP) and includes housing allocations. As this development forms part of the Sniperley Park housing allocation it is considered that the development could be allowed for by specific policies in the plan (CDP Policies 4 and 5). The development therefore does not have to demonstrate an exception to CDP Policy 10, but the acceptability criteria are engaged.
82. CDP Policy 10 states that new development in the countryside must not give rise to unacceptable harm to the heritage, biodiversity, geodiversity, intrinsic character, beauty or tranquillity of the countryside either individually or cumulatively, which cannot be adequately mitigated or compensated for, result in the merging or coalescence of neighbouring settlements, contribute to ribbon development, impact adversely upon

the setting, townscape qualities, including important vistas, or form of a settlement which cannot be adequately mitigated or compensated for, be solely reliant upon, or in the case of an existing use, significantly intensify accessibility by unsustainable modes of transport. New development in countryside locations that is not well served by public transport must exploit any opportunities to make a location more sustainable including improving the scope for access on foot, by cycle or by public transport, be prejudicial to highway, water or railway safety; and impact adversely upon residential or general amenity. Development must also minimise vulnerability and provide resilience to impacts arising from climate change, including but not limited to, flooding; and where applicable, maximise the effective use of previously developed (brownfield) land providing it is not of high environmental value.

83. The development would not result in the coalescence of settlements or adversely impact on the townscape of neighbouring settlements. The proposals would also not constitute ribbon development.
84. The site is within flood zone 1 and would not increase offsite risk of flooding. The purpose of the development is to enhance the sustainable transport provision for the city of Durham and it would therefore be resilient to, and assist in limiting, the impacts of climate change. It is therefore considered that the development would accord with CDP Policy 10.
85. The application site lies within the Witton Gilbert Parish area and as such the adopted Witton Gilbert Neighbourhood Plan (WGNP) applies to the relevant parts of the development affected. Policy 1 of the WGNP allows for development outside of the Witton Gilbert settlement boundary where it is allowed for in the Development Plan – the site is allocated under CDP Policy 4.
86. In summary it is considered that the development of the application site would accord with CDP Policies 4, 5, 10, 21, 22 and 24 as an extension to the existing Sniperley Park and Ride facility is specifically identified as being required under criterion k of CDP Policy 5. The development would also accord with WGNP Policy 1 as it is specifically allocated within the County Durham Plan.

#### Layout and Design

87. CDP Policy 29 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. WGNP Policy 6 states that design should contribute positively to place-making and sustainable design and should be developed in response to a robust analysis of the character of the built environment and local landscape character.
88. The development would provide an expansion of the existing parking area to allow more commuters and visitors to travel via bus link to Durham city centre and other more central locations. The western area of the existing vehicle parking area would be revised in order to accommodate the additional spaces proposed on land to the north of the existing facility. There would be no changes to the layout east of the central pedestrian footway.

89. Additional provision of electric vehicle parking and charging, as well as disabled parking would be provided near to the boarding area within the southern area of the site. The proposed layout would provide a total of 588 parking spaces. A footway would be provided to connect the expansion area to the boarding area. The existing access to the site would be retained. The parking area would be constructed of permeable tarmac.
90. Perimeter hedgerows would be retained and enhanced, with tree planting taking places within the site (oaks at periodic intervals within the site's internal perimeter verge). There would also be a minimum of 4m buffer zone from the proposed parking area and the A691 road and 10m from the adjacent A691 roundabout. The existing attenuation basin to the east of the site area would continue to manage surface water runoff and minimise the risk of flooding. No additional buildings are proposed for the site.
91. The City of Durham Trust and the Durham Green Party have commented that the application represents a missed opportunity in terms of connectivity to existing and proposed housing and that the proposed landscaping is insufficient. The Durham Green Party in particular recommended that the opportunities for the proposal to be used as a parking area of the Sniperley Park housing development should be explored.
92. Design and Conservation officers advise that there have been extensive discussions in relation to the proposed parking layout and opportunities for landscaping and it is considered that, in the context of what is effectively an extension to a car park, these opportunities have been maximised.
93. In response to CDP Policy 29 it is considered that the development would positively contribute to the character, landscape and townscape of the area. The design and layout of the proposal would be in keeping with the existing park and ride development, whilst also making optimal use of the available space. Whilst there would be a net reduction in overall planting on site there would still be adequate perimeter foliage to provide screening and to create a pleasant environment. The views of the City of Durham Trust and the Durham Green Party are noted but it is considered that the design, layout and landscaping of the proposed development is appropriate and in accordance with the masterplan for the wider site.
94. The applicant has not demonstrated that the proposal would achieve a Building Research Establishment Environmental Assessment Method (BREEAM) 'very good' rating but as this development does not include any buildings, habitable or otherwise, there is no requirement to achieve this endorsement.
95. Subject to the imposition of a condition requiring details of materials and finishes it is considered that the development would accord with CDP Policy 29, WGNP Policy 6 and Part 12 of the NPPF in respect of good design.

#### Access and Traffic

96. Paragraph 110 of the NPPF states that safe and suitable access should be achieved for all users. 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. CDP Policy 21 states that the transport implications of development must be addressed as part of any planning application, where relevant this could include through Transport Assessments, Transport Statements and Travel Plans.

97. A Transport Assessment (TA) has been submitted in support of the application. The TA provides a baseline assessment of the existing high conditions, considers access to the site, the development proposal and provides a park and ride demand model. The TS concludes that there would not be a significant impact on the surrounding highway network in terms of capacity and safety as a result of the development traffic
98. Highways officers have raised no objections and support the application as it would reduce congestion on the road network by allowing commuters and visitors to park their cars at Sniperley and take the bus into the City Centre. The proposal would not harm the road network, and the use of the park and ride would actually reduce the number of private cars entering the City Centre, easing congestion on the A691 and A167.
99. It is considered that the proposals have been appropriately assessed through a TA and would not result in harm to the safety of the local or strategic highway network and would not cause an unacceptable increase in congestion or air pollution. Subject to the condition set out above the development would not conflict with CDP Policy 21 and Part 9 of the NPPF.

#### Residential Amenity

100. Paragraph 174 of the NPPF states that planning decisions should contribute to and enhance the natural and local environment by preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of air or noise pollution. Development should, wherever possible, help to improve local environmental conditions such as air quality and water quality. Paragraph 185 of the NPPF states that planning decisions should ensure that new development is appropriate for its location taking into account the likely effects of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. Paragraph 186 of the NPPF advises that planning decisions should sustain and contribute towards compliance with relevant limit values or national objectives for pollutants. Opportunities to improve air quality or mitigate impacts should be identified, such as through traffic and travel management, and green infrastructure provision and enhancement. Paragraph 187 of the NPPF advises that planning decisions should ensure that new development can be integrated effectively with existing businesses and community facilities (such as places of worship, pubs, music venues and sports clubs).
101. CDP Policy 31 sets out that development will be permitted where it can be demonstrated that there will be no unacceptable impact, either individually or cumulatively, on health, living or working conditions or the natural environment and that can be integrated effectively with any existing business and community facilities. Development will not be permitted where inappropriate odours, noise, vibration and other sources of pollution cannot be suitably mitigated against, as well as where light pollution is not suitably minimised. Permission will not be granted for locating of sensitive land uses near to potentially polluting development. Similarly, potentially polluting development will not be permitted near sensitive uses unless the effects can be mitigated.
102. The nearest residential properties to the site are located approximately 160m to the south east at Sniperley Grove, 290m to the east at Westcott Drive and 550m to the north west at Sniperley Hall.
103. A Noise Report has been submitted in support of the application. The assessment provides baseline data for the existing acoustic environment around the site and a

noise impact assessment carried out. Noise monitoring was conducted in February 2021 at a representative location near existing sensitive receptors with road traffic found to be the main source of noise. A BS4142 assessment was carried out based on peak 1-hour vehicle movements within the proposed car park. According to BS4142 and considering the site's context, the noise generated by the development is expected to have a low and insignificant impact on the existing noise sensitive receptors. The predicted change in traffic flow due to the development is minimal and is therefore expected to have a negligible noise impact on both existing and proposed sensitive receptors in the area. Consequently, no noise mitigation measures are deemed necessary during the operational phase. It has been concluded that the proposed development will not cause any adverse noise effects on nearby sensitive receptors and is projected to fall below the lowest observed adverse effect level (LOAEL).

104. A Construction Management Plan (CMP) has been submitted in support of the application. The CMP provides a framework for managing site activities during the construction period including site establishment, access, traffic, procurement of materials and services, fire and emergency procedure, security, health and safety, good housekeeping and dust, noise and vibration.
105. A lighting scheme has been submitted in support of the application. The scheme provides details of the locations and heights of the lighting columns within the site. There would be 18 columns ranging between 10m to 12m with 101 Watt LED lights. The lights would turn on at dusk and off at dawn but would be turned off at all times between the hours of 20:00 and 06:00 and off at all times on a Sunday to correlate with the closure times of the park and ride. This may be overridden during events when the park and ride is required for extended hours.
106. Environmental Health and Consumer Protection (Nuisance Action) officers have considered the submitted information and have not raised any issues but have requested a condition to restrict construction hours to 0800 to 1800 on Monday to Friday and 0800 to 1400 on Saturday.
107. An Air Quality Assessment has been submitted in support of the application. The assessment provides a baseline analysis, details of assessment methodology, legislation and policy and consideration of the potential impacts during construction and operation. The assessment concludes that during the construction phase, by implementing site-specific mitigation measures, it has been determined that the effects of dust and fine particulate matter from earthworks, construction, and trackout would not be significant. The Construction Management Plan will ensure that construction vehicles and practices are carried out in a manner that minimizes any impact on existing sensitive receptors and the environment in terms of air quality and dust.
108. During the operation phase the assessment concludes that pollutant concentrations in 2023 and 2037, with the development in place, remain below the relevant annual mean objectives and limit values at the receptors considered. The assessment predicts a negligible or beneficial impact on concentrations of pollutants such as NO<sub>2</sub>, PM<sub>10</sub>, and PM<sub>2.5</sub> at all 31 existing sensitive receptors in 2023 and 2037. In all scenarios considered, pollutant concentrations are predicted to be below the air quality objectives. Therefore, the effect of the proposed development on human receptors is deemed to be not significant. Furthermore, the park and ride scheme is expected to reduce the number of vehicle trips into the city centre, leading to a positive impact on air quality in the location and the Durham City Air Quality Management Area (AQMA).

109. Environmental Health and Consumer Protection (Air quality) officers have considered the proposals and, after clarifying areas of the Air Quality Assessment, raise no objections to the proposed development.
110. There would be some disturbance to residential properties during construction, but this would be limited to 27 weeks and potential impacts would be controlled through restricting construction hours and the implementation of a construction management plan. This disturbance would be time limited and necessary to provide the new park and ride facility. It is considered that the proposed development would not create an unacceptable impact on health, living or working conditions or the natural environment. The proposals would not result in unacceptable noise, air quality or light pollution and, subject to the imposition of the conditions recommended above, it is considered that the proposals would provide an acceptable standard of residential amenity in accordance with CDP Policy 31 and Part 15 of the NPPF.

#### Contamination and Coal Mining Risk

111. Part 15 of the NPPF (Paragraphs 120, 174, 183 and 184) requires the planning system to consider remediating and mitigating despoiled, degraded, derelict, contaminated and unstable land where appropriate. Noting that where a site is affected by contamination or land stability issues, responsibility for securing a safe development rests with the developer and/or landowner. CDP Policy 32 requires that where development involves such land, any necessary mitigation measures to make the site safe for local communities and the environment are undertaken prior to the construction or occupation of the proposed development and that all necessary assessments are undertaken by a suitably qualified person.
112. The site is within a Low Risk Coalfield Development area. A Coal Mining Risk Assessment is therefore not required but an informative would be provided to the applicant regarding development in this location.
113. Environmental Health and Consumer Protection (Contaminated Land) officers have considered the proposals and raise no objections in respect of land contamination but have recommended that an informative be included to provide advice in the event any contamination is discovered during construction.
114. It is considered that the proposed development would be suitable for the proposed use and would not result in unacceptable risks which would adversely impact on the environment, human health and the amenity of local communities and it is considered that the proposals would provide an acceptable standard of residential amenity in accordance with CDP Policy 32 and Part 15 of the NPPF.

#### Flooding and Drainage

115. Part 14 of the NPPF directs Local Planning Authorities to guard against flooding and the damage it causes. Protection of the water environment is a material planning consideration and development proposals, including waste development, should ensure that new development does not harm the water environment. Paragraph 174 of the NPPF advises that planning decisions should contribute to and enhance the natural and local environment by preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of water pollution. Development should, wherever possible, help to improve local environmental conditions such as water quality.
116. Paragraph 167 of the NPPF states that when determining any planning applications, local planning authorities should ensure that flood risk is not increased elsewhere.

Where appropriate, applications should be supported by a site-specific flood-risk assessment. Development should only be allowed in areas at risk of flooding where, in the light of this assessment it can be demonstrated that it incorporates sustainable drainage systems, unless there is clear evidence that this would be inappropriate, and any residual risk can be safely managed.

117. CDP Policy 35 of the CDP relates to flood water management and infrastructure. Policy 35 requires development proposals to consider the effects of the scheme on flood risk and ensure that it incorporates a Sustainable Drainage System (SuDS) to manage surface water drainage. Development should not have an adverse impact on water quality. National advice within the NPPF and PPG with regard to flood risk advises that a sequential approach to the location of development should be taken with the objective of steering new development to flood zone 1 (areas with the lowest probability of river or sea flooding). When determining planning applications, local planning authorities should ensure flood risk is not increased elsewhere and only consider development appropriate in areas at risk of flooding where a sequential test and some instances exception test are passed, informed by a site-specific flood risk assessment
118. The site is entirely within Flood Zone 1 and minor groundwater vulnerability zone and has been identified as containing areas of high, medium and low surface water flooding risk.
119. A Flood Risk Assessment (FRA), Drainage Layout plan and drainage maintenance plan have been submitted in support of the application. The surface water management plan for the proposed development aims to restrict surface water runoff to greenfield runoff rates and direct it to the existing Sustainable Drainage Systems (SuDS) pond on site through the existing drainage system. Adequate surface water storage will be provided on site to prevent flooding during a 1 in 30 year storm event. Additionally, no flooding will occur in any building, and all water flows will be retained on site for up to the 1 in 100 year storm event, accounting for climate change.
120. It is proposed that a geotechnical site investigation would be conducted, including permeability tests following the guidelines of BRE Digest 365. This investigation would inform the drainage method selection based on the hierarchy of options. The design of the SuDS scheme would adhere to National Standards and local policies, focusing on both quantity and quality aspects of SuDS. The aim is to achieve a scheme that demonstrates best practice and meets the requirements of the four components of the SuDS philosophy, as outlined in the Construction Industry Research and Information Association (CIRIA) SuDS Manual. Permeable surfaces would be the preferred method of control throughout the car park extension area, providing treatment and attenuation of surface water runoff while allowing it to infiltrate the ground.
121. Drainage and Coastal Protection officers have indicated that they have no objections to the proposals and that the drainage strategy meets with their requirements.
122. It is therefore considered that the proposed development would not lead to increased flood risk, both on and off site, and through the use of SUDs would ensure there is no net increase in surface water runoff for the lifetime of the development. It is therefore considered that the proposals would not conflict with CDP Policies 35 and Part 14 of the NPPF.

## Landscape

123. Paragraph 174 of the NPPF states that decisions should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes in

a manner commensurate with their statutory status or identified quality in the development plan.

124. CDP Policy 39 states that proposals for new development will be permitted where they would not cause unacceptable harm to the character, quality or distinctiveness of the landscape, or to important features or views. Proposals will be expected to incorporate appropriate measures to mitigate adverse landscape and visual effects. Development affecting Areas of Higher Landscape Value will only be permitted where it conserves, and where appropriate enhances, the special qualities of the landscape, unless the benefits of development in that location clearly outweigh the harm.
125. CDP Policy 40 states that proposals for new development will not be permitted that would result in the loss of, or damage to, trees of high landscape, amenity or biodiversity value unless the benefits of the proposal clearly outweigh the harm. Where development would involve the loss of ancient or veteran trees it will be refused unless there are wholly exceptional reasons, and a suitable compensation strategy exists. Proposals for new development will not be permitted that would result in the loss of hedges of high landscape, heritage, amenity or biodiversity value unless the benefits of the proposal clearly outweigh the harm. Proposals for new development will not be permitted that would result in the loss of, or damage to, woodland unless the benefits of the proposal clearly outweigh the impact and suitable replacement woodland planting, either within or beyond the site boundary, can be undertaken.
126. The site is not located within any designated landscapes but is bounded by an Area of Higher Landscape to the north, south and west. There are also no areas of ancient woodland, protected trees or trees in conservation areas within or in close proximity to the site. The site is located immediately adjacent to, but not within the Green Belt. CDP Policy 20 is therefore not applicable
127. An Arboricultural Assessment and Pre-development Tree Survey has been submitted in support of the application. The report identifies that impacts of the development include the removal of trees that are unsuitable for retention, removal of trees for landscape management reasons, and removal of trees that conflict with the development plans. Pruning may also be necessary to facilitate the development or for management purposes. There is a possibility of physical damage to trees that are intended to be retained, as well as harm to their roots or rooting environment. In the post-development phase, secondary effects may arise, particularly through conflicts with new uses on the site. Additionally, new tree planting is anticipated as part of the development to mitigate the impacts and enhance the overall tree cover in the area. The reports identify that through the loss of trees during construction and mitigation planting would result in a major to moderate adverse effect on the tree stock within the site in the short term and a moderate to high beneficial effect in the medium and longer term.
128. The submitted general layout plan shows the north and south western boundary hedge to be retained and allowed to grow to a height of 3m. The area between this hedge and the parking area would be planted with native shrubs, oak whips and amenity grass. Existing vegetation on the southern boundary would be retained.
129. Landscape officers have commented that the proposed development would involve the removal of a significant portion of established young mature structure planting (W1) and a hedge, as well as a young standard lime tree (T3). However, measures have been identified in the AIA (Arboricultural Impact Assessment) to protect the remaining parts of W1 and two mature oak trees (T1 and T2) in the northern area. Tree-sensitive construction methods will be employed for the footpath within the RPA (Root

Protection Area) of T1 and T2, although the alignment of this path and its effects on T1 may need to be reviewed in the future as adjacent development plans are finalized.

130. Regarding landscape character, the proposals would result in the loss of screening provided by the current structure planting, which shields the existing park and ride facility from views along the A691 to the west. The extension of surface car parking in that direction would create a more urban feel in the immediate area. However, the proposals include the provision of structure planting along the outer boundaries, which, in combination with increased hedge height, is designed to gradually achieve visual density and screen the site in the medium to long term.
131. In terms of designated landscapes, there would be no direct impact on the character or quality of the adjacent AHLV. The effect on Sniperley Park would be limited to an area that is already influenced by the presence of the fire station to the west and allocated for development in the north. While some harm to the significance of the park is anticipated, it is expected to be less than substantial and at the lower end of the range.
132. The proposed development would result in the loss of some tree planting, but this would be mitigated through replacement planting across the site along with enhancements to the streetscape from the development of a vacant plot. It is therefore considered that the proposal would not conflict with CDP Policies 39 and 40 and Part 15 of the NPPF.

## Ecology

133. Paragraph 180 of the NPPF sets out the Government's commitment to halt the overall decline in biodiversity by minimising impacts and providing net gains where possible and stating that development should be refused if significant harm to biodiversity cannot be avoided, mitigated or, as a last resort, compensated for. CDP Policy 41 reflects this guidance by stating that proposals for new development will not be permitted if significant harm to biodiversity or geodiversity resulting from the development cannot be avoided, or appropriately mitigated, or, as a last resort, compensated for. CDP Policy 43 states 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.
134. WGNP Policy 7 states that proposals for new development and conversions of existing buildings should integrate biodiversity into new development where possible. Existing features which support biodiversity, such as watercourses, hedgerows, walls and trees should be retained and where possible enhanced as part of the development. If their loss is unavoidable, then replacements or provision of alternative habitats or refuges for wildlife must be provided within or close to the development site, resulting in a net benefit for biodiversity.
135. The presence of protected species is a material consideration in planning decisions as they are a protected species under the Wildlife and Countryside Act 1981 and the European Union Habitats Directive and the Conservation of Habitats and Species Regulations 2017 (as amended). The Habitats Directive prohibits the deterioration, destruction or disturbance of breeding sites or resting places of protected species. Natural England has the statutory responsibility under the regulations to deal with any licence applications but there is also a duty on planning authorities when deciding whether to grant planning permission for a development which could harm a European Protected Species to apply three tests contained in the Regulations in order to determine whether a licence is likely to be granted. These state that the activity must

be for imperative reasons of overriding public interest or for public health and safety, there must be no satisfactory alternative, and that the favourable conservation status of the species must be maintained. Brexit does not change the Council's responsibilities under the law.

136. The site comprises an area of lowland agricultural habitats with areas of woodland and hedgerows all surrounding the parkland setting of Sniperley Hall. There are no Sites of Special Scientific Interest (SSSI) within 2km of the site. However, there are a number of Local Wildlife Sites (LWS) within 2km of the site, the closest is Bearpark Bog at approximately 390m to the south west of the site across the A691, Lower Browney Valley approximately 1km to the south west, Flass Vale approximately 1.2km to the south, Pity Me Carrs approximately 1.2km to the north east and Hoppers Wood approximately 1.3km to the east. There are also a number of Local Nature Reserves (LNR) within 2km of the site, Flass Vale is located approximately 1.2km to the south and Framwellgate Carrs is located approximately 1.2km to the north.
137. A Preliminary Ecological Appraisal (PEA) been submitted in support of the application. The appraisal states that no impacts on protected or priority species are expected. Although there remains a risk of bat roosts within some of the trees offsite the development footprint does not include these trees, the potential roosts are 50m from the development boundary and so no direct impacts on bat roosts are expected. There is the potential for long term indirect impacts, but this could be mitigated for through a suitable low level, directional lighting scheme. No impacts are expected on designated or protected sites given the distances involved. Within the development footprint all of the arable habitats would be lost alongside a proportion of the woodland planting. Hedgerows are to be retained and enhanced. It is concluded that, after mitigation, there would be a net loss of habitats and hence a net biodiversity loss. In order to mitigate this loss it is the intention of the applicant to provide a financial contribution to the Council's Ecology Biodiversity Compensation Fund of £60,000 based on a price per biodiversity unit of £15,000. The contribution to the fund would be used by the Council's Ecology service to deliver habitat enhancement or creation in County Durham.
138. Ecology officers have considered the proposals and raised no objections subject to mitigation measures set out in Section 7 of the PEA being secured by condition and for the proposed compensation payment of £60,000 to be provided to the Council's Biodiversity Compensation Fund prior to any planning permission being issued.
139. Whilst the proposed development would result in a net reduction in biodiversity value on site, the proposed compensation is sufficient to mitigate this loss. It is therefore considered that the proposals would not conflict with CDP Policies 41 and 43, WGNP Policy 7 and Part 15 of the NPPF in respect of avoiding and mitigating harm to biodiversity.

## Cultural Heritage

140. In assessing the proposed development regard must be had to the statutory duty imposed on the Local Planning Authority under the Planning (Listed Buildings and Conservation Areas) Act 1990 to pay special attention to the desirability of preserving or enhancing the character and appearance of a conservation area. In addition, the Planning (Listed Buildings and Conservation Areas) Act 1990 also imposes a statutory duty that, when considering whether to grant planning permission for a development which affects a listed building or its setting, the decision maker shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. If harm is found this gives rise to a strong (but rebuttable) statutory presumption against the grant of planning

permission. Any such harm must be given considerable importance and weight by the decision-maker.

141. Part 16 of the NPPF requires clear and convincing justification if development proposals would lead to any harm to, or loss of, the significance of a designated heritage asset. CDP Policy 44 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.
142. The site is not located within a Conservation Area and there are no designated heritage assets within the site, however there are designated and non-designated heritage assets in the surrounding area. These include the Durham Castle and Cathedral World Heritage Site (WHS) approximately 2.4km to the south east; Durham City Conservation Area approximately 1.2km to the south east; Kimblesworth Grange Farmhouse with wall and outhouse attached (Grade II) approximately 2km to the north; Cottage and Stables c. 100m west of Kimblesworth Grange Farmhouse (Grade II) approximately 2km to the north; non-designated Lanchester Hospital (Former Earls House County Industrial School) approximately 850m to the north west; and non-designated Sniperley Hall, Sniperley Hall Historic Park and Garden of Local Interest and Sniperley Farm located approximately 500m to the north west of the site.
143. Design and Conservation officers and Archaeology officers have considered the proposal and raised no objections. Due to the limited verticality of the proposal, distances, intervening screening and topography, there would be no visual interaction with any designated heritage assets and no heritage harm would result in accordance with CDP Policy 44 and Part 16 of the NPPF.

#### Safeguarded Areas

144. CDP Policy 56 states that planning permission will not be granted for non-mineral development that would lead to the sterilisation of mineral resources within a Mineral Safeguarding Area. This is unless it can be demonstrated that the mineral in the location concerned is no longer of any current or potential value, provision can be made for the mineral to be extracted satisfactorily prior to the non-minerals development taking place without unacceptable adverse impact, the non-minerals development is of a temporary nature that does not inhibit extraction or there is an overriding need for the non-minerals development which outweighs the need to safeguard the mineral or it constitutes exempt development as set out in the Plan.
145. The entirety of the site is located on an area that has been designated as Mineral Safeguarding Area for coal and glacial sand and gravel. However, given the location of the site on the urban fringe of Durham City and forming part of a strategic housing allocation it is considered very unlikely that mineral extraction would be sustainable or environmentally acceptable in this location. It is therefore considered that the proposed development would not conflict with CDP Policy 56 and Part 17 of the NPPF.
146. CDP Policy 28 requires that development would not prejudice the safety of air traffic and air traffic services, that there would be no unacceptable adverse impacts upon the operation of High Moorsely Meteorological Officer radar and the operation of Newcastle Airport Safeguarding Areas. For the application site, consultation is only required for structures over 15.2m in height and any wind farm development. The proposed development would not have any structures and therefore does not require consultation and would not conflict with CDP Policy 28 and Part 15 of the NPPF.

#### Agricultural Land

147. Paragraph 174 of the NPPF seeks to protect best and most versatile land. CDP Policy 14 states that development of the best and most versatile agricultural land will be permitted where it is demonstrated that the benefits of the development outweigh the harm, taking into account economic and other benefits. It goes on to state that all development proposals relating to previously undeveloped land must demonstrate that soil resources will be managed and conserved in a viable condition and used sustainably in line with accepted best practice.
148. An Agricultural Land Classification (ALC) assessment has been carried out for the site. The assessment includes a desktop study and fieldwork analysis with the conclusion that 0.48ha of the site area is comprised of Grade 3a soils (best and most versatile) with the remaining area of the site being either non-agricultural or forming part of the existing park and ride site.
149. The site therefore does include a modest amount of best and most versatile land and it is therefore necessary to consider the benefits of the proposal. In this case the development would provide a valuable extension to an existing park and ride facility without needing to introduce a new site elsewhere. The extension to the park and ride site would assist in reducing traffic and improving air quality within Durham city centre. These benefits are considered to be significant and sufficient to outweigh the modest loss of best and most versatile agricultural land in this location. It is therefore considered that the proposed development would not conflict with CDP Policy 14 or Part 15 of the NPPF in this respect.

#### Public Sector Equality Duty

150. 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.
151. In this instance, officers have assessed all relevant factors and do not consider that there are any equality impacts identified.

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## CONCLUSION

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152. Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise. The NPPF is a material consideration in planning decisions.
153. The proposed development would provide an extension to a well used park and ride development, which would assist in reducing city centre traffic and improving air quality.
154. The development has been considered against relevant development plan policies and material considerations including the principle of development, layout and design, locational sustainability of the site, access and traffic, residential amenity, contamination and coal mining risk, flooding and drainage, landscape, ecology, cultural heritage, safeguarded areas and agricultural land and was found to be acceptable subject to appropriate conditions.

155. The proposed development has generated some public interest, with 2 representations having been received. Concerns expressed regarding the proposal have been taken into account, and carefully balanced against the benefits of the scheme in terms provision of sustainable transport.
156. The proposed development is considered to broadly accord with the relevant policies of the County Durham Plan and the Witton Gilbert Neighbourhood Plan and relevant sections of the National Planning Policy Framework.

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## RECOMMENDATION

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157. That the application is **APPROVED** subject to the completion of an internal transfer of funds to the Council's ecology section to secure the following:

- £60,000 is required to be used towards biodiversity enhancements in accordance with the framework identified in Durham County Council's Local Biodiversity Compensation Strategy.

and subject to the following conditions:

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

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

2. The Local Planning Authority shall be given at least seven days prior written notification of the date of commencement of the development

*Reason: To ensure the development is carried out in accordance with the approved documents.*

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

- |                                     |                             |
|-------------------------------------|-----------------------------|
| • Proposed Car Park Lighting        | TP0334_DCC_LE_13_01         |
| • Drainage Layout                   | 1444959-DCC-HE-DR-05-02-P01 |
| • Cross Sections 1 of 4             | 1444959-09-01-P01           |
| • Cross Sections 2 of 4             | 1444959-09-02-P01           |
| • Cross Sections 3 of 4             | 1444959-09-03-P01           |
| • Cross Sections 4 of 4             | 1444959-09-04-P01           |
| • General Layout (Chainage Drawing) | 1444959-DR-04-P01           |
| • General Site Layout Plan          | 1444953-PA-01-P01           |
| • Construction Management Plan      | 1444959-CMP-01              |
| • Preliminary Ecological Appraisal  | Dated July 2021             |

*Reason: To define the consent and ensure that a satisfactory form of development is obtained in accordance with Policies 21, 31, 33, 39 and 41 of the County Durham Plan, Policies 6 and 7 of the Witton Gilbert Neighbourhood Plan and Parts 9, 14 and 15 of the National Planning Policy Framework.*

4. 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: In the interests of protecting the amenity of neighbouring site occupiers and users from the impacts of the construction phases of the development having regards to Policies 21 and 31 of the County Durham Plan and Part 15 of the National Planning Policy Framework.*

5. Construction operations shall only take place within the following hours:  
0800 to 1800 Monday to Friday  
0800 to 1400 Saturday

No operations including the maintenance of vehicles and plant shall take place outside of these hours or at any time on Bank, or other Public Holidays, save in cases of emergency when life, limb, or property are in danger. The Local Planning Authority shall be notified as soon as is practicable after the occurrence of any such operations or working.

*Reason: In the interests of residential amenity and highway safety in accordance with the County Durham Plan Policy 21 and Part 15 of the National Planning Policy Framework.*

6. The development shall be carried out in accordance with the submitted flood risk assessment and maintenance plan. The mitigation measures detailed within the Drainage Layout plan shall be fully implemented prior to development being brought into use. These measures shall be retained and maintained thereafter throughout the lifetime of the development.

*Reason: To reduce the risk of flooding to the proposed development and future occupants and to ensure there is no increase of flood risk elsewhere as a result of this development in accordance with Policy 35 of the County Durham Plan and Part 14 of the National Planning Policy Framework.*

7. The development shall be carried out in full accordance with Section 7 of the approved Preliminary Ecological Appraisal.

*Reason: In order to deliver Biodiversity Net Gain in accordance County Durham Plan Policy 41, Policy 7 of the Witton Gilbert Neighbourhood Plan and Part 15 of the National Planning Policy Framework.*

8. Soft landscaping shall be carried out in full accordance with Drawing No. 1444953-PA-01-P01 within the first planting season following the development being brought into use.

*Reason: To deliver biodiversity enhancement and to provide perimeter screening for the development in accordance with County Durham Plan Policies 39 and 41, Witton Gilbert Neighbourhood Plan Policy 7 and Part 15 of the National Planning Policy Framework.*

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## **STATEMENT OF PROACTIVE ENGAGEMENT**

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

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## **BACKGROUND PAPERS**

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- Submitted application form, plans supporting documents and subsequent information provided by the applicant.
- The National Planning Policy Framework (2021)
- National Planning Practice Guidance notes
- County Durham Plan
- Witton Gilbert Neighbourhood Plan (2018)
- Statutory, internal and public consultation responses



**Planning Services**

DM/22/03237/FPA

Extension to Sniperley Park and Ride by 262 total bays accommodating 29 disabled bays, 18 electric charging bays and 4 motorhome bays at Sniperley Park And Ride Sniperley Park DH1 5RA

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**Comments**

**Date** May 2023

**Scale** Not to Scale

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