



Area Planning Committee (Central and East)

Date Tuesday 8 April 2025
Time 9.30 am
Venue Council Chamber, County Hall, Durham

Business

Part A

1. Apologies for Absence
2. Substitute Members
3. Minutes of the meeting held on 11 March 2025 (Pages 3 - 18)
4. Declarations of Interest, if any
5. Applications to be determined by the Area Planning Committee (Central and East)
 - a) DM/24/03056/FPA - Land to the South of Co-operative Funeral Service, Front Street, Sherburn Hill, DH6 1PA (Pages 19 - 40)
Erection of 1no. dormer bungalow.
 - b) DM/24/03401/VOC - Silver Howe, Heathways, High Shincliffe, Durham, DH1 2PQ (Pages 41 - 60)
Variation of condition 2 of planning application DM/22/01509/FPA to alter the design of the balcony to the rear elevation, addition of two obscurely glazed windows to side elevation, increased verge overhang, brickwork feature to front elevation, increase in number of solar panels, omission of rooflights, alter the design/position of the outbuilding within the rear garden area and addition of pedestrian gate and design changes to front boundary treatment.

- c) DM/25/00198/FPA - 38 Cooper Square, Gilesgate, Durham, DH1 1PT (Pages 61 - 76)
Change of use from Dwelling (C3) to HMO (C4) including driveway extension, single-storey rear extension, bin store and cycle rack.
- d) DM/25/00159/FPA - 38 Goodyear Crescent, Sherburn Road Estate, Durham, DH1 2EB (Pages 77 - 92)
Change of use from dwellinghouse (Use Class C3) to a small house in multiple occupation HMO (Use Class C4) including extension of driveway, cycle parking and bin storage.
- e) DM/24/02156/FPA - Land to the South of 28 Station Road, West Rainton, DH4 6SF (Pages 92 - 142)
Erection of 20 affordable dwellings (Amended Description 28/11/2024).
- f) DM/24/03318/FPA - County Durham and Darlington Fire and Rescue Service, Durham Community Fire Station, Durham, DH1 5RA (Pages 143 - 170)
Full planning application for a 2.5 storey building for offices and associated uses for the operation of County Durham and Darlington Fire and Rescue and the North East Ambulance Service plus associated works including a new access road, external lighting, parking area, landscaping, PV panels and wind turbine.
6. Such other business as, in the opinion of the Chair of the meeting, is of sufficient urgency to warrant consideration

Helen Bradley
Director of Legal and Democratic Services

County Hall
Durham
31 March 2025

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, J Clark, J Cosslett, S Deinali,
J Elmer, L A Holmes, C Kay, D McKenna, R Manchester,
K Robson, K Shaw and A Surtees

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DURHAM COUNTY COUNCIL

AREA PLANNING COMMITTEE (CENTRAL AND EAST)

At a Meeting of **Area Planning Committee (Central and East)** held in **Council Chamber, County Hall, Durham** on **Tuesday 11 March 2025** at **9.30 am**

Present:

Councillor D Freeman (Chair)

Members of the Committee:

Councillors D Oliver (Vice-Chair), A Bell, L Brown, J Clark, J Cosslett, S Deinali, J Elmer, R Manchester, K Robson, K Shaw and A Surtees

Also Present:

Councillors J Miller and L Hovvels

1 Apologies for Absence

Apologies for absence were received from Councillors D McKenna.

2 Substitute Members

There were no Substitute Members.

3 Minutes

The minutes of the meeting held on 11 February 2025 were confirmed as a correct record by the Committee and signed by the Chair.

4 Declarations of Interest

Councillor L Brown noted she was a Member of the City of Durham Parish Council and 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 Item 5c - DM/24/02744/FPA - Land to the East of 36 Hallgarth Street.

The Chair, Councillor D Freeman noted he was a Member of the City of Durham Parish Council and 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 Item 5c - DM/24/02744/FPA - Land to the East of 36 Hallgarth Street.

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

a DM/24/03202/FPA - Land East and North of Malvern Crescent, Seaham, SR7 8AU

The Senior Planning Officer, Callum Harvey 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 the erection of 33no. affordable dwellings with associated infrastructure, landscaping and ancillary works and was recommended for approval.

The Senior Planning Officer noted since the publication of the report, it had been noted that while all the required site notices and advertising in the press had been conducted, neighbour notification letters had unfortunately not been dispatched. He explained that therefore the letters had been sent out as soon as possible, however, this meant there was a change to the recommendation to be approval to reflect the associated consultation period, subject to no new material issues being raised and received by 28 March 2025, and the conditions and s106 Legal Agreement set out in the report.

The Senior Planning Officer noted that following comments from the Tree Officer, an additional condition relating to updated planting details being received prior to first development. He added that while roof mounted solar photovoltaic panels were not required in terms of planning, they were a requirement of building regulations.

The Senior Planning Officer explained that the site formed part of a wider site that had been allocated for housing. He noted there had been no objections from internal consultees subject to conditions and s106 legal agreement, including contributions in terms of the NHS, Habitat Management and Monitoring Plan, mitigation of the impact on the Durham's Coastal European Designated Site, capacity at Seaham High School, SEND provision across the county and open space provision within the Deneside electoral division.

The Senior Planning Officer noted that it was felt that the proposals were not contrary to policies within the County Durham Plan (CDP), being in a sustainable location, with no unacceptable loss of public open space to provide 33 social housing properties.

The Chair thanked the Senior Planning Officer and asked Steven Longstaff from ELG Planning, representing the applicant, to speak in support of the application.

S Longstaff thanked the Chair and fully endorsed the Officer's report and recommendation for approval. He explained that the site was an allocated site, H37, within the CDP and therefore the principle of development on the site was well established. He reiterated that the proposal was for 33 affordable homes, with open space and biodiversity net gain (BNG). He explained that the development was the first in a number of developments as part of the Durham County Council (DCC) homes programme, to build 500 homes by 2029. S Longstaff noted that there had been extensive pre-application consultation with the Planning Department and the public to help ensure a smooth process. He noted that the proposals included two-bed bungalow and two and three-bed homes, all being in excess of M42 accessibility standards. He added that the homes would be energy efficient with an 'A' EPC rating and would include air-source heat pumps and photovoltaic solar panels. S Longstaff concluded by noting there had been no objections from statutory consultees and therefore he would ask that the Committee approve the application.

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

Councillor A Bell noted it was brilliant to see this type of application come forward through the Local Authority, including air-source heat pumps and solar panels, setting a good example for other developers. He asked what the tenure mix was across the development and whether the properties would be retained by the Council or would transfer to a housing provider. He added that, as an application from the Local Authority, he would question the use of external agents acting on behalf, in terms of effective use of resources.

Stephen Bell, for the developer T Manners and Sons, noted that the properties would be in the continued ownership of the Council and would not transfer to a register provider.

Councillor A Bell moved that the application be approved as per the recommendation set out by the Senior Planning Officer.

Councillor K Shaw asked as regards the site being initially designated for bungalows only, 28 bungalows initially. He noted that the area was within the top ten areas with need for bungalows in the county. He asked how this had moved to mixed tenure and noted that therefore the proposals were not meeting that initially identified need in terms of bungalows. The Senior Planning Officer noted that the CDP stated ten percent requirement in terms of bungalows, which would equate to three for the proposed 33 properties, with the six being offered therefore in excess of policy requirements. He added that he was the Case Officer for the larger site that the proposed development formed part of and would be mindful of the provision of bungalows across the whole site.

Councillor K Shaw reminded the meeting he had been the Cabinet Member for Housing when the ten percent bungalow provision had been included within the CDP. He explained there was around 3,500 people on the housing register and therefore he felt that all opportunities to include bungalows should be exhausted, especially in an area within the top ten areas of need, and he therefore felt in this case that the needed bungalows were not getting built. The Senior Planning Officer noted that the outstanding need was recognised, however, from a planning policy requirement the application was providing in excess of the required number of bungalows.

Councillor J Elmer noted that the application site was part of a larger allocated site and asked if there was pressure in terms of the open space allocated and area for BNG, when looking at applications across the wider site and there being pressure to deliver additional housing. The Senior Planning Officer noted the whole site was allocated for 260 dwellings and explained that BNG had been factored into the site, as well as the contributions in terms of coastal mitigation as previously referenced. He noted that the area to the north of the site would be untouched and that future phases of development would have to provide their own BNG and coastal mitigation.

Councillor J Clark noted that she agreed with the comments from Councillor A Bell in terms of having our own planning resources within the Council. She noted she felt that the comments raised by Councillor K Shaw had not been taken on board, in relation to the need for bungalows, and while it could be expected from private developers, she did not accept that stating there was greater provision than the minimum policy requirement and that future developments would provide bungalows was sufficient. She noted that the Committee could not account for what any future developments may bring and that the need that was established should be addressed and not ignored.

The Senior Planning Officer noted that he understood the local need in the area, and that the provision in the application before Members was deemed acceptable.

He added that the reference to bungalows would be fed back to colleagues. The Chair noted that there was housing need across a number of areas and types, not just bungalows. The Senior Planning Officer noted there was identified need for two, three and four-bed properties.

Councillor L Brown asked if the Lawyer, Planning and Highways, Neil Carter would comment as regards the neighbour consultation letters and noted that she would wish for amendment to Condition 20 for a later start time of 0800 for works on site.

The Lawyer, Planning and Highways noted that while the neighbour notification letter had gone out late, it was not statutory publication in the same way as the site notice and notice within the local press. He added that, if Members were minded to approve the application, then the Council would await the conclusion of the notice period, as referenced by the Senior Planning Officer, to see if any new material information was put forward, and if so then the application would return to Committee accordingly.

Councillor A Surtees noted that, in light of the comments from Councillor K Shaw in terms of the allocation of bungalows to the site, what remit had been given to the developer in terms of the delivery of bungalows. The Senior Planning Officer reiterated that the wider site had been allocated for 260 dwellings in the CDP, with ten percent, 26, being the policy requirement for the whole site. He added that developers could be pressed in terms of future developments across the wider site. The Chair asked if the site being considered via this application was specifically for all bungalows by allocation. The Senior Planning Officer noted the CDP did not state the site must be 100 percent bungalows.

S Bell noted that T Manners and Sons had been briefed by DCC in terms of the development, in terms of the number of bungalows and being able to provide a deliverable scheme in terms of any Homes England grant. He added that he had been provided with demand data across all tenure and build types, with a mix arrived upon looking at Durham Key Options (DKO), Housing Policy and need data. He added there had been a desire to maximise the number of bungalows whilst meeting the financial parameters in terms of grant rates. He reiterated there had been a lot of work with DCC technical staff, Planners, Finance and Architects, to ensure the development ticked as many boxes as possible and was the best scheme possible.

Councillor D Oliver thanked S Bell, adding that the context he provided was useful. He noted there was an immense need for bungalows within the wider need for housing in general. He added he was reassured by the comments from Officers and the developer and therefore would be happy to second Councillor A Bell in approving the application.

Councillor K Shaw asked whether the site in question had been identified for bungalows or not. The Principal Planning Officer, Paul Hopper noted that policy was for ten percent of the properties to be for older people, which in general meant bungalows. He added that moving forward, the CDP would be reviewed and should there be a need to amend the amount of such provision to be greater, say 20 or 30 percent, the CDP would change to reflect that. He reiterated that the allocation within the CDP was for ten percent, with the application before Members overdelivering in terms of such provision. He added that Members should note that the Senior Planning Officer was the officer allocated to the wider site and would be cognisant of the need when future applications were being made.

Councillor J Elmer noted there were vast range of positives with the application, in terms of the quality of the application, with affordable provision, bungalows, BNG, open space and green energy. He added there were very few issues, though he had sympathy with the position of Councillor K Shaw in terms of whether there was an opportunity to deliver more bungalows in the area. He added another issue was to look at the provision of accessible properties for residents.

The Senior Planning Officer noted that looking at Policy 4 and allocation, there was no specific reference to bungalow allocation, therefore the requirement was ten percent, being three and the development offered six which was an overprovision.

Councillor A Surtees noted that Councillors were not disagreeing with policy, just asking for clarification in terms of the site and whether there was a single purpose for the site in terms of bungalows. She noted that the proposals represented a good scheme overall and would not wish to hinder the application.

Councillor A Bell noted that fundamentally, as the Agent had referenced, the development was in line with Homes England requirements, and therefore he felt we must support such positive schemes. He noted that there was a greater need for family homes and rental tenure and therefore he reiterated his motion for approval.

The application was proposed for approval by Councillor A Bell, subject to amendment to start time for works to 0800, seconded by Councillor D Oliver and upon a vote being taken it was:

RESOLVED:

That the application be **APPROVED**, subject to no new material issues being raised and received by 28 March 2025, and subject to the conditions and s106 Legal Agreement as set out within the report, with an amended condition relating to works starting no earlier than 0800 and an additional condition relating to updated planting details being sought prior to first development.

b DM/23/02656/FPA - Land West of Marley Fields, Wheatley Hill, DH6 3BF

The Principal Planning Officer, George Spurgeon 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 the erection of 64 dwellings with associated infrastructure, access and landscaping works (description amended) and was recommended for approval, subject to the conditions and s106 Legal Agreement set out in the report.

The Principal Planning Officer noted that the initial application had been for 69 dwellings, noting it had been reduced to 64 alongside a number of other improvements to the initial scheme. He noted that currently the site was agricultural land, with open countryside to the west. He noted there was open space to the south west corner of the site and two pedestrian connections to the site linking to the adjacent Marley Fields development. He added that a bus stop would be provided on site, and discussions with Arriva had noted that the Service 22 bus could divert to this bus stop, providing good connectivity to the site. The Principal Planning Officer explained that the proposed landscaping at the western boundary had been improved and noted that the house types proposed were broadly in line with those in the area.

The Principal Planning Officer noted no objections from statutory consultees, with Spatial Policy colleagues having noted the targeted delivery plan for Wheatley Hill to provide greater quality and choice of accommodation. He noted there was affordable homes provision, with bungalows, two and three-bed properties, with 12 bungalows being in excess of the ten percent requirements. He noted that the Ecology Section had no objections as there was BNG on site, and subject to conditions as set out within the report.

The Principal Planning Officer noted the requisite public site notices and advertising had been made, with ten objections having been received in relation to the original application, primarily relating to access being obtained via the Marely Fields development, now not an issue as there is a dedicated access proposed. He added there were a further six objections to the current application in its amended form, with the objections set out within the report, including: loss of light, privacy and outlook; potential for new residents to crash into the existing boundary fencing; Article 8 of the Human Rights Act which relates to benefitting from a private and family life, and peaceful enjoyment of possessions; and concerns over surface water runoff entering the rear gardens closest to the eastern boundary of the site.

The Principal Planning Officer noted that the proposals were in line with Policy 6 of the CDP, with the site being sustainable, with the benefit of the new bus stop also benefitting the existing Marley Fields development, along with the two pedestrian links as mentioned. He added that following amendments the application would receive seven green, five amber and no red scores at Design Review, therefore the application was policy compliant. He explained that while there was some moderate landscape harm, they were not felt sufficient to outweigh the benefits of the scheme. He highlighted that the adjacent Marley Fields development had been occupied by 77 percent local people, demonstrating that such developments were addressing need locally. He added that therefore Officers felt, on balance, that the benefits of the scheme outweighed any harm and therefore the application was recommended for approval, subject to conditions and s106 legal agreement as set out within the report.

The Chair thanked the Principal Planning Officer and asked Councillors J Miller and L Hovvels, Local Members, to speak in relation to the application.

Councillor J Miller noted he was delighted to be at Committee and not speaking in objection to a planning application. He added that the application was helping to meet local needs in terms of bungalows, as well as two and three-bed properties. He noted there were a number of three bed bungalows within the village which was also very good. He commended the developer who had consulted with residents and Local Members openly and noted that the rerouting of the Arriva Service 22 to the new bus stop was brilliant, helping connections to the rest of the village.

Councillor J Miller noted he had two questions, one being in relation to funding contributions, noting they were significant, however, after May new boundary changes would come into effect and he would not wish for such contributions to be lost or forgotten. He added that the recommendation was for secondary schools and suggested as there was no secondary school it would be better allocated to the two primary schools instead.

He also asked as regards the 60mph sign located just after the Phase 1 Marley Fields site, just 50 yards from a 30mph sign, and whether it would be better moved to the junction of the two sites. He emphasised how important the s106 monies from the Phase 1 application had been in benefitting the local community and therefore he would urge Members to approve the application.

Councillor L Hovvels agreed that the application had been welcomed and that the developer had come in to work in the village when many others had not. She added this was important in terms of regenerating the village and to help sustain local facilities such as the local schools, one of which catered for children with SEND and NHS provision in the village. She noted that such positive developments should be supported and was delighted to add her support to the application.

The Chair thanked the Local Members and asked Kate McGill, representing the applicant, to speak in support of the application.

K McGill thanked the Chair, Officers and Members and noted that the applicant, VB Turnbull Limited, was a local Durham company, having invested in two such sites within seven years, at Marley Fields and also at Nicholls Close in the village. She noted that their schemes had shown to have a positive impact, with Wheatley Hill being within the top 20 deprived areas in the county, and therefore in need of high-quality homes, to provide social and economic benefits. She explained that they had worked hand-in-hand with the Local Authority and statutory consultees to ensure a good scheme was brought forward with limited harm and numerous benefits, including in terms of local jobs, local supply chain, s106 contributions, and a number of bungalows in line with the Wheatley Hill targeted plan. She added that other benefits included the bus loop, which was positive for both phases of development, a new play area, two amenity spaces including BNG on site and supporting a SME housebuilder, strengthening and diversifying the market in this regard. In terms of tackling climate change and energy efficiency, it was noted the properties would utilise air-source heat pumps and solar panels. She respectfully requested that the Committee approve the application as per the recommendation.

The Chair thanked K McGill and asked the Principal Planning Officer to respond to comments and questions raised.

The Principal Planning Officer noted that in terms of the education contribution, it was specifically for secondary school places, and in relation to upcoming electoral boundary changes, there was a standard approach and some flexibility in terms of the wording used within the s106.

The Principal DM Engineer, David Battensby noted that in relation to speed signs, they had been placed in the legally required places, the 60mph sign and then the 30mph sign. Councillor J Miller noted for clarity that he understood this, however, he genuinely believed the sign was in the incorrect place and asked if it could be checked.

Councillor L Brown noted when she initially looked at the application, she had noted it was outside of the settlement boundary and she would normally not be in favour of such applications. However, she noted that having heard the Local Members speak in favour of the application she appreciated that the application was meeting local need and therefore she had changed her mind in respect of the application.

Councillor J Elmer noted it was good to hear as regards the use of air-source heat pumps, however, it was not all about reducing carbon emissions, it was also important in terms of reducing energy costs for our residents. He noted the positive active transport links, and positive BNG plan and added that the development was well related to the existing settlement and development and the bus stop and diverted service was great, helping connect older people to local services. He concluded by noting it was a good development, supported by the Local Members and therefore he would be happy to move approval.

Councillor A Bell noted he too was reassured by the support for the application from Local Members, adding he felt the point made by Councillor J Miller in respect of boundary changes was a valid one and that Members should check as regards s106 allocations in their areas to ensure they are all being utilised. He added that the inclusion of allotments was positive and noted the sustainability of the site, with 800 metres to the bus stop, however, asked regards conditioning the additional bus stop and diverted bus route.

Councillor D Oliver noted he was fairly acquainted with the site, having worked with the Local MP, Paul Howell and therefore was aware of the needs in the local area. He thanked the Local Members for their valuable contributions and therefore he was broadly happy with the application as set out. He noted that Councillor L Hovvels had referred to s106 contributions and asked how they had been negotiated for this development, had it been in line with other such schemes.

The Principal Planning Officer noted there was a condition in relation to the bus stop and shelter, however, it would not be possible to condition Arriva to reroute the bus, however, they had indicated their willingness to do so. In terms of active travel and accessing services, some were within 800 metres including hot food takeaways, nursery and shops, with the new bus stop to enable connections to shops at Peterlee and Durham.

He noted that while there had been some objections in relation to tree loss, this related to the structural landscaping planted to the west of the existing Marley Fields development, with additional structural landscaping proposed to the west of the current application site. The Principal Planning Officer noted in relation to the s106 contributions, the amounts and areas for contributions were specified by the relevant teams, with the Education Team providing the amount and requirement as set out, in line with the Developer Contributions SPD.

Councillor A Bell accepted that some facilities were accessible within 800 metres of the site, however, a recent application considered at the County Planning Committee had secured contributions towards a bus route for five years and added something similar would have provided reassurance for Members. He noted that looking at the plans, the through road appeared to be very straight, and asked as regards whether there were any traffic calming measures to be put in place. The Principal DM Engineer noted that the road was not perfectly straight, and included some slight curves to help encourage reduced speeds as well as some raised tables. He added that with a linear site there was limited scope in terms of measures that could be included.

The application was proposed for approval by Councillor J Elmer, seconded by Councillor A Bell and upon a vote being taken it was:

RESOLVED:

That the application be **APPROVED**, subject to the conditions and s106 Legal Agreement as set out within the report, with an amended condition relating to works starting no earlier than 0800.

c DM/24/02744/FPA - Land to the East of 36 Hallgarth Street, Durham, DH1 3AT

The Planning Officer, Michelle Hurton 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 open space to parking area (Retrospective) and was recommended for approval, subject to the conditions set out in the report.

The Planning Officer noted the retrospective application was for a parking area to the rear of 36 Hallgarth Street, along an unadopted track. She noted the area was a residential area within the Durham City Conservation Area.

She referred Members to site photographs showing the area in question and with examples of cars parked on the site. She noted that there had been no objections from the Highways Section or the Design and Conservation Team.

She noted the City of Durham Parish Council had objected to the application, noting the impact upon the Conservation Area and piecemeal development of such small sites within the city. She noted there had been objections from members of the public, with issues including; impact on the Conservation Area; unauthorised works, obstruction of the track, flooding and surface water issues; and setting a precedent for other parking space applications in future.

The Planning Officer noted that the application was not considered to be a negative loss, with minor intrusion that did not represent significant harm, and was not out of keeping with such back lanes. She highlighted that the Highways Section had provided no objection and there was little impact upon the adjacent garden or residential amenity. She added as a retrospective application there was no requirement for BNG. She added that the change of use application was acceptable in principle in terms of the CDP and National Planning Policy Framework (NPPF) and therefore the recommendation was for approval.

The Chair thanked the Planning Officer and asked Parish Councillor Carole Lattin, representing the City of Durham Parish Council, to speak in relation to the application.

Parish Councillor C Lattin thanked the Chair and Members and referred the Committee to photographs displayed on the projector screen highlighting the track referred to. She reminded Members that the application was retrospective and highlighted the concerns the Parish Council had in relation to unregulated construction of a car park for a seven-bed student let, in the heart of the Conservation Area. She noted that if such developments were ignored, each would degrade the quality of the Conservation Area and residential areas little by little, with the cumulative impact being to diminish the city and its historic setting. She added that to grant the application would be to encourage others to ride roughshod over our planning policies.

Parish Councillor C Lattin explained that the benefits were for only seven students within the student house in multiple occupation (HMO) and represented a loss for the community in terms of the loss of the verge and attractive back land used by many. It was added that the car park as constructed was not wholly in curtilage of the property, and in effect was a land grab. She highlighted there had been damage to the 13th Century burgage plot and noted that the proposals were on an unadopted public byway which had been impacted by the loss of verge.

She noted that other properties in the area had erected legal parking areas wholly within the curtilage of their properties, with one resident setting back their fencing so that all parking was set back and within their curtilage.

Parish Councillor C Lattin noted that the parking area had not been requested within the seven-bed student property's curtilage, rather ten square feet of public land which was now unsightly and potentially dangerous, with such gravel surface being banned within the relevant supplementary planning document (SPD). She added that if the applicant was allowed to get away scot-free and would set a precedent and change a green area into a car-lined route. She noted it was not too late and that it would only amount to an afternoon's work to reinstate the land to previous state. She asked that the Committee refuse the retrospective application, and call halt to the damage being caused. She noted the application was contrary to NPPF Section 12 Paragraph 135 a, b, and c in terms of well-designed and quality development, CDP Policy 6c and 6d in terms of unallocated sites and loss of ecology and habitat, and CDP Policy 44 in terms of non-designated heritage assets and the Conservation Area, and Neighbourhood Plan Policy S1d in terms of impact upon conserving the significance of the setting, character, local distinctiveness, important views, tranquillity and the contribution made to the sense of place by Our Neighbourhood's designated and non-designated heritage assets. She added it was also contrary to the Parking SPD in terms of the use of gravel. Parish Councillor C Lattin concluded by urging the Committee to do the right thing and refuse the application.

The Chair thanked Parish Councillor C Lattin and asked the Committee for their comments and questions.

Councillor A Bell referred to the map showing the site in relation to the boundary of the property. He noted it was already up to the roadside as it was, with fences and hedgerows in the area being also up to the road. He asked if the area where cars were parked was within the ownership of the property. He also asked as regards the area that was gravelled and whether in effect was it permitted development.

The Planning Officer noted that the area of land was not in the ownership of the applicant and therefore could not constitute permitted development. She noted the applicant followed the requisite process in terms of ownership notices and no one had come forward.

Councillor J Elmer noted that where large HMOs did not have all the requisite parking within their curtilage there was always issues with parking in the area and therefore it was always a major consideration when looking at HMO applications.

He added he could not accept that this HMO would not have gone through a similar process in terms of its approval and having an appropriate level of parking provision. He added he had absolute sympathy with the City of Durham Parish Council, noting it was their duty to try and preserve the historic nature of their city.

Councillor J Elmer reiterated that he did not accept that a seven-bed HMO application from an experienced developer would not have included parking provision, suggesting a strategy rather than a mistake. He noted he agreed approval would be a green light for others to create similar parking areas, impacting the green verge and historic route. He noted the photographs shown that demonstrated the visual impact clearly. He moved that the application be refused and that the land be reinstated.

The Principal Planning Officer, Paul Hopper noted that the current application was for change of use, not looking at parking demand or development. He added that while he understood Members' frustration in terms of retrospective applications, they were allowed within legislation.

Councillor L Brown noted that one advantage of a retrospective application was that the damage caused by the application was able to be seen. She asked why the applicant had not taken an additional 10 feet from their garden to better accommodate parking for cars larger than a Fiat 500. She noted she was not sure if the lane was used as for bin collection, and was not sure how many properties were served by the lane. She noted she agreed with the points raised by Councillor J Elmer and would therefore second his proposal for refusal.

The Principal Planning Officer noted that it was Officers' assessment that the impact on heritage assets and the Conservation Area was not adverse, with the Design and Conservation Team noting no impact.

Councillor A Bell asked if the application was refused, would the gravel be taken away. He asked if refused, would there be power to prevent unregulated use for parking. He noted from some of the photographs shown that there was a number of other vehicles parked on verges along the lane. He noted that it was important to take into account the views from Local Members and Town and Parish Councils, the vehicles that were being parked along the lane would have to go somewhere if not along that lane. The Principal Planning Officer noted that in terms of development, there was an operational element and a material change of use. He noted that if the parking area was removed, and it continued to be used for parking, then the issue in terms of whether a change of use had occurred would be investigated, with enforcement action as necessary.

Councillor J Elmer noted it was not just the impact upon heritage, he added that there was also the impact upon residential amenity, as the lane was used by those walking and cycling, with increased parking use acting to reduce walking and cycling. He noted that both walking and cycling were to be encouraged through planning applications, with this situation being the opposite.

Councillor D Oliver explained he shared the frustrations of fellow Members in terms of a retrospective application and acknowledged the comments from the Parish Council. He added that, however, he felt the Committee's hands were tied, and that there were no grounds for refusal of the application. He noted that the overall impact on heritage was not felt to be sufficient to refuse the application in the view of Officers and he tended to agree.

Councillor J Elmer noted that he disagreed and felt there were strong grounds for refusal, particularly within the Neighbourhood Plan, with Policy S1d and CDP 44 in terms of the impact upon the burgage plot and historic lane. He added he was very disappointed that those elements had not been picked up by the Design and Conservation Team.

The Chair noted that other policies that had been highlighted included CDP 6c and 6d, CDP Policies 29 and 44.

The Lawyer, Planning and Highways asked for clarification on the reasons being put forward by Members for the refusal of the application. He noted he had heard reference to adverse impact on the character and appearance of the area, however, given the clear position set out by the Design and Conservation Team he did not believe such reason would be sustainable at appeal.

Councillor J Elmer noted that he felt there was clearly evidence of the impact versus benefit, impacting the both the historic area as well as the Conservation Area, as well as impacting upon the wider people who live in the city. He noted those impacts were weighed against the benefits for seven people in one house. He added that there was the amenity impact on those walking and cycling along the historic route. The Lawyer, Planning and Highways noted the additional reason in terms of effectively impact upon recreational amenity, however, his understanding was that the route was a private road and not highway open to use by right. Councillor L Brown noted that the lane behind her property was not adopted and residents wanted to install a gate, however, they were told that was not possible as it would prevent access. The Chair noted he believed the lane in question may have had a bollard at one end, but that may have been around 15 years ago.

The Principal DM Engineer noted the lane was not recorded either as adopted highway or a byway and no public right of way exists over it.

He noted that roads could accrue a highway right due to unhindered use over an extended period of time. The road surface in this case being well compacted would indicate use by residents. He added that residents would likely have a right of access, and installation of a gate would contravene that access. He also noted that the Google image showed a sign stating "Private Road, residents access only" and historically there was a bollard located there. He added that it was outside the remit of the Highways Authority and noted that if there had been a bollard at one end then perhaps the access was not unhindered.

Councillor L Brown noted some bins on some of the photographs shown, the Chair noted it was his understanding that bins were not collected from the back lane.

Councillor K Robson noted that looking at the map and plans, the buildings in the area had long gardens and queried whether a fire engine would be able to attend at the rear if required. The Chair noted there appeared to be access along the lane up to a point.

The Principal Planning Officer noted that if amenity was being cited as the reason for refusal, then defending the refusal would need to demonstrate qualifying as a route that was in use by sufficient number of people.

The application was proposed for refusal by Councillor J Elmer, seconded by Councillor L Brown and upon a vote being taken the motion was **LOST**.

The application was proposed for approval by Councillor K Shaw, seconded by Councillor D Oliver and 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

APPLICATION DETAILS

Application No:	DM/24/03056/FPA
Full Application Description:	Erection of 1no. dormer bungalow
Name of Applicant:	Mr Bradley Dickson
Address	Land South Of Co-Operative Funeral Service Front Street Sherburn Hill
Electoral Division:	Sherburn
Case Officer:	Mark Sandford (Planning Officer) Tel: 03000 261156 Email: mark.sandford@durham.gov.uk

DESCRIPTION OF THE SITE AND PROPOSAL

The Site

1. The application site comprises a rectangular parcel of land used as an allotment on the edge of Sherburn Hill village, to the south of a service property (Co-operative Funeralcare Services). The site is bounded by open countryside to the west and south, separated from the funeral parlour by an unmade track servicing storage garages to the north and another allotment is to the east. The land slopes heavily downward from north to south to the extent that the proposed dwelling would be split level. The site is accessed by an unadopted metalled road which is primarily the access for the funeral parlour and also serves as off-street parking for its clients and staff.
2. The site is not covered by any national or local landscape designations but lies adjacent to an Area of Higher Landscape Value, SSSI and Local Wildlife Site. None of the trees within/adjacent to the site are covered by TPOs. Shadforth Parish Public Rights of Way 3 and 15 lie to the west and south of the site (respectively).

3.The Proposal

4. The application seeks full planning permission for the erection of 1no. four bedroomed dormer bungalow, associated domestic curtilage including block paved hardstanding and parking area.
5. The application is being reported to (Central and East) Planning Committee at the request of the local ward member (Councillor David Hall) as he believes it is important to the life of the village that local people are able to make their home there.

RELEVANT PLANNING HISTORY

6. There is no relevant planning history relating to the application site.

PLANNING POLICY

National Policy

7. The following elements of the National Planning Policy Framework (NPPF) are considered relevant to this proposal:
8. *NPPF Part 2 Achieving Sustainable Development* - The purpose of the planning system is to contribute to the achievement of sustainable development and therefore at the heart of the NPPF is a presumption in favour of sustainable development. It defines the role of planning in achieving sustainable development under three overarching objectives - economic, social and environmental, which are interdependent and need to be pursued in mutually supportive ways. The application of the presumption in favour of sustainable development for plan-making and decision-taking is outlined.
9. *NPPF Part 4 Decision-making* - Local planning authorities should approach decisions on proposed development in a positive and creative way. They should use the full range of planning tools available, including brownfield registers and permission in principle, and work proactively with applicants to secure developments that will improve the economic, social and environmental conditions of the area. Decision-makers at every level should seek to approve applications for sustainable development where possible.
10. *NPPF Part 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.
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 15 Conserving and Enhancing the Natural Environment* - Conserving and enhancing the natural environment. The Planning System should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes, geological conservation interests, recognising the wider benefits of ecosystems, minimising the impacts on biodiversity, preventing both new and existing development from contributing to or being put at unacceptable risk from Page 73 pollution and land stability and remediating contaminated or other degraded land where appropriate.

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

Local Plan Policy:

The County Durham Plan (CDP)

14. *Policy 6 (Development on Unallocated Sites)* states the development on sites not allocated in the Plan or Neighbourhood Plan, but which are either within the built-up area or outside the built up area but well related to a settlement will be permitted provided it: is compatible with use on adjacent land; does not result in coalescence with neighbouring settlements; does not result in loss of land of recreational, ecological, or heritage value; is appropriate in scale, design etc to character of the settlement; it is not prejudicial to highway safety; provides access to sustainable modes of transport; retains the settlement's valued facilities; considers climate change implications; makes use of previously developed land and reflects priorities for urban regeneration.
15. *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.
16. *Policy 15 (Addressing Housing Need)* establishes the requirements for developments to provide on-site affordable housing, the circumstances when off-site affordable housing would be acceptable, the tenure mix of affordable housing, the requirements of developments to meet the needs of older people and people with disabilities, and the circumstances in which the specialist housing will be supported.

17. *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.
18. *Policy 25 (Developer Contributions)* advises that any mitigation necessary to make the development acceptable in planning terms will be secured through appropriate planning conditions or planning obligations. Planning conditions will be imposed where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects. Planning obligations must be directly related to the development and fairly and reasonably related in scale and kind to the development.
19. *Policy 26 (Green Infrastructure)* states that development will be expected to maintain and protect, and where appropriate improve, the County's green infrastructure network. Advice is provided on the circumstances in which existing green infrastructure may be lost to development, the requirements of new provision within development proposals and advice in regard to public rights of way.
20. *Policy 27 (Utilities, Telecommunications and Other Broadcast Infrastructure)* requires all residential and commercial 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.
21. *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.
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 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.

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 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.
25. *Policy 36 (Water Infrastructure)* advocates a hierarchy of drainage options for the disposal of foul water. Applications involving the use of non-mains methods of drainage will not be permitted in areas where public sewerage exists. New sewage and wastewater infrastructure will be approved unless the adverse impacts outweigh the benefits of the infrastructure. Proposals seeking to mitigate flooding in appropriate locations will be permitted though flood defence infrastructure will only be permitted where it is demonstrated as being the most sustainable response to the flood threat.
26. *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.
27. *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.
28. *Policy 41 (Biodiversity and Geodiversity)* states that proposal for new development will not be permitted if significant harm to biodiversity or geodiversity resulting from the development cannot be avoided, or appropriately mitigated, or as a last resort, compensated for.
29. *Policy 43 (Protected Species and Nationally and Locally Protected Sites)* development proposals that would adversely impact upon nationally protected sites will only be permitted where the benefits clearly outweigh the impacts whilst adverse impacts upon locally designated sites will only be permitted

where the benefits outweigh the adverse impacts. Appropriate mitigation or, as a last resort, compensation must be provided where adverse impacts are expected. In relation to protected species and their habitats, all development likely to have an adverse impact on the species' abilities to survive and maintain their distribution will not be permitted unless appropriate mitigation is provided or the proposal meets licensing criteria in relation to European protected species.

Supplementary Planning Documents

30. Development Viability, Affordable Housing and Financial Contributions SPD (2024) – Provides guidance on how CDP Policy 25 and other relevant policies requiring planning obligations for affordable housing or other infrastructure will be interpreted and applied.
31. Residential Amenity Standards SPD (2023) – Provides guidance on the space/amenity standards that would normally be expected where new dwellings are proposed.
32. Parking and Accessibility SPD (2023) – Provides guidance on parking requirements and standards.

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

Neighbourhood Plan:

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

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

CONSULTATION AND PUBLICITY RESPONSES

Statutory Consultee Responses:

34. Town / Parish Council – No comment received
35. Highways Authority – The Local Highway Authority raises no objections to this proposal. However, it should be noted that as the property would be served by an unadopted/private road, the DCC refuse vehicle could not enter the site to collect the refuse from the property.

Therefore, refuse would either need to be collected by a private collection, or bins would need to be taken to the nearest adopted highway and then returned to the site, on the day of collection.

Internal Consultee Responses:

36. *Spatial Policy* – The proposed dwellinghouse on this site would need to be assessed against Policies 6 and 10 of the CDP. The issues to consider relate to encroachment into countryside and relationship to the settlement pattern/form and associated landscape and visual impact to the character and appearance of the area. The close proximity of the existing funeral parlour and impact on that business will need to be acceptable.
37. *Landscape Section* – It is doubtful whether the proposed development could be considered as well related to the settlement, or appropriate back land development
38. *Ecology* – The supplied PEA is sufficient to inform the application and no further survey is required. Condition relating to Section 7 of the PEA is required. The LWS adjacent the site is unlikely to be negatively impacted upon by this proposal.

If the application is self or custom build then it is exempt from BNG.
39. *Public Rights of Way Section* – The application would not have a direct impact on public rights of way.
40. *Environmental Health and Consumer Protection (Nuisance)* – No objection subject to hours of construction conditions. Proposal is unlikely to cause a statutory nuisance.
41. *Environmental Health and Consumer Protection (Contamination)* – No adverse comments to make. There is no requirement for a contaminated land condition. Standard informative should be added.

Public Responses:

42. The application has been advertised via direct letters to the surrounding properties, site notice and published on the Weekly List of planning applications.
43. The following representations have been received in relation to the application:
1no. letter of objection from the Co-op group representing the Co-operative Funeralcare Services property to the north of the site.
44. These are summarised under the relevant headings below:

Objections

Principle

- The proposal would have a negative impact on the Co-op funeral business due to its naturally discrete nature, specifically that the properties windows would overlook the rear elevation of our premises which will impact upon the ability to provide a respectful and discreet operation for customers and the deceased.

Design

- The submitted documents make no assessment of the impact of a residential dwelling within the open countryside and within a sensitive landscape area.

Ecology

- The site is in close proximity to a SSSI and Local Wildlife Site

Other Matters

- The LPA will be aware that the applicant served a Notice upon the Co-op as there was a covenant applied to the Title when the land was sold by the Co-op in 1993 which states that the land cannot be used other than as an allotment garden, contrary to the current application. Without lifting the covenant the house cannot be constructed. The covenant was applied to ensure the long-term viability of the funeral care business.

Elected Members

45. Councillor David Hall supports the application.

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:

46. The applicant has elected not to submit a supporting statement.

PLANNING CONSIDERATION AND ASSESSMENT

47. 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.
48. 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, along with advice set out in the Planning Practice Guidance notes. Other material considerations include representations received.
49. In this context, it is considered that the main planning issues in this instance relate to the Principle of Development, Visual Impact, Highway Safety, Residential Amenity, Drainage and Flood Risk, Ecology/BNG, Ground Conditions Land Stability, Planning Obligations Other Matters, and Public Sector Equality Duty.

Principle of Development

50. Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The NPPF is a material planning consideration. The County Durham Plan (CDP) is the statutory development plan and the starting point for determining applications as set out in the Planning Act and reinforced at NPPF Paragraph 12. The CDP was adopted in October 2020 and provides the policy framework for the County up until 2035 and is therefore considered up to date.
51. NPPF Paragraph 11c requires applications for development proposals that accord with an up to date development plan to be approved without delay. NPPF Paragraph 12 states that where a planning application conflicts with an up-to-date development plan (including any neighbourhood plans that form part of the development plan), permission should not usually be granted. Local planning authorities may take decisions that depart from an up-to-date development plan, but only if material considerations in a particular case indicate that the plan should not be followed.
52. The site comprises a rectangular parcel of land currently used as an allotment and accommodating a storage building, located to the south of a funeral parlour. A pre-application enquiry was submitted under reference PREAPP/24/00238 for a similar development (the only aspect that has been changed is the shape of the proposed dwelling). The enquiry received a largely negative response, advising that the location of the site and its relationship to the settlement would be unlikely to be considered acceptable for residential development in regard to CDP Policies 6 and 10.
53. Within the CDP the site is treated as a windfall proposal. Policy 6 (Development on Unallocated Sites) and Policy 10 (Development in the Countryside) are both relevant in assessing the proposal. This is in recognition of the definition of the built-up area within the CDP and that sites outside of, but well related to a settlement should be assessed against both policies.
54. The CDP defines the built up area as land contained within the main body of existing built development of a settlement, or is within a settlement boundary defined in a Neighbourhood Plan, and states that areas falling outside this definition will be regarded as countryside. The supporting text to this policy advises that when assessing whether a site is well-related, the physical and visual relationship of the site to the existing built-up area of the settlement will be a key consideration.
55. Policy 10 states that development in the countryside will not be permitted unless allowed for by specific policies in the Plan (those listed in footnote 54) or meets the exemption development listed in Policy 10 itself. The development does not meet any of the exemptions of Policy 10 and as such it must be considered whether another Policy would be relevant.
56. One of the instances in which new housing in the countryside is permissible is where the development accords with Policy 6. This 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 criteria a-j of Policy 6

57. The site is not located within the settlement being outside of its built form as defined by the CDP. It is debatable as to whether the site is well-related to the settlement given its relationship to the built form and settlement boundary and as such it is questionable as to whether support can be garnered from Policy 6.
58. The criteria of Policy 6 are as follows
 - a. is compatible with, and is not prejudicial to, any existing, allocated or permitted use of adjacent land;
59. The dwelling would be constructed to the rear of the existing Co-operative Funeralcare Services which is a well established business of many years. Funeral directors' premises/parlours provide an important and necessary community function and are generally well-related to and located close to their catchment areas. This allows them to provide a local service for people within the locality during a time of bereavement and distress. A funeral director's use is, by its very nature likely to be quiet and discreet in order to provide this essential service to the public and where it is located within a settlement can have an important bearing on it being able to achieve this.
60. It is considered that the introduction of a new dwelling in close proximity to the parlour, particularly one which would require shared use of its main access (which also serves as off-street parking) would potentially impact on how it operates, as well as potentially result in the new dwelling having substandard amenity through access conflicts. The NPPF is clear that planning decisions should ensure that new development can integrate effectively with existing businesses and community facilities. It goes on to stipulate that existing businesses and facilities should not have unreasonable restrictions placed on them as a result of development permitted after they were established. Where the operation of an existing business or community facility could have a significant adverse effect on new development (including changes of use) in its vicinity, the applicant (or 'agent of change') should be required to provide suitable mitigation before the development has been completed.
61. A letter of objection was received from the Co-op funeral parlour with concerns raised in regard to how the proposal could potentially affect persons attending the parlour. A rebuttal letter from the agent for the application was received which took into account aspects of the objection in regard to overlooking/privacy from the proposed dwelling to the funeral building itself. However, with a four bedroomed property proposed there would, with some certainty, be incidences when persons accessing or exiting the property would need to walk or drive past/through individuals and groups attending the funeral business. Given the access to the property would be shared with the funeral home, as well as it being used for parking of attendees vehicles, the potential for conflicts arising

would be caused by the development. It is further noted that the access road is not adopted and as such DCC refuse vehicles would not collect from the proposed property and any future occupiers would need to manually drop off and retrieve their bins over a distance of some 70m along the access road to Front Street for collection.

62. On this basis, there is considered to be some conflict with the proposed introduction of a new dwelling in this location sharing an access with a funeral parlour, particularly as the dwelling would create a higher intensity of use by comparison to the existing allotment use. As such, there is some concern that the proposed development would conflict with policy 6a as outlined above.
 - b. does not contribute to coalescence with neighbouring settlements, would not result in ribbon development, or inappropriate backland development;
63. Due to the location of the site to the rear of the funeral parlour and 1-5 Brighton Terrace, the proposal would represent backland development. Key visual receptors would be from users of PRoW 3 and 15 (Shadforth Parish) to the west and south of the site, although views would likely be intermittent due to existing vegetation. The southern side of Sherburn Hill is typified by dwellings with allotments located to their rear, which is reflected by this site which comprises of an allotment located to the rear of the funeral parlour.
64. The application includes a Site Location Plan which indicates the applicant's opinion that the current building line relevant to this site is taken from the rear elevation of a single property (no. 21 Pennine View). This angled line would be inclusive of the application site to the settlement.
65. Whilst there are two dwellings at Pennine View to the east that would sit as far south as the proposed bungalow, Pennine View was a comprehensive development with its own dedicated access that was granted outline consent in 2005, with the reserved matters subsequently approved in 2007. According to historic aerial imagery, from the 1890's that site was occupied by a row of terraced housing with allotment gardens to the rear until the 1950's, with a commercial garage present on the site from the 1970's until this was demolished and replaced with the residential development now known as Pennine View. At that time, the redevelopment of that site incorporating the removal of a dilapidated commercial garage in a prominent position when entering the settlement from the east was considered to provide a regeneration benefit that outweighed other policy conflicts. As such, the Pennine View development is not comparable to the development proposed by this application.
66. It is however the opinion of the LPA that the settlement pattern is defined by the line of properties to the south of Pennine View and Brighton Terrace, which would exclude the application site. In this context the proposed dwelling would read as a clear incursion in the countryside.
67. Potential conflicts with regard to the access to the property, as well as amenity concerns with clients of the funeral parlour have already been highlighted above

strengthen the case against the appropriateness of the proposed backland development. Given this, the sites visual separation to the settlement and the open countryside adjacent to the site to the west and south, it is considered the proposal is contrary to the character of the settlement and would represent 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;
68. The site is not accessible open space identified in Open Space Needs Assessment (OSNA) and is not covered by any designations. The site does however immediately abut Sherburn Hill Local Wildlife Site (LWS) to the west. Policy 43 specifies that all development proposals in, or which are likely to adversely impact upon a LWS will only be permitted when it can be demonstrated that the benefits of development in that location outweigh the impacts on the local nature conservation interest or scientific interest on the site and any wider impacts on the network of sites. The Ecology Team consider that any effects on the LWS would not be significant.
69. The site does however contribute positively to the character of the settlement in its existing use as allotment land, maintaining a strong planted settlement edge in keeping with nearby allotment sites to the east and the LWS to the west. It is considered that the construction of a dwelling on the site would disrupt this arrangement and negatively impact on the character of the locality, introducing built development further south of the settlement edge, along with associated domestic clutter in the rear garden area. The proposal does therefore result in the loss of open land that contributes to the character of the area and it is not considered that this can be adequately mitigated.
- d. is appropriate in terms of scale, design, layout, and location to the character, function, form and setting of, the settlement;
70. A single dwelling is consistent with the role and function of Sherburn Hill.. However, it is of a modern and detailed appearance which is somewhat at odds with the character and design of the dwellings and properties closest to it, but it is acknowledged in the wider streetscene other modern dwellings can be found. However, as explored above, it is considered the proposed location of the dwelling in relation to the form and setting of the settlement causes conflict under this criterion, as it reads as an incursion into the countryside, disrupting the settlement edge bringing development out of line with its immediate surroundings. In this location, the erection of a dwelling is therefore not deemed appropriate and harms the character and appearance of the setting of the settlement. In addition, although a dormer bungalow where it faces into the village on its northern elevation, its rear elevation would be two storey in height and would be sited in a prominent position overlooking a significant drop in land levels heading south, making it visible and potentially more conspicuous in this location. As such its two storey height and scale in this location is not deemed appropriate and would impact further on the character of this part of the settlement which is given over to the planted green allotment area.

- e. will not be prejudicial to highway safety or have a severe residual cumulative impact on network capacity;
71. The proposed property would provide adequate off-street parking for its size and the applicant has indicated in submitted information that the site has a right of access over the funeral parlour's access road. In these circumstances it is considered that the development would not result in unacceptable harm to highway safety in relation to access to the adopted highway and in terms of in curtilage parking. There remains some concern over the potential for conflict with future occupiers of the dwelling seeking access and egress from their property during busy times at the funeral parlour. It is accepted that this would be a civil matter between the two parties to resolve.
- 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;
72. The site is within walking distance of the limited service offerings of Sherburn Hill, as well as to bus stops which provide at least one reasonably frequent service (the no. 24 half-hourly between Sunderland and South Shields) to other settlements which provide a broader offering of services, shops and job opportunities. The plans show an EV charging point would be included in the development and as such it is considered there would be no conflict with this criterion.
- 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;
73. This is not directly applicable to this proposal given the site is an allotment.
- h. minimises vulnerability and provides resilience to impacts arising from climate change, including but not limited to, flooding;
74. The site is located in Flood Zone 1 which is at lowest risk of flooding and it is proposed to connect the dwelling to mains sewage. With the provision of surface water drainage details it is considered there would be no conflict with this criterion.
- i. where relevant, makes as much use as possible of previously developed (brownfield) land; and
75. The proposal would not utilise brownfield land, however this is not an absolute requirement of criteria (i).
- j. where appropriate, it reflects priorities for urban regeneration.
76. The development would not align with any specific regenerative initiatives.
- 77.

78. Given the above, it is considered that the proposals conflict with several criterion of CDP Policy 6 and indicate that the development does not have an acceptable visual relationship with the settlement being poorly related to it.
79. As the proposal conflicts with Policy 6 and none of the other exemptions with Policy 10 are applicable, the development would also not comply with Policy 10 and as such it is considered the principle of the development is unacceptable.

Visual Impact

80. Part 12 of the NPPF supports development of high quality design. CDP Policy 29 (Sustainable Design) seeks to ensure that all development proposals achieve well designed buildings and places having regard to supplementary planning documents and other local guidance documents where relevant, 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; create buildings and spaces that are adaptable to changing social, technological, economic and environmental conditions.
81. The site is not within a Conservation Area or any landscape designations. However an Area of Higher Landscape Value (AHLV) abuts the application site to the south. The predominant house type in the immediate area is two storey traditional terraced dwellings, with the exception of the funeral parlour being single storey and detached, and a distanced two storey detached church to the west. The proposed property would be split level, having a single storey frontage and two storey rear, presenting as a detached dwelling. The property would have an overall modern appearance which somewhat conflicts with the other properties which would be visible in the same streetscene as it, however it is acknowledged that further to the east, the properties of Pennine View are of modern design.
82. While there is some design discrepancy with the local vernacular it is further acknowledged that the site is set well back from all other properties and its visual impact in terms of design when viewed from within the village would not be considered problematic. Limited details have been submitted in terms of materials, as such a dischargeable condition in relation to their submission would be required. However, as already outlined, because it is set well back from other properties, there remains concern over its siting in this location which is considered disruptive to the predominant character at this part of the settlement edge, characterised by allotment and open green spaces which seamlessly connects with the adjacent AHLV to the south. The dwelling in this location would interrupt the settlement edge and further, with a two storey elevation facing across an area of land that drops significantly, it would be visible across the landscape and would be considered to cause harm to the setting of the village, which from this side, currently sits unobtrusively in the landscape.

83. In light of the above it is considered that the proposal due to its siting represents an unacceptable form of development that would be harmful to the character and appearance of the settlement edge and would not be well related to the settlement contrary to Policies 6, 10 and 29 of the CDP and Part 12 of the NPPF.

Highway Safety

84. Policy 21 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 must also have regard to Parking and Accessibility Supplementary Planning Document.
85. Paragraph 111 of the NPPF states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.
86. The access to the property would be the existing shared access road with the Co-op Funeralcare business which is unadopted/private which joins Front Street/B1283 to the north. The submitted plans show 4no. off-street parking spaces within the curtilage of the property which would satisfy the Parking and Accessibility SPD requirements.
87. As mention above, the site is considered to be in a sustainable location being within walking distance of the facilities within Sherburn Hill and bus services which provide access to settlements with a greater variety of services and shops. The plans show provision of an EV charging point which again is in line with the SPD and the sustainable transport goals of Policy 21 of the CDP and NPPF. The Councils Highways team have assessed the proposal and raised no objection in terms of highway safety.

Residential Amenity

88. CDP Policy 6 and 31 seeks to prevent development that would have an unacceptable impact upon the amenity of existing neighbouring residents and only allow development where adequate amenity for future occupiers is provided. Part 8 of the NPPF requires planning decisions to ensure healthy living conditions and emphasises the importance of securing healthy places. Part 15 of the NPPF requires decisions to prevent new development from being put at unacceptable risk from, or being adversely affected by, unacceptable levels of pollution such as noise pollution. Part 15 further seeks to ensure that new development is appropriate for its location taking into account the likely effects of pollution on health and living conditions.

89. The Councils Nuisance Action team were consulted as part of the proposal and made the observation that the site is regarded as being rural, with residential and commercial properties nearby, surrounded by agricultural type land. Noting that there were no major roads nearby the noise levels at the site should be relatively low and comply with thresholds stipulated in the Technical Advisory notes (TANs). Due to this it was considered that with a suitable condition for a Construction Management Plan to restrict hours of construction, that no objection would be raised and the development would be unlikely to cause a statutory nuisance.
90. In relation to neighbouring properties, the proposed dwelling would be well separated from the residential dwellings to the east (Brighton Terrace), as well as being off-set from them. There are no other properties to the south and west (being open countryside) and more than 21 metres separation distance would be achieved with the funeral parlour to the north. Given the orientation and limited height of the structure due to the sloping site, the development would not unduly overshadow or be over dominant to its neighbours.
91. Policy 29 requires all new residential development to achieve compliance with the Nationally Described Spatial Standard for internal dimensions. For the purpose of assessment the property was originally submitted as a 4 bedroomed 6 person dwelling. Following advice from the case officer due to the property not meeting minimum standards for this designation, it was changed to a 4 bedroomed, 5 person, two storey dwelling. Following this change, the proposal meets the minimum NDSS requirements, although it is noted that no storage is depicted on the plans which would need to be addressed. The proposal would exceed the minimum garden size requirements of the Residential Spatial Standards SPD (RAS SPD).
92. The proposal therefore, is considered acceptable in this respect of Policies 6, 29 and 31 of the CDP and the Council's RAS SPD and would not have any unacceptable impact upon the residential amenity of neighbours or future occupiers.

Drainage and Flood Risk

93. CDP 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.
94. Whilst CDP Policy 36 (Water Infrastructure) advocates a hierarchy of drainage options for the disposal of foul water. Applications involving the use of non-mains methods of drainage will not be permitted in areas where public sewerage exists. New sewage and wastewater infrastructure will be approved unless the adverse impacts outweigh the benefits of the infrastructure. Proposals seeking to mitigate flooding in appropriate locations will be permitted

though flood defence infrastructure will only be permitted where it is demonstrated as being the most sustainable response to the flood threat.

95. The development is proposed to be connected to the mains sewer for the disposal of foul sewage which is acceptable. Details of the means of disposal of surface water have not been provided to date. Responsible means of drainage and demonstration of such would need to be submitted by means of dischargeable condition. It is therefore considered taking into consideration the attached condition that the development would accord with Policies 35 and 36 of the CDP.

Ecology and Biodiversity Net Gain

96. Policy 41 of the CDP states proposals for new development will be expected to minimise impacts on biodiversity by retaining and enhancing existing biodiversity assets and features and providing net gains for biodiversity including by establishing coherent ecological networks. Measures should be appropriate, consistent with the biodiversity of the site and contribute to the resilience and coherence of local ecological networks.
97. In England, BNG became mandatory from 12 February 2024 under Schedule 7A of the Town and Country Planning Act 1990 (as inserted by Schedule 14 of the Environment Act 2021)(small scale sites 2 April 2024), requiring that developers, unless meeting certain exemptions, must deliver a BNG of 10%. This means a development will result in more or better quality natural habitat than there was before development.
98. In terms of this application BNG exemption has been submitted advising that the applicants propose to develop land as described in the application themselves for their own occupation and do not propose its sale as market housing (in accordance with the Self-build and Custom Housebuilding Act 2015 (as amended by the Housing and Planning Act 2016)).
99. It is accepted that a self-build/custom build dwelling is eligible for an exemption from mandatory biodiversity net gain provisions, as such in the interest of good planning, it is essential to ensure that the dwellings is suitably occupied and constructed for the purpose of the exemptions and therefore if planning permission were to be granted, it would be necessary for the owner to enter into a Section 106 obligation to secure future occupation as a self build dwelling..
100. Notwithstanding the above, CDP Policy 41 seeks to secure net gains for biodiversity and coherent ecological networks, and NPPF Paragraph 187 advises that planning decisions should contribute to and enhance the natural and local environment by minimising impacts on and providing net gains for biodiversity. NPPF Paragraph 193 d) also advises that opportunities to improve biodiversity in and around developments should be integrated as part of their design, especially where this can secure measurable net gains for biodiversity or enhance public access to nature where this is appropriate.

101. The application is supported by a Preliminary Ecological Assessment which the Council's Ecologist has assessed. The information provided was considered sufficient to inform the application and no further surveys were required. Subject to the conditioning of Section 7 (Impact Assessment and Mitigations) of the PEA, no objection is raised.

Ground Conditions and Land Stability

102. Part 14 of the NPPF advises that planning decisions should ensure a site is suitable for its proposed use taking account of ground conditions and any risks arising from land instability and contamination. In line with this, CDP Policy 32 states that development will not be permitted unless the developer can demonstrate that: a. any existing despoiled, degraded, derelict, contaminated or unstable land issues can be satisfactorily addressed by appropriate mitigation measures prior to the construction or occupation of the proposed development; b. the site is suitable for the proposed use, and does not result in unacceptable risks which would adversely impact on the environment, human health and the amenity of local communities; and c. all investigations and risk assessments have been undertaken by an appropriately qualified person.
103. Environmental Health have assessed the proposal and consider that there are no adverse comments to make. The standard contaminated land informative should be included.

Planning Contributions

104. CDP Policy 25 states that new development will be approved where any mitigation necessary to make the development acceptable in planning terms is secured through appropriate planning conditions or planning obligations. Such mitigation will relate to the provision, and/or improvement, of physical, social and environmental infrastructure taking into account the nature of the proposal and identified local or strategic needs.
105. Policy 25 goes on to state that developers will be required to enter into Planning Obligations which are necessary to make the development acceptable, directly related to the development, and fairly and reasonably related in scale and kind to the development, in order to secure the mitigation that is necessary for a development to be acceptable in planning terms. In this regard, CDP Policy 25 reflects NPPF Paragraphs 55 and 57.

Green Infrastructure

106. CDP Policy 26 (Green Infrastructure) requires proposals for new residential development to make provision for open space to meet the needs of future residents having regard to the standards of open space provision set out in the Open Space Needs Assessment (OSNA). Where it is determined that on-site provision is not appropriate, the Council will require financial contributions secured through planning obligations towards the provision of new open space, or the improvement of existing open space elsewhere in the locality. On small-scale development, a contribution towards green infrastructure/open space

improvement is necessary to make residential development acceptable in planning terms on account that the future residents of these proposed houses would be using the open space in the vicinity and wider area in which the new house(s) would be situated. It is therefore directly related to the development, and fairly and reasonably related in scale and kind to the development (para 57, NPPF).

107. A planning application for a single dwelling should provide an off-site contribution towards GI/open space provision instead of seeking on-site provision. A scheme of 1 unit would generate a minimum of 2.2 people based on 2021 census data of 2.2 persons per household. The scheme would fall into the 1st category of Table 19 where a contribution should be sought for all typologies of open space. Table 16 of the OSNA sets out the costings, therefore the contribution should be: $2.2 \times \text{£}790.50 = \text{£}1,739.10$. (Based on the 50% reduction in recognition that the cost to upgrade facilities can be less providing new facilities altogether). In the event that planning permission was to be granted, the contribution would need to be secured by Planning Obligation.

Other Matters

Measures to Minimise Carbon Emissions

108. 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. Limited information has been submitted in terms of the properties net zero credentials, and as such dischargeable conditions would be required for the submission of full details.

Broadband Connection

109. 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 a replacement dwelling located within a residential area. Given this, the broadband connectivity would be delivered as the connection is already provided for the existing dwelling. 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. A dischargeable condition to ensure this requirement is met would be required.

Other Issues Raised

110. The Co-operative group submitted an objection to the proposal which included information regarding a restrictive covenant pertaining to the use of the land which is subject to this application. The covenant is said to be in favour of the co-op's adjoining land and restricts the use of the application site to allotment garden only. The applicant submitted information during the course of the application on 13/01/25 that an 'in principle' agreement had been reached with

the Co-op as to removal of the covenant. Information later submitted by the Co-op themselves has confirmed that the agreement to do so was never secured and have confirmed that it would not agree to removal of the covenant in an email to the applicants agent dated 13/03/25.

Whilst matters of legal covenants are entirely civil and separate from the planning decision these details are provided for information only.

CONCLUSION

111. Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material consideration indicate otherwise. NPPF Paragraph 12 states that where a planning application conflicts with an up-to-date development plan, permission should not usually be granted. Local Planning Authorities may take decisions that depart from an up-to-date development plan, but only if material considerations in a particular case indicate the plan should not be followed.
112. In relation to the principle of the development, the application site is not within a built-up area nor well-related to the settlement by virtue of its location and characteristics, constituting inappropriate backland development. The site is within the open countryside and therefore, there is no policy support in principle for the development.
113. It is considered there are no public benefits to the scheme which would outweigh the policy conflicts in this instance.
114. The proposal therefore, is considered to be contrary to Policies 6 and 10 of the County Durham Plan and is recommended for refusal

Public Sector Equality Duty

115. 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.
116. In this instance, officers have assessed all relevant factors and do not consider that there are any equality impacts identified.

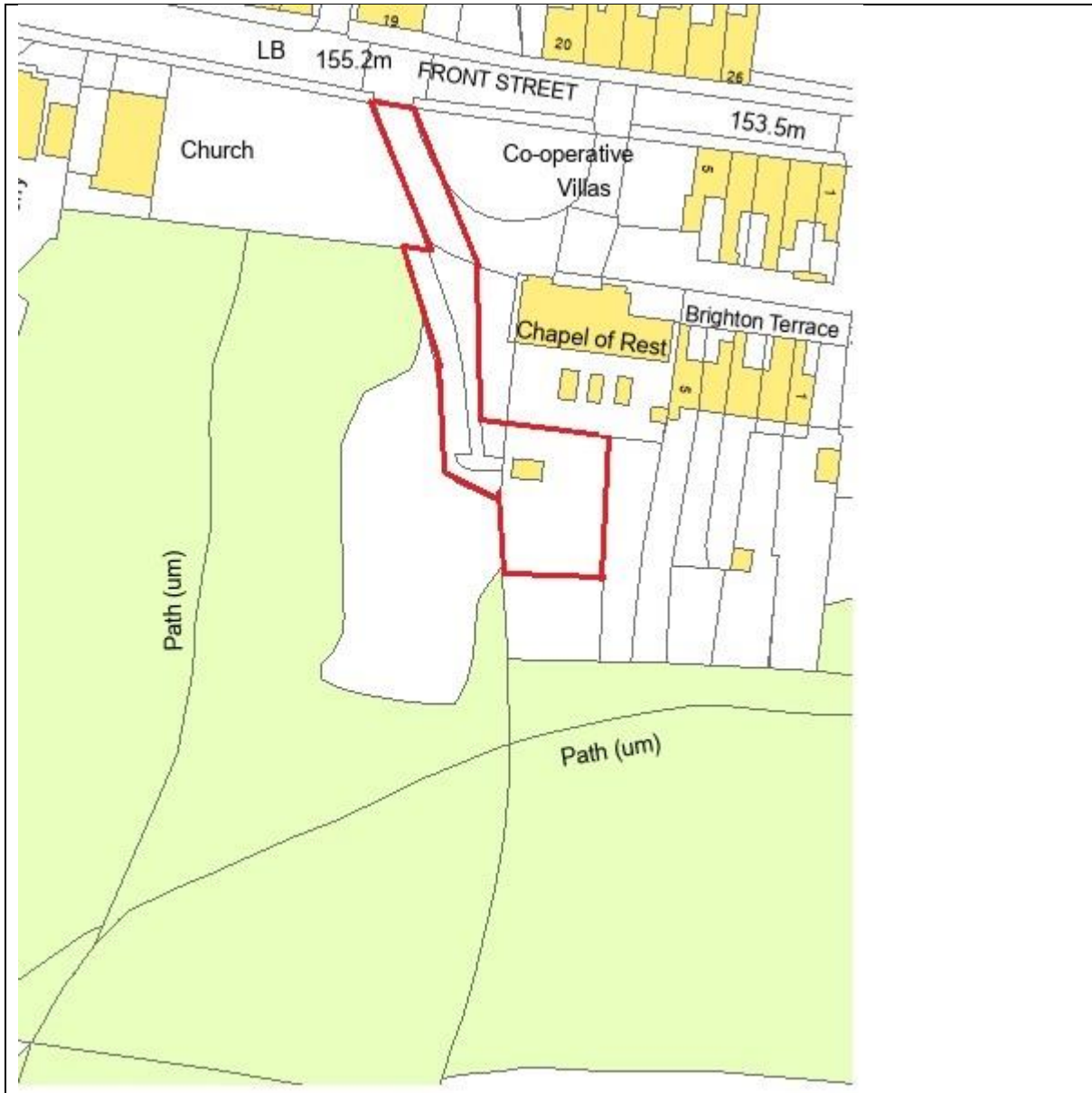
RECOMMENDATION

That the application be **REFUSED** for the following reasons:

1. The application site lies within the open countryside in a position that is outside of, and not considered well related visually to, the settlement of Sherburn Hill and is not considered to accord with any of the exceptions listed as acceptable through Policy 10 of the County Durham Plan, nor deemed permissible by other specific policies in the Plan as outlined at footnote 54, in particular Policy 6. The existing allotment site contributes positively to the character of the settlement and the proposed development would represent an unwelcome urban incursion into the open countryside. The principle of the development in this location is therefore considered unacceptable.

BACKGROUND PAPERS

Submitted Application Forms, Plans and supporting documents
National Planning Policy Framework
National Planning Practice Guidance Notes
County Durham Plan (2020)
Development Viability, Affordable Housing and Financial Contributions SPD (2024)
Residential Amenity Standards SPD (2023)
Parking and Accessibility SPD (2023)
Statutory consultation responses
Internal consultation responses
External consultation responses



<p>Planning Services</p>	<p>Erection of 1no. dormer bungalow</p>	
<p>This map is based upon Ordnance Survey material with the permission of Ordnance Survey on behalf of Her Majesty's Stationary Office © Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceeding. Durham County Council Licence No. 100022202 2024</p>	<p>Comments</p>	
	<p>Date: 20/03/2025</p>	



Planning Services

COMMITTEE REPORT

APPLICATION DETAILS

Application No:	DM/24/03401/VOC
Full Application Description:	Variation of condition 2 of planning application DM/22/01509/FPA to alter the design of the balcony to the rear elevation, addition of two obscurely glazed windows to side elevation, increased verge overhang, brickwork feature to front elevation, increase in number of solar panels, omission of rooflights, alter the design/position of the outbuilding within the rear garden area and addition of pedestrian gate and design changes to front boundary treatment.
Name of Applicant:	Mr and Mrs A Carter
Address:	Silver Howe Heathways High Shincliffe Durham DH1 2PQ
Electoral Division:	Durham South
Case Officer:	Lisa Morina (Senior Planning Officer) Tel: 03000264877 Email: lisa.morina@durham.gov.uk

DESCRIPTION OF THE SITE AND PROPOSAL

The Site:

1. The application site is a residential plot located on Heathways within High Shincliffe and is located on the northern edge of the settlement. Residential properties are located to both sides and to the front of the site with open fields to the rear. There is a mix of properties currently within the area both of single and two storey nature with the majority being detached properties. An existing

detached dwelling was located on the site which has been demolished and a replacement dwelling is currently under construction.

The Proposal:

2. Planning Permission was originally sought for the demolition of the existing bungalow and the erection of a new detached property at the site. A detached outbuilding is also proposed within the rear garden area.
3. The demolished dwelling had a footprint of approximately 120sqm with a height of 5.1m to the ridgeline and an eaves height of 2.5m. The replacement dwelling occupies the majority of the footprint of the existing building but is to be slightly larger at 138sqm and have a height of 7.7m to the ridgeline, 3.1m to the eaves so two storey in height.
4. This application seeks to vary the existing consent to provide working amendment changes to the scheme which includes the following:
 - Omission of 6 no. rooflights
 - Addition of flush solar PV panels in lieu of solar thermal panels originally shown on west slope (resulting in increase in total number)
 - Addition of small, high level window to garden room, top hung, opaque glass to serve additional toilet
 - Alteration of the design of the outbuilding
 - Amendments to guttering and downpipes on garden room eaves
 - Addition of window to utility adjacent to side door, top hung, opaque glass
 - Addition of window to kitchen, top hung, opaque glass
 - Addition of a centre brick pier to front elevation
 - Verges to north and south gables increased to 475mm overhang from 250mm originally shown, there has been no increase in the eaves overhang.
 - Wrought iron railings shown on balconies in lieu of glass
 - Additional pedestrian gate to front boundary wall 1.0m high.
 - Increase height of front boundary wall to 900mm and change railing style to front boundary wall to estate rail type (this results in no additional increase in overall height
 - Curved walls to entrance rather than angular splays as originally shown
5. The application is being reported to Central and East Planning Committee at the request of Shincliffe Parish Council on the grounds of loss of privacy, scale and dominance of the proposal and highways safety issues.

RELEVANT PLANNING HISTORY

6. The following planning applications are relevant to the current application:

DM/22/01509/FPA - Demolition of existing bungalow and replacement with dormer bungalow. Approved 03.11.2022.

DM/23/02912/DRC - Discharge of Conditions 3 (materials) 4 and 5 (coal information), 8 (details of charging point) 9 (submission of AIA and method statement) and 10 (replacement planting scheme) pursuant to planning permission DM/22/01509/FPA. Approved 19.01.2024

PLANNING POLICY

National Policy

7. The following elements of the National Planning Policy Framework (NPPF) are considered relevant to this proposal:
8. *NPPF Part 2 Achieving Sustainable Development* - The purpose of the planning system is to contribute to the achievement of sustainable development and therefore at the heart of the NPPF is a presumption in favour of sustainable development. It defines the role of planning in achieving sustainable development under three overarching objectives - economic, social and environmental, which are interdependent and need to be pursued in mutually supportive ways. The application of the presumption in favour of sustainable development for plan-making and decision-taking is outlined.
9. *NPPF Part 4 Decision-making* - Local planning authorities should approach decisions on proposed development in a positive and creative way. They should use the full range of planning tools available, including brownfield registers and permission in principle, and work proactively with applicants to secure developments that will improve the economic, social and environmental conditions of the area. Decision-makers at every level should seek to approve applications for sustainable development where possible.
10. *NPPF Part 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.
11. *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.
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 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.
17. *NPPF Part 15 Conserving and Enhancing the Natural Environment* - Conserving and enhancing the natural environment. The Planning System should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes, geological conservation interests, recognising the wider benefits of ecosystems, minimising the impacts on biodiversity, preventing both new and existing development from contributing to or being put at unacceptable risk from Page 73 pollution and land stability and remediating contaminated or other degraded land where appropriate.

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

National Planning Practice Guidance:

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

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

Local Plan Policy:

The County Durham Plan (CDP)

19. Policy 6 (Development on Unallocated Sites) states the development on sites not allocated in the Plan or Neighbourhood Plan, but which are either within the built-up area or outside the built up area but well related to a settlement will be permitted provided it: is compatible with use on adjacent land; does not result in coalescence with neighbouring settlements; does not result in loss of land of recreational, ecological, or heritage value; is appropriate in scale, design etc to character of the settlement; it is not prejudicial to highway safety; provides access to sustainable modes of transport; retains the settlement's valued facilities; considers climate change implications; makes use of previously developed land and reflects priorities for urban regeneration.
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 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. Provision for alterations and extensions to residential property to be sympathetic to existing building and character and appearance of area
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 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.
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 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.
25. Policy 36 (Water Infrastructure) advocates a hierarchy of drainage options for the disposal of foul water. Applications involving the use of non-mains methods of drainage will not be permitted in areas where public sewerage exists. New sewage and wastewater infrastructure will be approved unless the adverse impacts outweigh the benefits of the infrastructure. Proposals seeking to mitigate flooding in appropriate locations will be permitted though flood defence infrastructure will only be permitted where it is demonstrated as being the most sustainable response to the flood threat.
26. 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.
27. 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.
28. Policy 41 (Biodiversity and Geodiversity) states that proposal for new development will not be permitted if significant harm to biodiversity or geodiversity resulting from the development cannot be avoided, or appropriately mitigated, or as a last resort, compensated for.
29. Residential Amenity Standards SPD (2023) – Provides guidance on the space/amenity standards that would normally be expected where new dwellings are proposed.
30. Parking and Accessibility SPD (2023) – Provides guidance on parking requirements and standards.

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

Neighbourhood Plan:

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

The above represents a summary of those policies considered relevant. The full text, criteria, and justifications can be accessed at:

<http://www.durham.gov.uk/article/3266/Development-Plan-for-County-Durham>

CONSULTATION AND PUBLICITY RESPONSES

Statutory Consultee Responses:

32. Town / Parish Council – Shincliffe Parish Council object to the proposal for the following reasons:

- Loss of privacy or overlooking to neighbouring property (Parkwood Lawe)
- Scale and dominance of the development
- The new proposal appears to extend the balcony along its full length to the front of the eaves. This will have the effect of significantly increasing the overlooking into the neighbouring garden and consequent loss of privacy. It also has the effect of increasing size of the balcony
- The overhang is bigger to allow the balcony
- Highway Safety concerns due to the change in the design/position of the wall, neighbours are worried that the wall will restrict visibility when pulling out of nearby driveways as there is no pathway and a child or animal passing would be very difficult to see

33. Highways – No objection raised.

Internal and External Consultee Responses:

34. None required

Public Responses:

35. The application has been advertised by site notice and individual notification letters sent to neighbouring properties.

36. Three letters of representations have been received from two neighbouring properties with the following concerns:

- The two new windows would constitute a loss of privacy in the front.
- The balcony extension significantly increases overlooking and loss of privacy into the garden area of neighbouring properties.
- The balcony is too large
- The increased size of the eaves almost reach the boundary and the gutter will appear to overhang

- The eaves increased overhang is very noticeable and visually increases the impact of an already over-dominating structure.
- Very large increase in solar panels from two to twenty on the enormous roof sloping towards my house.
- No objection to the redesigned and extended garden-room however there is a south facing window omitted from the submission and no guttering or downpipe is shown
- Puzzled by the brickwork feature that has appeared at the front of the house retrospectively which breaks up the line with the front of our house

Elected Members

37. No comments from Councillors received.

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:

38. Following the approval of planning permission DM/22/01509/FPA, subject to conditions, 08 September 2022 works commenced on site December 2023 and has steadily progressed throughout 2024 to approach a stage of shell completion. As is sometimes the case during a building project, as the applicant is able to visualise their project design changes are made on site contrary to the approved plans. Since the works have been carried out and it has been agreed with the Local Authority that a variation of condition application is required to regularise these variations. This statement sets out the changes that have been made and the reasoning/justification for them.
39. Balcony design - The proposed balcony was originally approved as a recessed type that was purposely designed so as that the privacy and amenity of the neighbouring properties was respected. Once the structure was erected it was decided that the balcony was slightly too small and since it was not possible to reduce the bedroom behind for structural reasons it was agreed to cantilever the balcony over the rear wall of the dwelling to provide a small amount of additional space. In order to maintain the privacy and amenity the verge overhang of the roof was extended a further 250mm beyond that approved to maintain the enclosure of the balcony. There has therefore been no further loss of privacy for the neighbours, the design of the cantilever has perhaps confused the issue as the steel frame forming the deck does project beyond the roof but it has been explained, drawn on plan and demonstrated to the planning officer that the actual hand rail of the balcony is set back from the leading edge of the deck and is well within the roof enclosure.
40. Brickwork Feature to Front Elevation - A brick pier was added to the front elevation to provide a contextual depth to the front elevation as it was felt the large glazed areas caused the front elevation to be rather blank, the pier serves to divide up the glazed areas and create added interest to the front elevation, it

serves no purpose other than this and is not considered to cause any planning issues.

41. Increased Verge Overhang -The verges to the front and rear of the dwelling were extended to as a result of the two design changes above, to the rear in order to maintain the enclosure of the recessed balcony and to the front to carry over the middle pier projection. It is felt that the increased overhang also adds to the aesthetic of the building, it has no material impact on neighbouring properties and is considered a positive addition to the building.
42. Additional Windows to the West Elevation - Two additional windows have been formed in the west elevation, these were added for purely practical reasons in that they serve the kitchen and utility of the dwelling and additional ventilation may be required at certain times. Both windows are to be fitted with obscure glazing and face a solid brick boundary wall, there is therefore no privacy or amenity issue associated with them.
43. Omission of rooflights - The applicant has decided to omit almost all of the roof lights shown on the approved drawing, there was no amenity issue associated with these in any case as they were all positioned above head height in their respective rooms, the roof aesthetics are improved as a result of their omission.
44. Additional Solar Panels - The approved drawings indicated two solar thermal panels to the western roof slope of the dwelling, following the technical design stage it was decided that a PV electrical system was significantly more efficient method of heating the property and the thermal water panels idea abandoned in favour of PV panels. The system is extremely sustainable and efficient and care has been taken to integrate the panels into the new roof covering to minimise their visual impact.
45. Garden Room Design - The free-standing garden room was redesigned to better occupy the space to the rear garden, it is felt diagonal plan across the corner opens the room towards the garden space and benefits from the evening sun when it is most likely to be used in the summer time. The wall forming the structure adjacent to the east and northern (rear) boundary is essentially the same as the approved design and it has also been agreed with the owners of Parkwood Lane to raise the height of the boundary wall along its length to maintain their privacy.
46. Design Changes to Front Boundary - The approved front boundary treatments were felt to be rather angular and incongruous and it was felt a more gentle curved entrance would be more aesthetically pleasing, the position of the front pillars has been slightly rotated around the right hand pillar to square them to the road rather than being at odds with the highway and the brick boundary walls radiused away from each of them to the frontage. The brick walls forming the front boundary are to be approximately 900-950mm high which is within Durham County Council's Highway design guidance for visibility. Concerns of highway safety have again been raised even though DCC Highway have no objection to the proposal. The land within the boundary is private and is not a

public footpath, nor are there any footpaths adjacent footpaths along Heathways, it is a short stretch of private land which is being enclosed and has already been approved to do so in the original application. With regard to visibility for neighbours entering and leaving their property it should be pointed out that the driveway to Parkwood Lawe rises steeply from the public highway making the proposed new wall adjacent to their boundary even lower than the 900mm wall height which is relative to the highway, it is therefore felt that there is no issue with regard to visibility and in any case the applicant would not propose such a boundary if it were to cause a safety issue.

47. Conclusion - It is acknowledged that in an ideal world changes would not be made after planning permission is granted, however it is felt that the changes made to the original design not only benefit the applicant but also result in a more considered design in trying to achieve a high quality addition to the local area. The applicant has endeavoured to maintain dialogue with neighbours to allay concerns and continues to do to this date. It is considered the development proposed meets the Councils Planning policies and it is therefore requested that the Council will be able to support and approve the variations to the original application.

PLANNING CONSIDERATION AND ASSESSMENT

48. Section 73 of the Town and Country Planning Act 1990 (as amended) applies to the determination of applications to develop land without the compliance with conditions previously attached. S73 states that on such an application the Local Planning Authority (LPA) shall consider only the question of the conditions subject to which planning permission should be granted. The LPA should decide whether planning permission should be granted subject to conditions differing from those subject to which the previous permission was granted or that it should be granted unconditionally. If the LPA decide that planning permission should be granted subject to the same conditions as those subject to which the previous permission was granted, they should refuse the application.
49. In considering such an application, the Development Plan and any other material considerations under section 38(6) of the Planning and Compulsory Purchase Act, are relevant in the determination. LPAs should, in making their decisions, focus their attention on national and development plan policies, and other material considerations which may have changed significantly since the original grant of permission.
50. Consent was sought under DM/22/01509/FPA for the erection of a dwelling to replace the existing dwelling and the consent has been implemented. As such, the principle of the development is considered acceptable.
51. The main issue to be considered in this instance therefore is the impact of the changes proposed in relation to the host property and the streetscene as well as any impact on residential amenity and any highway safety issues.

52. As detailed above there are various working amendments proposed to the site most of which have already been carried out. The majority of these are considered to be non-material amendments and as such are not subject to public re-consultation. However, it is considered that the balcony changes fall outside of this remit as they are considered material changes, albeit minor, but nonetheless require a Section 73 application.
53. Policy 29 relating to sustainable design states that all proposals will be required to achieve well designed buildings and places having regard to supplementary planning documents and contribute positively to an area's character, identity, heritage significance, townscape and landscape features, helping to create and reinforce locally distinctive and sustainable communities; and create buildings and spaces that are adaptable to changing social, technological, economic and environmental conditions and include appropriate and proportionate measures to reduce vulnerability, increase resilience and ensure public safety and security.
54. CDP Policies 6a, 29e and 31 seeks to prevent development that would have an unacceptable impact upon the amenity of existing neighbouring residents and only allow development where adequate amenity for future occupiers is provided. Part 11 of the NPPF requires planning decisions to ensure healthy living conditions and emphasises the importance of securing healthy places. Part 15 requires decisions to prevent new development from being put at unacceptable risk from, or being adversely affected by, unacceptable levels of pollution such as noise pollution.
55. Paragraph 191 seeks to ensure that new development is appropriate for its location taking into account the likely effects of pollution on health and living conditions. In terms of noise, Paragraph 198 advises that planning decisions should mitigate and reduce to a minimum potential adverse impacts resulting from noise from new development - and avoid noise giving rise to significant adverse impacts on health and the quality of life.

Alterations to the dwelling

56. In respect of the amendments to the dwelling itself concern has been raised that the addition of the windows proposed to the west elevation would create overlooking issues to the neighbour. There is also concern over the substantial increase in the number of solar panels which the objectors regard as unacceptable with the proposed balcony changes said to result in significant overlooking issues and loss of privacy. Concern is also raised with respect to the brickwork feature proposed to the front elevation and also the increase in the eaves.
57. Two windows are shown in the gable elevation facing west towards the neighbouring property. One being a window within the existing utility room with the other being a narrower style window proposed within the kitchen. Larger windows will be in existence at the front (main elevation) of the kitchen. The resultant boundary treatment has been identified on the plan which shows that the windows would only be partially visible to the neighbouring properties and

therefore, the proposal would not result in any significant overlooking issues that would warrant a refusal of the application. In addition, the applicants have confirmed that it is their intention to obscurely glaze both windows and this has been reflected on the plans and it is proposed to control this in perpetuity

58. As part of the original approval rooflights were proposed as were solar panels to the roof. A reduction in the number of roof lights have been proposed being reduced from 8 to 2 however more solar panels have been provided with a total of 18 installed on the western gable.
59. Whilst there has been a significant increase in the number of solar panels from the originally proposed 2, they are in situ and can therefore, be fully assessed. They are considered to be of an appropriate colour to blend in with the roof tiles and also they are considered to be flush with the roof slope and as such, it is considered they have an acceptable impact on the host property and in turn the streetscene. The reason behind the increase is due to the change in the type of system being installed which has changed to solar PV panels in lieu of solar thermal panels originally shown.
60. It should also be noted that these panels could be installed without planning permission once the property is occupied as the property would benefit from permitted development rights for such. The proposed reduction in the number of roof lights is considered to be a minor change which will not impact on the streetscene or neighbouring properties.
61. Whilst concern has been raised with regards to the increase in the eaves overhang, the applicant has confirmed that there has been no increase in the eaves however the verges to the north and south gables have been increased to a 475mm overhang from 250mm originally shown.
62. Concern has been raised that this will result in an overhang to the neighbouring property however, this is not the case and all development would be contained within the existing curtilage of the site. Whilst it is noted there has been an increase, this is not considered to be of sufficient magnitude to cause any significant impact on the visual amenity of the streetscene compared to what was previously approved and does not significantly increase the scale to an amount that would warrant a refusal of the application. It would also not impact negatively on the residential amenity of the neighbouring properties.
63. It is noted that there is a brick style affect column proposed to the front of the site which appears to have been shown on one elevation of the original plans but not reflected on other plans. As such the plans have been amended to reflect this. Concerns have been raised regarding this however, it is considered to be a minimal change which would not cause any issues in respect of neighbouring properties due to its position or the streetscene given there are various properties of differing scale and sizes within the streetscene.
64. Changes are also proposed to the balcony to the rear of the site. This was originally proposed as a covered balcony set inline with the main rear elevation however it is now proposed to bring the balcony forward slightly. It is still

proposed to contain the balcony within the eaves of the site with the railing running flush with the eaves of the rear elevation with brick walling contained either side of the balcony.

65. Given this, it is considered that whilst the balcony is brought forward, it would not result in any significant additional residential amenity issues over and above what is currently permitted. It is acknowledged that the perception of overlooking will be increased slightly as the railing will be more visible, however, unless the applicants were to lean over the balcony or stand at the edge of it for long periods of time, it is not considered that a significant loss of amenity would occur to the nearby residents' garden area and that this would be no different to a normal window being installed flush to the rear elevation.
66. It is acknowledged that concerns have been raised regarding the size of the balcony however, it is not considered that any additional noise or disturbance issues over and above what was originally approved would occur as the increase in size is minimal. The design of the railing has been changed to railings as opposed to glass which is considered acceptable, and this is being replicated to the front railings also.
67. Taking all the above dwelling changes into consideration it is not considered that the changes are significant enough to warrant a refusal either in respect of residential amenity, character of the host dwelling or streetscene issues and the proposal would be considered to accord with both policy 29 and 31 of the County Durham Plan and parts 12 and 15 of the NPPF.

Alterations to the Outbuilding

68. The size and design of the outbuilding has been altered to allow more garden area to be retained as well as an additional window to be installed which will house a w.c and the addition of the gutters. The garden room due to its position is not considered to have a detrimental impact on the streetscene given it is not visible to the main public domain.
69. Concern was raised regarding the plans not being accurate and the position of gutters not identified as well as an additional window. Amended plans have been provided to reflect the onsite arrangement and also identifies the position of the gutter which will all be contained within the boundary/ownership of the host.
70. The design changes are considered appropriate and would not result in any additional impact on residential amenity to that which was previously approved.
71. It is not considered that the changes to the outbuilding are significant enough to warrant a refusal either in respect of residential amenity, impact upon the character of the host dwelling or streetscene issues and the proposal would be considered to accord with both policy 29 and 31 of the County Durham Plan and parts 12 and 15 of the NPPF.

Alterations to the front boundary treatment

72. The applicants have amended the front boundary treatment to include a pedestrian gate within the front boundary wall to allow a separate pedestrian access from the main larger gated driveway access. This does not exceed 1m in height. In addition, an amended design/style of the front boundary treatment includes curved walls to the entrance rather than the angular splays as originally shown and the height of the wall has been increased to 900mm from 750mm. The overall height of the front boundary treatment however would remain as approved and would not be increased in any way. The railings proposed on top of the wall have been amended to an estate rail type as opposed to the vertical railings originally proposed.
73. Concern has been raised from the Parish Council with regards to visibility when entering/exiting the neighbouring driveway and the increase in the height of the walling as well as the change in the position.
74. The proposed changes are not considered to have a significant detrimental impact on the visual amenity of the streetscene, the character of the host dwelling or the residential amenity of neighbouring properties given the height is not altered and the position generally remains in the same location albeit it is acknowledged the curved design now brings the wall slightly towards the centre line of the drive. The design is also considered acceptable as there are varying boundary treatments within the area.
75. The proposal therefore is considered acceptable in respect of policies 29 and 31 of the CDP and parts 12 and 15 of the NPPF. Notwithstanding this however, the views of the highways officer has also been sought in respect of highway safety.
76. CDP Policy 21 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.
77. In addition, paragraph 116 of the NPPF states development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network, following mitigation, would be severe, taking into account all reasonable future scenarios.
78. In respect of highway safety, the pedestrian gate is located at the apex of the slight bend in the Heathways Road and thereby offers the best visibility in each direction. There are no footways either side of the road along this section of Heathways in both directions. This is the same for all properties in this area.
79. The driveway and boundary walls have been replaced with a slightly higher wall and the fence on the top changed as has the design from a splayed to curved wall which in turn slightly alters the position of the wall.

80. The overall height of the boundary treatment remains the same albeit the height of the wall is increased to 0.9 metres (it is noted that the neighbours consider this to be 0.94m). This is still below the maximum height for visibility requirements and it should be noted that a 1m high solid boundary treatment could be erected without the need for planning permission adjacent to the highway and that there is no planning control over the height of hedging which could significantly exceed this height.
81. In addition, the change from a palisade fence to horizontal railings is considered to improve visibility as the fence on top is considered to have a more open aspect to that which was previously approved. The change to a curved wall design does slightly alter the position of the wall however combined with the change to railings it will have no material negative impact on visibility to that which has previously been approved.
82. Objectors have requested that highways officers visit their site and drive a vehicle out of the property however, the proposal has been assessed accordingly and it is not considered that a refusal reason could be sustained given up to a 1m high solid brick wall could be erected without planning permission as stated above.
83. It is also noted that several driveways along Heathways have visibility obstructed by existing hedges, vegetation or boundary features. This has been considered in line with NPPF Paragraph 116 which requires all reasonable scenarios to be taken into account.
84. As such, it is not considered that a severe impact on highway safety would occur which could be sustained at appeal.
85. There is therefore, no highway objection to the scheme and the proposal is considered acceptable in respect of policy 21 of the CDP and part 9 of the NPPF.

CONCLUSION

86. Taking all the above into consideration, it is considered that the proposed changes are an acceptable variation to the proposed scheme and would not have a significant detrimental impact on the host property or the streetscene. It is also not considered that the residential amenity of the surrounding neighbours would be significantly impacted upon.
87. The changes to the front boundary have also been assessed in respect of highway safety and are considered acceptable.
88. Whilst objections have been raised, these have been carefully considered as part of the assessment of the scheme. In this case, the concerns and objections raised do not indicate that the proposals would be in conflict with relevant policies and it is therefore not considered that they are sufficient to warrant a refusal of this application. It should also be noted that these are considered to

be working changes to an already approved scheme and the principle of the development has already been approved.

89. All relevant conditions from the original application will be carried through to this consent, should the application be granted.

Public Sector Equality Duty

90. 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.

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

RECOMMENDATION

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

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

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

2. The proposal shall be carried out in accordance with the details approved under DM/23/02912/DRC with regards to materials.

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.

3. The proposal shall be carried out in accordance with the details approved under DM/23/02912/DRC with regards to ensuring the site was suitable and safe from coal mining related surface subsidence.'

Reason: The undertaking of intrusive site investigations, prior to the commencement of development, is considered to be necessary to ensure that adequate information pertaining to ground conditions and coal mining legacy is available to enable appropriate remedial and mitigatory measures to be identified and carried out before building works commence on site. This is in order to ensure the safety and stability of the development, in

accordance with Policy 32 of the County Durham Plan and Paragraphs 178 and 179 of the National Planning Policy Framework.

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

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

6. The proposals shall be carried out in accordance with the details approved under DM/23/02912/DRC with regards to electric vehicle charging point.

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

7. The proposal shall be carried out in accordance with the details approved under DM/23/02912/DRC as detailed within the Arboricultural Impact Assessment.

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

8. The proposal shall be carried out in accordance with the details approved under DM/23/02912/DRC with regards to tree replacement.

Unless otherwise agreed by the Local Planning Authority, the replacement scheme shall be carried out within 12 months of the start of the tree felling hereby approved. These shall be planted and maintained in accordance with good practice to ensure rapid establishment- including watering in dry weather, and replaced if they fail within 5 years of initial planting, not later than the following planting season.

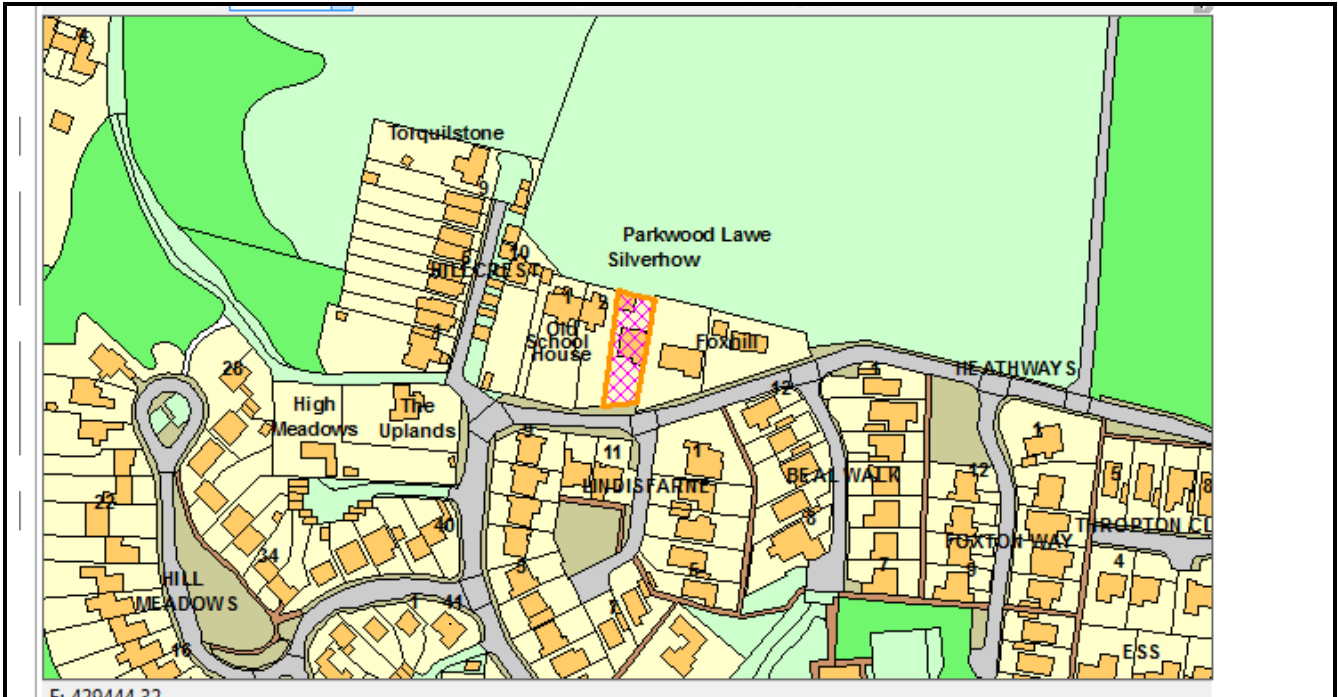
Reason: In the interests of the visual amenity of the area and to comply with Policies 29 and 40 of the County Durham Plan and Parts 12 and 15 of the National Planning Policy Framework.

9. 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 windows contained within the gable facing west towards no. 2 Old School House 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.

BACKGROUND PAPERS

Submitted Application Forms, Plans and supporting documents
National Planning Policy Framework
National Planning Practice Guidance Notes
County Durham Plan (2020)
Trees, Woodlands and Hedges SPD (2024)
Residential Amenity Standards SPD (2023)
Parking and Accessibility SPD (2023)
Statutory consultation responses
Internal consultation responses
External consultation responses



<p>Planning Services</p>	<p>Variation of condition 2 of planning application DM/22/01509/FPA to alter the design of the balcony to the rear elevation, addition of two obscurely glazed windows to side elevation, increased verge overhang, brickwork feature to front elevation, increase in number of solar panels, omission of rooflights, alter the design/position of the outbuilding within the rear garden area and addition of pedestrian gate and design changes to front boundary treatment. at Silver Howe, Heathways, High Shincliffe, Durham, DH1 2PQ Application Reference: DM/24/03401/VOC</p>
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<p>Date: April 2025</p>	<p>Scale NTS</p>

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Planning Services

COMMITTEE REPORT

APPLICATION DETAILS

APPLICATION No:	DM/25/00198/FPA
FULL APPLICATION DESCRIPTION:	Change of use from Dwelling (C3) to HMO (C4) including driveway extension, single-storey rear extension, bin store and cycle rack
NAME OF APPLICANT:	Sugar Tree Limited
ADDRESS:	38 Coopers Square Gilesgate Durham DH1 1PT
ELECTORAL DIVISION:	Belmont
CASE OFFICER:	Allan Fenwick Planning Officer Allan.Fenwick@durham.gov.uk 03000 261957

DESCRIPTION OF THE SITE AND PROPOSALS

The Site

1. The application site relates to a two-storey semi-detached property located within Coopers Square, Gilesgate which is a predominantly residential area set to the east of Durham City Centre. In closer proximity is the local centre of Dragonville Retail Park and Tesco Extra to the south-east. The property is currently in use as a three-bedroom dwellinghouse falling within Class C3 of the Town and Country Planning (Uses Classes) Order, and benefits from a driveway to the front and private garden amenity space to the rear.

The Proposal

2. The application seeks planning permission for the conversion of the existing three bedroomed C3 dwellinghouse into a four bedroomed C4 house in multiple occupation (HMO) with cycle storage provision proposed within the existing garage and bin and cycle storage proposed to the rear of the property. Also proposed is a single storey rear extension (3.2 metres by 3.1 metres with an overall height of 3.4 metres) incorporating a mono-pitched lean-to roof arrangement and constructed from material to match the host dwelling.
3. The application is reported to planning committee at the request of Belmont Parish Council which considers the applicants contention that the proposed change satisfies sustainable development, as set out in the National Planning Policy Framework is not supported by any evidence to justify the economic, social and environmental viability

of the area will be improved. The Parish Council consider that these issues are such that they require consideration by the Committee.

PLANNING HISTORY

4. No history relevant to the current application.

PLANNING POLICY

NATIONAL POLICY

National Planning Policy Framework

5. The following elements of the National Planning Policy Framework (NPPF) are considered relevant to this proposal:
6. 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.
7. 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.
8. 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.
9. 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.
10. 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.
11. 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.

12. 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.
13. 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:

14. 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

15. The following policies of the County Durham Plan (CDP) are considered relevant to this proposal:
16. 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.
17. Policy 16 (Durham University Development, Purpose Built Student Accommodation and Houses in Multiple Occupation) seeks to provides a means to consider student

accommodation and proposals for houses in multiple occupation in ensure they create inclusive places in line with the objective of creating mixed and balanced communities.

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 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
20. Policy 31 (Amenity and Pollution) sets out that development will be permitted where it can be demonstrated that there will be no unacceptable impact, either individually or cumulatively, on health, living or working conditions or the natural environment and that they can be integrated effectively with any existing business and community facilities. Development will not be permitted where inappropriate odours, noise, vibration and other sources of pollution cannot be suitably mitigated against, as well as where light pollution is not suitably minimised. Permission will not be granted for sensitive land uses near to potentially polluting development. Similarly, potentially polluting development will not be permitted near sensitive uses unless the effects can be mitigated.
21. Policy 41 (Biodiversity and Geodiversity) sets out that proposals for new development will be expected to minimise impacts on biodiversity by retaining and enhancing existing biodiversity assets and features and providing net gains for biodiversity including by establishing coherent ecological networks.
22. The Council's Residential Amenity Standards Supplementary Planning Document (RASSPD) sets out guidance for all residential development across County Durham and will form a material planning consideration in the determination of appropriate planning applications. It sets out the standards Durham County Council will require in order to achieve the Council's commitment to ensure new development enhances and complements existing areas, in line with the aims of the County Durham Plan.
23. The Council's Parking and Accessibility Standards Supplementary Planning Document (PASPD) supports Planning Policy 21 (Delivering Sustainable Transport) of the County Durham Plan and should be read in conjunction with the Councils Building for Life SPD, Residential Amenity SPD and the Highway Design Guide. The PASPD sets out guidelines for car and cycle parking that are to be applied equally across the county and for development to be situated within an accessible location.

<https://www.durham.gov.uk/media/34069/County-Durham-Plan-adopted-2020-/pdf/CountyDurhamPlanAdopted2020vDec2020.pdf?m=63742496933140000>

NEIGHBOURHOOD PLANNING POLICY

24. The application site is located within the Belmont Neighbourhood Plan area. However, the plan is not at a stage to which regard is to be had.

CONSULTATION AND PUBLICITY RESPONSES

STATUTORY RESPONSES:

25. The Highway Authority raises no objection to the application.
26. Belmont Parish Council objects to the development as they consider it will lead to the over proliferation of HMOs in a residential area of family housing which they consider is contrary to Policies 16, 21 and 31 of the County Durham Plan. They also consider the application to be contrary to National Described Space Standards (NDSS) and the Council's Parking SPD. The Parish Council also considers the proposal to be contrary to the aims of the NPPF to build a strong, competitive and responsive economy and fails to contribute to the environmental objective. They also question the need for additional student accommodation in the city.
27. The Parish also reiterate previous assertions made in response to other similar applications that the methodology contained within Policy 16 of the CDP is flawed, and note that in this instance 9.6% of properties within 100m radius are already Class N exempt from Council Tax as being wholly occupied by students.

INTERNAL CONSULTEE RESPONSES:

28. HMO Data have confirmed that the percentage of properties within the 100m radius of and including the application site that are exempt from Council Tax is 9.6% and that there are no unimplemented planning permissions within the 100m radius.
29. Environmental Health Nuisance Team advised that the information submitted demonstrates that the application complies with the thresholds stated within the TANS and notes the submission of a tenant management plan, which would indicate that the development will not lead to an adverse impact and is unlikely to cause a statutory nuisance. They raise no objection subject to inclusion of a planning condition requiring the submission, agreement and subsequent adherence to, a construction management plan and the installation of sound proofing prior to first occupation.
30. Spatial Policy Team advises that proposed development will not result in the 10% threshold being exceeded and that the property is not located on a primary access route for the purposes of CDP Policy 16.
31. Durham Constabulary Architectural Liaison Officer raised no objections but makes several suggestions in relation to design such as use of security glazing, dusk to dawn lighting.

PUBLIC RESPONSES:

32. The application was advertised by way of site notice and neighbour notification letters were sent to nearby properties. No representations have been received.

APPLICANTS STATEMENT

33. The proposals involve the change of use of an existing dwellinghouse (Use Class C3) to a 4-bedroom HMO (Use Class C4) within an area where not more than 10% of properties within a 100m radius are Class N exempt. The proposed development will deliver high quality HMO accommodation operated by one of the largest student landlords in the City to meet the needs of students seeking such forms of accommodation. The proposed HMO would deliver safe and secure accommodation that meets the standards of the well-established accreditation scheme supporting the provision of a range of high quality student accommodation options to meet the needs of the student population, which makes a significant contribution to the City.
34. The application submission also clearly demonstrates that the proposals would not undermine the character of the area and that the proposed HMO would not give rise to unacceptable impacts in terms of residential amenity or highway safety, with no objections raised by consultees on such matters.
35. The proposals therefore represent an entirely acceptable form of development in this location that would fully accord with the adopted Development Plan in force for the area.

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>

PLANNING CONSIDERATIONS AND ASSESSMENT

36. As identified in Section 38(6) of the Planning and Compulsory Purchase Act 2004 the key consideration in the determination of a planning application is the development plan. Applications should be determined in accordance with the development plan unless material considerations indicate otherwise. In assessing the proposals against the requirements of the relevant planning guidance and development plan policies and having regard to all material planning considerations it is considered that the main planning issues in this instance relate to the principle of development, impact on the character and appearance of the area, impact on residential amenity and community balance/social cohesion, impact on highway safety and ecology.

Principle of the Development

37. The General Permitted Development Order 2015 (GPDO) permits the change of use from C3 (dwellinghouses) to uses within C4 (houses in multiple occupation - HMOs) without requiring express planning permission. A small HMO is where between three and six unrelated individuals live together in a property considered to be their only or main residence and who share basic amenities such as a kitchen or bathroom. The proposed floor plans submitted with the application indicate that the scheme is such that the development would normally benefit from the provisions contained within the GPDO. However, an Article 4 Direction is now in force which withdraws permitted development rights for change of use from C3 to C4, therefore an express planning permission is required.
38. Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The NPPF is a material planning consideration. The County Durham Plan (CDP) is the statutory development plan and the starting point for determining applications as set out in the Planning Act and reinforced at Paragraph 12 of the

NPPF. The CDP was adopted in October 2020 and provides the policy framework for the County up until 2035.

39. The proposal relates to the change of use from a 3-bedroom dwellinghouse (Use Class C3) to a 4-bed HMO (Use Class C4). Other works involve the erection of a single storey rear extension to facilitate the reconfiguration of the downstairs to provide a fourth bedroom and other internal alterations, and the creation of bin and cycle storage. The dwellings current layout is broadly traditional with 3-bedrooms to the first floor with kitchen/dining room, lounge and hall to the ground floor.
40. 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.
41. The site is within the built-up area of Gilesgate and occupies a broadly sustainable location and as such the principle of development can draw support from CDP Policy 6, subject to compliance with the criteria listed. In relation to criteria a) and b), it is considered that the conversion of the building into a small HMO in this location would be compatible with adjoining residential uses and would not be prejudicial to any existing or permitted adjacent uses, subject to detailed consideration of the impact of the development on residential amenity, which is assessed in more detail elsewhere in this report. The development would not lead to the coalescence of settlements and there are no concerns that the proposal would lead to inappropriate ribbon development, nor that it would be considered inappropriate backland development.
42. The development would not result in a loss of open land that has any recreational, ecological or heritage value (criterion c) and the site is noted as being within a sustainable location, within Gilesgate on the outskirts of Durham City Centre where there is a wide range of facilities and access to sustainable modes of transport (criterion f). The site would not result in the loss of a settlement's or neighbourhood's valued facility or service (criterion g) given that the site relates to a detached

dwellinghouse, and therefore the development makes best use of previously developed land (criterion i). The requirements of criterion d, e, h of Policy 6 are considered elsewhere within this report. It is not considered that criterion j is appropriate in relation to this proposal.

43. The development to change the use of a dwellinghouse (C3) into a small HMO (C4) sited in a sustainable location would therefore be considered to comply with Policy 6 of the CDP and the principle of development can draw some support from Policy 6 in this regard.

44. In addition to Policy 6, Part 3 of CDP Policy 16 is also relevant which relates to houses in multiple occupation. The policy states that in order to promote, create and preserve inclusive, mixed and balanced communities and to protect residential amenity, applications for new build Houses in Multiple Occupation (both Use Class C4 and sui generis), extensions that result in specified or potential additional bedspaces and changes of use from any use to a House in Multiple Occupation in Class C4 or a sui generis use (more than six people sharing) will not be permitted if:

- a. including the proposed development, more than 10% of the total number of residential units within 100 metres of the application site are exempt from council tax charges (Class N Student Exemption);*
- b. there are existing unimplemented permissions for Houses in Multiple Occupation within 100 metres of the application site, which in combination with the existing number of Class N Student exempt units would exceed 10% of the total properties within the 100 metres area; or*
- c. less than 10% of the total residential units within the 100 metres are exempt from council tax charges (Class N) but, the application site is in a residential area and on a street that is a primary access route between Purpose Built Student Accommodation and the town centre or a university campus.*

In all cases applications for new build Houses in Multiple Occupation, change of use to Houses in Multiple Occupation or a proposal to extend an existing House in Multiple Occupation to accommodate additional bed space(s) will only be permitted where:

- d. the quantity of cycle and car parking provided has regard to the council's adopted Parking and Accessibility Supplementary Planning Document (SPD);*
- e. they provide acceptable arrangements for bin storage and other shared facilities and consider other amenity issues;*
- f. the design of the building or any extension would be appropriate in terms of the property itself and the character of the area; and*
- g. the applicant has shown that the security of the building and its occupants has been considered, along with that of neighbouring local residents.*

New build Houses in Multiple Occupation, extensions that result in specified or potential additional bedspaces or a change of use to a House in Multiple Occupation would not be resisted in the following circumstance:

- h. where an area already has a concentration in excess of 90% of council tax exempt properties (Class N), that this is having an unreasonable impact on current occupiers and that the conversion of remaining C3 dwellings will not cause further detrimental harm to the residential amenity of surrounding occupants; or*
- i. where an existing high proportion of residential properties within the 100 metres are exempt from council tax charges (Class N), on the basis that commercial uses are predominant within the 100 metre area.*

45. It is noted that objection has been received from Belmont Parish Council raising concerns that approving this application would lead to the over proliferation of HMOs in a residential area of family housing which they consider is contrary to Policies 16, 21 and 31 of the County Durham Plan. In addition, concerns have also been raised regarding how the HMO data is collected and the methodology used in CDP Policy 16, Part 3. With regard to the latter, it is noted that the policy and the methodology contained within CDP Policy 16 was considered sufficiently accurate and robust during the examination in public of the CDP in 2020. The Council has successfully defended several appeals against refusal of similar changes of use where these were in clear conflict with this policy. Furthermore, Planning Inspectors, have assessed the appeals against the CDP and have not disputed the methodology behind Policy 16.
46. The most recent up to date Council Tax information identifies that if planning permission was granted for the change of use of the dwellinghouse into a small HMO within 100 metre radius of and including 38 Coopers Square, 9.6% of properties would be Class N exempt student properties as defined by Council Tax records. There are no unimplemented consents or applications pending determination within 100m radius of the application site. As such the proposal would comply with criteria 'a' and 'b' in this respect. In terms of criterion 'c', the application site is within a residential area but is not on a street that could be considered a primary access route between Purpose Built Student Accommodation and the town centre, or a university campus, and therefore the development would comply with CDP Policy 16 in this respect.
47. As this concentration of Class N Student Exempt properties would be below the 10% threshold stated in the CDP, the development would comply with Policy 16, Part 3, criteria a) and b) (criterion c) not being relevant) and as such is acceptable in principle, subject to further consideration of the proposal against other criteria on CDP Policy 16, Part 3 and the impact of the proposal upon residential amenity, highway safety and ecology.
48. The Parish Council cite the fact that the application fails to demonstrate need for accommodation of this type in this location in objection, and that there is a surplus of student accommodation within Durham City with a high volume of HMOs being currently vacant. However, whilst Part 2 of CDP Policy 16 requires need for additional PBSA accommodation to be demonstrated (along with a number of other requirements) this is not a requirement of Part 3 of CDP Policy 16, and it is this part of CDP Policy 16 against which the application must be assessed. As already noted, it is considered that the proposal would accord with the requirements set out in Part 3 of CDP Policy 16. The lack of any specific information with regards to need can therefore be afforded no weight in the determination of this application and would not outweigh compliance with CDP Policy 16, Part 3. In relation to need, it is recognised that market forces will, in the main, deliver the level of student accommodation required without resulting in a significant oversupply of accommodation, particularly in relation to HMOs which in most cases if not occupied as such, can be occupied again as family homes with limited internal reconfiguration.
49. Paragraph 63 of the NPPF states that the size, type and tenure of housing needed for different groups in the community should be assessed and reflected in planning policies (including, but not limited to, those who require affordable housing, families with children, older people, students, people with disabilities, service families, travellers, people who rent their homes and people wishing to commission or build their own homes). Given no more than 10% of properties within 100m radius of the application site are Class N exempt, this would remain the case post development, should permission for the current change of use be granted the aims of NPPF Paragraph 63 would be met.

50. The Parish Council also object to the application on the grounds that the development would have an adverse impact upon social cohesion and unbalance the community to the extent that there would be an over proliferation of this type of accommodation in the locality forcing families out of residential areas. Paragraph 63 of the NPPF considers the need to create mixed and balanced communities and this is reflected in the requirements of Part 3 of Policy 16 which seeks to strike an appropriate balance through the threshold of no more than 10% of properties being in HMO use. As already noted above, in light of the low level of Class N exempt properties within 100m radius of the site at present, it is not considered that this proposal would be contrary to the NPPF or CDP in this regard. Whilst it is noted that tenants would likely change on a yearly basis this is unlikely to have any adverse impact capable of sustaining refusal of the planning application
51. Taking account of the above, it is considered that the principal of development is acceptable, and the proposal would accord with the requirements of Policy 16 of the CDP and Paragraph 63 of the NPPF in this regard.

Impact on residential amenity

52. Paragraph 135 of the NPPF requires planning decisions to 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 135 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.
53. In this instance the application site is a semi-detached property located within a residential area and as such the nearest residential property attached to the west with other residential properties framing the site to all sides.
54. The development would fall within the thresholds associated with Council's Technical Advice Notes (TANS) relating to noise. Although the use is not a change of use to a more sensitive receptor, the source of noise could be greater from the HMO use than a single dwelling. This is due to the increase in household numbers and activity in terms of comings and goings at the property. The demographic that uses this type of accommodation are often associated with greater use of the night-time economy and as such an increased level of night-time noise may occur. However, this is anecdotal, as the potential for impact is associated with the personal habits of the individuals residing there and as such, might differ greatly and recent appeal decisions have established that it is unreasonable to assume that all students conduct themselves in a less than responsible manner.
55. The application site is located within a residential area. The impact of the development upon residential amenity is a material consideration in determination of the application. In most cases, it is held that changes of use from C3 dwellinghouses to HMO use can be adequately mitigated to be within acceptable levels subject to planning conditions where there is no over proliferation of C4 uses. Where an HMO is proposed within a

residential area with an existing high proliferation of HMO accommodation, the cumulative impact of an additional HMO in this context has been considered to have a detrimental impact upon residential amenity from increase in noise and disturbance sufficient to sustain refusal of planning permission. The LPA has refused several previous planning applications in this regard and proved successful in defending those at appeal. However, in this instance it is noted that there is no identified over proliferation of existing HMOs within 100 metres of the application site, and as such it is not considered that the introduction of a single additional HMO in this location would result in a level of cumulative impact that would be detrimental to residential amenity.

56. Notwithstanding the above, the applicant has submitted a 'Student Management Plan' in support of the application which states that the property would be maintained by the applicant, which details matters around safety, noise, anti-social behaviour and penalties should any of these be breached. It should be noted that the Council's Environmental Health Noise Action Team raised no objection to the application which included the submission of the 'Student Management Plan'. Therefore, subject to the inclusion of a planning condition requiring the property be occupied in full accordance with the submitted management plan, the development is considered to accord with the requirements of Policies 16 and 31 of the CDP.
57. The house is semi-detached and as such the applicant is proposing the introduction of sound proofing to the first floor party wall and the ground floor party wall to the proposed 4th bedroom. Subject to the installation of sound proofing prior to first occupation of the C4 use, as shown on the submitted plans to be secured via planning condition, there would not be any unacceptable transfer of noise to neighbouring properties. The Council's EHO Noise Action Team makes no objection to the application in this regard.
58. The property includes adequate external space to accommodate sufficient cycle and bin storage located within the garden and therefore accords with criterion e) of Part 3 to Policy 16. In addition, it is considered there is sufficient external amenity space to serve the inhabitants in accordance with Policy 16 of the CDP.
59. In relation to internal space, 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 developments coming forward.
60. It is noted that the current application relates to a change of use to a property already in residential use and as such would not result in any net increase in the number of residential units. Consequently, the rigid application of these standards is not considered appropriate. Nevertheless, it remains that the NDSS is a relevant measurement against which to assess the suitability of internal space provided within all residential development in the context of Policy 29(e) of the CDP which requires new development to provide high standards of amenity and privacy.
61. It is noted that the proposal is considered to provide an acceptable amount of internal space in accordance with Policy 29(e) of the CDP. Whilst objection from the Parish Council has raised concern that the proposal would not meet minimum standards all bedrooms would achieve a minimum space greater than 7.5sqm and as such be compliant with NDSS.

62. With regard to the total overall internal space provided across the dwelling as a whole it is noted that the NDSS does not provide guidance specifically relating to 4 bedspace, 4 person dwellings. However, it does include standards in relation to 4 bedspace 5 person dwellings and it is noted that this requires an overall area of no less than 97sq metres. Whilst the amount of internal delivered through the current proposal falls below this, it is noted that this relates to a 5 person dwelling rather than 4 (as proposed) and that the rigid application of NDSS is not considered appropriate for the reasons outlined above.
63. Therefore, overall, the proposal is considered to comply with Policy 29(e) of the CDP in that it provides a suitable amount of internal and external amenity space to meet the needs of future occupiers and deliver a suitable quality of development in relation to Policy 29(e) and Policy 16 Part 3 of the CDP and Paragraph 135 of the NPPF.

Impact on the character and appearance of the area

64. Paragraph 131 of the NPPF advises that the creation of high quality, beautiful and sustainable 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. Policy 29 of the CDP requires development to contribute positively to an area's character, identity, heritage significance, townscape and landscape features, helping to create and reinforce locally distinctive and sustainable communities.
65. Objection from Belmont Parish Council has raised concern that HMOs have a negative impact on the residential housing estate, due to them not being adequately maintained and that students are short term occupiers with no stake in local community. Further concerns are raised that the general appearance of the property would deteriorate as a consequence of the proposed use, there is no evidence that this would occur, and the applicant has reiterated that the property would be appropriately maintained. There are also separate planning powers available to address untidy land and buildings should such issues arise.
66. Whilst single storey extension is proposed to the property this would be located to the rear and as such would not be visible in the wider locality and would, in any event, appear subservient to the host building and constructed from materials to match. Consequently, the proposed development would fit with the character and appearance of the area and would not have a detrimental impact on the appearance of the wider streetscene in accordance with Policy 29 of the CDP and Part 12 of the NPPF.

Highway Safety and Access

67. Policy 16.3 of the CDP requires new HMOs to provide adequate parking and access and CDP Policy 21 states that new development should ensure that any vehicular traffic generated can be safely accommodated on the local and strategic highway network. This displays broad accord with Paragraph 114 of the NPPF which requires new development to provide safe and suitable access to the site.
68. The application proposes the change of use to a 4 bedroom property which would require a minimum of 3 in curtilage parking spaces which the applicant proposes to deliver through extending the existing drive to create one additional space, providing 3 in total. The Highway Authority offers no objection to the application and does not consider there would be any adverse impact in terms of highway safety as a result of the proposals.

69. It is not considered that there would be any unacceptable increase in demand for on street parking or any subsequent vehicle displacement that would adversely impact upon highway safety.
70. Cycle storage is shown on the proposed cycle and bin storage layout plan as being within the rear garden which is considered acceptable.
71. Therefore, 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 accord with the aims of CDP Policies 16 Part 3 and CDP Policy 21 and Paragraph 114 of the NPPF.

Ecology

72. NPPF Paragraph 186 d) advises that opportunities to improve biodiversity in and around developments should be integrated as part of their design, especially where this can secure measurable net gains for biodiversity or enhance public access to nature where this is appropriate. In line with this, CDP Policy 41 seeks to secure net gains for biodiversity and coherent ecological networks. Part 15 of the NPPF seeks to ensure that developments protect and mitigate harm to biodiversity interests, and where possible, improve them.
73. The application was submitted after the 12th of February 2024, the date on which the requirements of the Environment Act 2021, as inserted into Schedule 7A of the Town and Country Planning Act 1990, came into force. However, it is noted that there are a number of exemptions which if applicable, can remove a development from the legal requirement to deliver a minimum of 10% net biodiversity gain through the development. The Environment Act 2021 includes exemptions for permitted development which includes development which does not impact on any onsite property habitat and where there is an impact this must be less than 25 square metres of onsite habitat.
74. The development relates to a dwellinghouse and as such falls within the exemption listed above and as such the development is considered to be exempt from requirement to deliver 10% net increase in biodiversity net gain. The development therefore accords with the aims of Policy 41 of the CDP, Part 15 of the NPPF and Schedule 7A of the Town and Country Planning Act 1990.

CONCLUSION

75. In summary, it is considered that the principle of development is acceptable and would accord with the aims of Policies 6 and 16 of the CDP subject to appropriate planning conditions described within the report and listed below.
76. When assessed against other policies of the County Durham Plan relevant to the application, it is considered that the introduction of a small HMO in this location would not unacceptably imbalance the existing community towards one dominated by HMOs, nor would it result in an unacceptable impact upon the amenity of existing or future residents through cumulative impact from an over proliferation of HMOs, highway safety or ecology (including biodiversity net gain) in accordance with Policies 6, 16, 21, 29, 31 and 41 of the County Durham Plan and Parts 9, 12 and 15 of the NPPF.

Public Sector Equality Duty

77. 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.
78. In this instance, officers have assessed all relevant factors and do not consider that there are any equality impacts identified.

RECOMMENDATION

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

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

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

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

Reason: To define the consent and ensure that a satisfactory form of development is obtained in accordance with Policies 6, 16, 21, 29 and 31 of the County Durham Plan and Parts 2, 4, 8, 9, 12 and 15 of the National Planning Policy Framework.

3. The change of use to a Small HMO falling within use class C4 hereby approved, shall be carried out in full accordance with the requirements of the 'Student Management Plan' received by the Local Planning Authority on 24 January 2025.

Reason: In the interest of the amenities of the area in accordance with Policies 16, 29 and 31 of the County Durham Plan and Parts 12 and 15 of the National Planning Policy Framework

4. The small HMO hereby approved shall be occupied by no more than a maximum of 4 permanent tenants at any one time.

Reason: To protect residential amenity in accordance with the requirements of Policies 29 and 31 of the County Durham Plan

5. The property shall not be occupied until such time as the sound proofing shown on Drawing No. 1303 03 entitled 'PROPOSED Floor Plans & Elevations' have been fully installed. Thereafter the measures shall be retained in situ at all times for as long as the property is occupied as a Small HMO.

Reason: In the interest of the amenities of the area in accordance with Policies 16, 29 and 31 of the County Durham Plan and Parts 12 and 15 of the National Planning Policy Framework

6. The driveway and cycle storage as shown on Drawing No. 1303-04 REV A entitled 'Existing and Proposed Site Plans', received by the Local Planning Authority on 19 March 2025, shall be constructed and available for use prior to first occupation of the property as a small HMO (Use Class C4) hereby approved and shall thereafter be retained for use at all times whilst the property is occupied as a small HMO.

Reason: To promote sustainable modes of transport in accordance with policies 6 and 16 of the County Durham Plan and Part 9 of the National Planning Policy Framework.

ADDITIONAL MATTERS

STATEMENT OF PROACTIVE ENGAGEMENT

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

BACKGROUND PAPERS

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

Statutory, internal, and public consultation responses

The National Planning Policy Framework (2023)

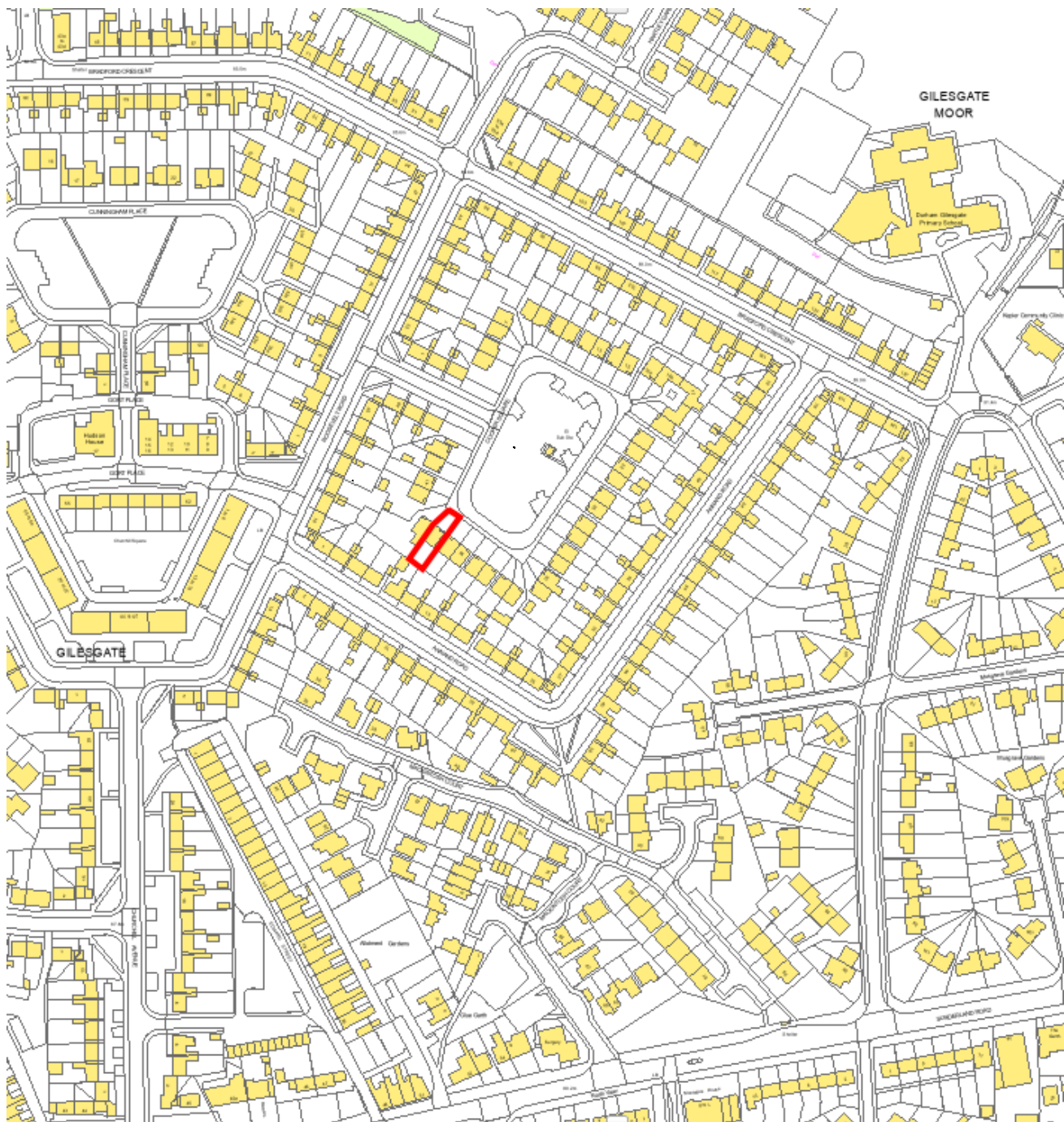
Technical housing standards – nationally described space standard (2015)

National Planning Practice Guidance Notes

County Durham Plan (2020)

Durham County Council Residential Amenity Standards SPD (2022)

Durham County Council Parking and Accessibility SPD (2023)



Planning Services

DM/24/01875/FPA Change of use from dwellinghouse (C3) to house in multiple occupation (HMO) (C4), bin and cycle storage at 38 Cooper Square, Gilesgate, Durham DH1 1PT

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08/04/2025

NTS

Planning Services

COMMITTEE REPORT

APPLICATION DETAILS

APPLICATION NO:	DM/25/00159/FPA
FULL APPLICATION DESCRIPTION:	Change of use from dwellinghouse (Use Class C3) to a small house in multiple occupation HMO (Use Class C4) including extension of driveway, cycle parking and bin storage
NAME OF APPLICANT:	Sugar Tree Limited
ADDRESS:	38 Goodyear Crescent Sherburn Road Estate Durham DH1 2EB
ELECTORAL DIVISION:	Belmont
CASE OFFICER:	Kelly Scott Planning Officer Kelly.scott@durham.gov.uk 03000 261958

DESCRIPTION OF THE SITE AND PROPOSALS

The Site

1. The application site relates to a two-storey semi-detached property located within Goodyear Crescent, Gilesgate which is a predominantly residential area set to the east of Durham City Centre. In closer proximity is the local centre of Dragonville Retail Park and Tesco Extra to the north of the site. The property is currently in use as a three-bedroom dwellinghouse falling within Class C3 of the Town and Country Planning (Uses Classes) Order, and benefits from a driveway to the front and private garden amenity space to the rear.

The Proposal

2. The application seeks planning permission for the conversion of a three bedroomed C3 dwellinghouse into a five bedroomed C4 house in multiple occupation (Small HMO) with bin and cycle storage provision proposed to the rear of the property including the extension of the existing driveway to the front to provide 3no. off road parking spaces.
3. The application is reported to planning committee at the request of Belmont Parish Council which considers the applicants contention that the proposed change satisfies sustainable development, as set out in the National Planning Policy Framework is not supported by any evidence to justify the economic, social and environmental viability of the area will be improved. The Parish Council consider that these issues are such that they require consideration by the Committee.

PLANNING HISTORY

4. No history relevant to the current application.

PLANNING POLICY

NATIONAL POLICY

National Planning Policy Framework

5. The following elements of the National Planning Policy Framework (NPPF) are considered relevant to this proposal:
6. 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.
7. 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.
8. 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.
9. 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.
10. 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.

11. 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.
12. 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.
13. 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:

14. 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

15. The following policies of the County Durham Plan (CDP) are considered relevant to this proposal:
16. 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.

17. Policy 16 (Durham University Development, Purpose Built Student Accommodation and Houses in Multiple Occupation) seeks to provide a means to consider student accommodation and proposals for houses in multiple occupation to ensure they create inclusive places in line with the objective of creating mixed and balanced communities.
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 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
20. Policy 31 (Amenity and Pollution) sets out that development will be permitted where it can be demonstrated that there will be no unacceptable impact, either individually or cumulatively, on health, living or working conditions or the natural environment and that they can be integrated effectively with any existing business and community facilities. Development will not be permitted where inappropriate odours, noise, vibration and other sources of pollution cannot be suitably mitigated against, as well as where light pollution is not suitably minimised. Permission will not be granted for sensitive land uses near to potentially polluting development. Similarly, potentially polluting development will not be permitted near sensitive uses unless the effects can be mitigated.
21. Policy 41 (Biodiversity and Geodiversity) sets out that proposals for new development will be expected to minimise impacts on biodiversity by retaining and enhancing existing biodiversity assets and features and providing net gains for biodiversity including by establishing coherent ecological networks.
22. The Council's Residential Amenity Standards Supplementary Planning Document (RASSPD) sets out guidance for all residential development across County Durham and will form a material planning consideration in the determination of appropriate planning applications. It sets out the standards Durham County Council will require in order to achieve the Council's commitment to ensure new development enhances and complements existing areas, in line with the aims of the County Durham Plan.
23. The Council's Parking and Accessibility Standards Supplementary Planning Document (PASPD) supports Planning Policy 21 (Delivering Sustainable Transport) of the County Durham Plan and should be read in conjunction with the Councils Building for Life SPD, Residential Amenity SPD and the Highway Design Guide. The PASPD sets out guidelines for car and cycle parking that are to be applied equally across the county and for development to be situated within an accessible location.

NEIGHBOURHOOD PLANNING POLICY

24. The application site is located within the Belmont Neighbourhood Plan area. However, the plan is not at a stage to which regard is to be had.

CONSULTATION AND PUBLICITY RESPONSES

STATUTORY RESPONSES:

25. The Highway Authority raises no objection to the application as the development is compliant with the 2023 Parking and Accessibility SPD. To provide extra spaces, amended dropped vehicular crossing would be required.
26. Belmont Parish Council objects to the proposed change of use as they consider it will lead to the over proliferation of HMOs in a residential area of family housing which they consider is contrary to Policies 16, 21 and 31 of the County Durham Plan. They also consider the application to be contrary to National Described Space Standards (NDSS) and the Council's Parking SPD. The Parish Council also considers the proposal to be contrary to the aims of the NPPF to build a strong, competitive and responsive economy and fails to contribute to the environmental objective. They also question the need for additional student accommodation in the city.
27. The Parish also question the methodology contained within Policy 16 of the CDP and note that in this instance 10% of properties within 100m radius are already Class N exempt from Council Tax as being wholly occupied by students.

INTERNAL CONSULTEE RESPONSES:

28. HMO Data have confirmed that the percentage of properties within the 100m radius of and including the application site that are exempt from Council Tax is 10% and that there are no unimplemented consents within the 100m radius.
29. Environmental Health Nuisance Team advised that the information submitted demonstrates that the application complies with the thresholds stated within the TANS, which would indicate that the development will not lead to an adverse impact and is unlikely to cause a statutory nuisance.

PUBLIC RESPONSES:

30. The application was advertised by way of site notice and neighbour notification letters were sent to nearby properties. There have been two letters of objection received in relation to the application, including from the City of Durham Trust.
31. These are summarised under the relevant headings below:

Objections

- Parking and highway safety concerns
- Impact Residential amenity from increased noise and disturbance
- Failure to comply with the NDSS
- Loss of family homes
- Impact upon Visual Amenity

ELECTED MEMBERS:

32. Councillor Christine Fletcher – objects to the application on the grounds of breaches to minimum space standards and parking and highway safety.

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>

APPLICANTS STATEMENT:

33. The proposals involve the change of use of an existing dwellinghouse (Use Class C3) to a 5-bedroom HMO (Use Class C4) within an area where not more than 10% of properties within a 100m radius are Class N exempt. The proposed development will deliver high quality HMO accommodation operated by one of the largest student landlords in the City to meet the needs of students seeking such forms of accommodation. The proposed HMO would deliver safe and secure accommodation that meets the standards of the well-established accreditation scheme supporting the provision of a range of high quality student accommodation options to meet the needs of the student population, which makes a significant contribution to the City.
34. The application submission also clearly demonstrates that the proposals would not undermine the character of the area and that the proposed HMO would not give rise to unacceptable impacts in terms of residential amenity or highway safety, with no objections raised by consultees on such matters.
35. The proposals therefore represent an entirely acceptable form of development in this location that would fully accord with the adopted Development Plan in force for the area.

PLANNING CONSIDERATIONS AND ASSESSMENT

36. As identified in Section 38(6) of the Planning and Compulsory Purchase Act 2004 the key consideration in the determination of a planning application is the development plan. Applications should be determined in accordance with the development plan unless material considerations indicate otherwise. In assessing the proposals against the requirements of the relevant planning guidance and development plan policies and having regard to all material planning considerations it is considered that the main planning issues in this instance relate to the principle of development, impact on the character and appearance of the area, impact on residential amenity and community balance/social cohesion, impact on highway safety and ecology.

Principle of the Development

37. The General Permitted Development Order 2015 (GPDO) permits the change of use from C3 (dwellinghouses) to uses within C4 (houses in multiple occupation – Small HMOs) without requiring express planning permission. A small HMO is where between three and six unrelated individuals live together in a property considered to be their only or main residence and who share basic amenities such as a kitchen or bathroom. The proposed floor plans submitted with the application indicate that the scheme is such that the development would normally benefit from the provisions contained within the GPDO. However, an Article 4 direction is now in force which withdraws permitted development rights for change of use from C3 to C4, therefore an express planning permission is required.

38. Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The NPPF is a material planning consideration. The County Durham Plan (CDP) is the statutory development plan and the starting point for determining applications as set out in the Planning Act and reinforced at Paragraph 12 of the NPPF. The CDP was adopted in October 2020 and provides the policy framework for the County up until 2035
39. The proposal relates to the change of use from a 3-bedroom dwellinghouse (Use Class C3) to a 5-bed HMO (Use Class C4). Other works involve the reconfiguration of the downstairs to provide a fourth and fifth bedroom, creation of additional WC at first floor and other internal alterations, and the creation of bin and cycle storage. The dwellings current layout is broadly traditional with 3-bedrooms to the first floor with kitchen/dining room, lounge and hall to the ground floor.
40. 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.
41. The site is within the built-up area of Gilesgate and occupies a broadly sustainable location and as such the principle of development can draw support from CDP Policy 6, subject to compliance with the criteria listed. In relation to criterion a) and b), it is considered that the conversion of the building into a small HMO in this location would be compatible with adjoining residential uses and would not be prejudicial to any existing or permitted adjacent uses, subject to detailed consideration of the impact of the development on residential amenity, which is assessed in more detail elsewhere in this report. The development would not lead to the coalescence of settlements and there are no concerns that the proposal would lead to inappropriate ribbon development, nor that it would be considered inappropriate backland development.

42. The development would not result in a loss of open land that has any recreational, ecological or heritage value (criterion c) and the site is noted as being within a sustainable location, within Gilesgate on the outskirts of Durham City Centre where there is a wide range of facilities and access to sustainable modes of transport (criterion f). The site would not result in the loss of a settlement's or neighbourhood's valued facility or service (criterion g) given that the site relates to a semi-detached dwellinghouse, and therefore the development makes best use of previously developed land (criterion i). The requirements of criteria d, e, h of policy 6 are considered elsewhere within this report. It is not considered that criteria j is appropriate in relation to this proposal.
43. The development to change the use of a dwellinghouse (C3) into a small HMO (C4) sited in a sustainable location would therefore be considered to comply with Policy 6 of the CDP and the principle of development can draw some support from Policy 6 in this regard.
44. In addition to Policy 6, Part 3 of CDP Policy 16 is also relevant which relates to houses in multiple occupation. The policy states that in order to promote, create and preserve inclusive, mixed and balanced communities and to protect residential amenity, applications for new build Houses in Multiple Occupation (both Use Class C4 and sui generis), extensions that result in specified or potential additional bedspaces and changes of use from any use to a House in Multiple Occupation in Class C4 or a sui generis use (more than six people sharing) will not be permitted if:
- a. *including the proposed development, more than 10% of the total number of residential units within 100 metres of the application site are exempt from council tax charges (Class N Student Exemption);*
 - b. *there are existing unimplemented permissions for Houses in Multiple Occupation within 100 metres of the application site, which in combination with the existing number of Class N Student exempt units would exceed 10% of the total properties within the 100 metres area; or*
 - c. *less than 10% of the total residential units within the 100 metres are exempt from council tax charges (Class N) but, the application site is in a residential area and on a street that is a primary access route between Purpose Built Student Accommodation and the town centre or a university campus.*

In all cases applications for new build Houses in Multiple Occupation, change of use to Houses in Multiple Occupation or a proposal to extend an existing House in Multiple Occupation to accommodate additional bed space(s) will only be permitted where:

- d. *the quantity of cycle and car parking provided has regard to the council's adopted Parking and Accessibility Supplementary Planning Document (SPD);*
- e. *they provide acceptable arrangements for bin storage and other shared facilities and consider other amenity issues;*
- f. *the design of the building or any extension would be appropriate in terms of the property itself and the character of the area; and*
- g. *the applicant has shown that the security of the building and its occupants has been considered, along with that of neighbouring local residents.*

New build Houses in Multiple Occupation, extensions that result in specified or potential additional bedspaces or a change of use to a House in Multiple Occupation would not be resisted in the following circumstance:

- h. *where an area already has a concentration in excess of 90% of council tax exempt properties (Class N), that this is having an unreasonable impact on current occupiers and that the conversion of remaining C3 dwellings will not*

cause further detrimental harm to the residential amenity of surrounding occupants; or

- i. where an existing high proportion of residential properties within the 100 metres are exempt from council tax charges (Class N), on the basis that commercial uses are predominant within the 100 metre area.*

45. It is noted that objection has been received from Belmont Parish Council raising concerns that approving this application would lead to the over proliferation of HMOs in a residential area of family housing which they consider is contrary to Policies 16, 21 and 31 of the County Durham Plan. In addition, concerns have also been raised regarding how the HMO data is collected and the methodology used in CDP Policy 16, Part 3 of the CDP. With regard to the latter, it is noted that the policy and the methodology contained within CDP Policy 16 was considered sufficiently accurate and robust during the examination in public of the CDP in 2020. The Council has successfully defended several appeals against refusal of similar changes of use where these were in clear conflict with this policy. Furthermore, Planning Inspectors, have assessed the appeals against the CDP and have not disputed the methodology behind Policy 16.
46. The most recent up to date Council Tax information identifies that if planning permission was granted for the change of use of the dwellinghouse into a small HMO within 100 metre radius of and including 38 Goodyear Crescent, 10% of properties would be Class N exempt student properties as defined by Council Tax records. There are no unimplemented consents or applications pending determination within 100m radius of the application site. As such the proposal would comply with criterion 'a' and 'b' in this respect. In terms of criterion 'c', the application site is within a residential area but is not on a street that could be considered a primary access route between Purpose Built Student Accommodation and the town centre, or a university campus, and therefore the development would comply with CDP Policy 16 in this respect.
47. As this concentration of Class N Student Exempt properties will not result in the 10% threshold being exceeded as stated in the CDP, the development would comply with policy 16, Part 3, criterion a) and b) (criterion c) not being relevant) and as such is acceptable in principle, subject to further consideration of the proposal against other criteria on CDP Policy 16, Part 3 and the impact of the proposal upon residential amenity, highway safety and ecology.
48. The Parish Council refer to the fact that the application fails to demonstrate need for accommodation of this type in this location in objection, and that there is a surplus of student accommodation within Durham City with a high volume of HMOs being currently vacant. However, whilst Part 2 of policy 16 requires need for additional PBSA accommodation to be demonstrated (along with a number of other requirements) this is not a requirement of Part 3 of CDP Policy 16, and it is this part of Policy 16 against which the application must be assessed. As already noted, it is considered that the proposal would accord with the requirements set out in Part 3 of CDP Policy 16. The lack of any specific information with regards to need can therefore be afforded no weight in the determination of this application and would not outweigh compliance with CDP Policy 16, Part 3. In relation to need, it is recognised that market forces will, in the main, deliver the level of student accommodation required without resulting in a significant oversupply of accommodation, particularly in relation to HMOs which in most cases if not occupied as such, can be occupied again as family homes with limited internal reconfiguration.
49. Paragraph 63 of the NPPF states that the size, type and tenure of housing needed for different groups in the community should be assessed and reflected in planning policies (including, but not limited to, those who require affordable housing, families

with children, older people, students, people with disabilities, service families, travellers, people who rent their homes and people wishing to commission or build their own homes). Given no more than 10% of properties within 100m radius of the application site are Class N exempt, this would remain the case post development, should permission for the current change of use be granted the aims of NPPF Paragraph 63 would be met.

50. The Parish Council also object to the application on the grounds that the development would have an adverse impact upon social cohesion and unbalance the community to the extent that there would be an over proliferation of this type of accommodation in the locality forcing families out of residential areas. Paragraph 63 of the NPPF considers the need to create mixed and balanced communities and this is reflected in the requirements of Part 3 of CDP Policy 16 which seeks to strike an appropriate balance through the threshold of no more than 10% of properties being in HMO use. As already noted above, in light of the low level of Class N exempt properties within 100m radius of the site at present, it is not considered that this proposal would be contrary to the NPPF or CDP in this regard. Whilst it is noted that tenants would likely change on a yearly basis this is unlikely to have any adverse impact capable of sustaining refusal of the planning application
51. Taking account of the above, it is considered that the principal of development is acceptable, and the proposal would accord with the requirements of Policy 16 of the CDP and Paragraph 63 of the NPPF in this regard.

Impact on residential amenity

52. Paragraph 135 of the NPPF requires planning decisions to 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 135 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.
53. In this instance the application site is a semi-detached property located within a residential area and as such the nearest residential property attached to the north-west with other residential properties located to the east and west, with Dragonville Retail Park situated directly north of the site.
54. The development would fall within the thresholds associated with Council's Technical Advice Notes (TANS) relating to noise. Although the use is not a change of use to a more sensitive receptor, the source of noise could be greater from the HMO use than a single dwelling. This is due to the increase in household numbers and activity in terms of comings and goings at the property. The demographic that uses this type of accommodation are often associated with greater use of the night-time economy and as such an increased level of night-time noise may occur. However, this is anecdotal, as the potential for impact is associated with the personal habits of the individuals residing there and as such, might differ greatly and recent appeal decisions have

established that it is unreasonable to assume that all students conduct themselves in a less than responsible manner.

55. The application site is located within a residential area. The impact of the development upon residential amenity is a material consideration in determination of the application. In most cases, it is held that changes of use from C3 dwellinghouses to HMO use can be adequately mitigated to be within acceptable levels subject to planning conditions where there is no over proliferation of C4 uses. Where an HMO is proposed within a residential area with an existing high proliferation of HMO accommodation, the cumulative impact of an additional HMO in this context has been considered to have a detrimental impact upon residential amenity from increase in noise and disturbance sufficient to sustain refusal of planning permission. The LPA has refused several previous planning applications in this regard and proved successful in defending those at appeal. However, in this instance it is noted that there is no identified over proliferation of existing HMOs within 100 metres of the application site, and as such it is not considered that the introduction of a single additional HMO in this location would result in a level of cumulative impact that would be detrimental to residential amenity.
56. Notwithstanding the above, the applicant has submitted a 'Student Management Plan' in support of the application which states that the property would be maintained by the applicant, which details matters around safety, noise, anti-social behaviour and penalties should any of these be breached. It should be noted that the Council's Environmental Health Noise Action Team raised no objection to the application which included the submission of the 'Student Management Plan'. Therefore, subject to the inclusion of a planning condition requiring the property be occupied in full accordance with the submitted management plan, the development is considered to accord with the requirements of CDP Policies 16 and 31 of the CDP.
57. The house is semi-detached and as such the applicant is proposing the introduction of sound proofing to the first floor party wall and the ground floor party wall to the proposed 4th and 5th bedroom. Subject to the installation of sound proofing prior to first occupation of the C4 use, as shown on the submitted plans to be secured via planning condition, there would not be any unacceptable transfer of noise to neighbouring properties. The Council's EHO Noise Action Team makes no objection to the application in this regard.
58. The property includes adequate external space to accommodate sufficient cycle and bin storage located within the rear garden and therefore accords with criterion e) of Part 3 to Policy 16. In addition, it is considered there is sufficient external amenity space to serve the inhabitants in accordance with CDP Policy 16 of the CDP.
59. In relation to internal space, 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 developments coming forward.
60. It is noted that the current application relates to a change of use to a property already in residential use and as such would not result in any net increase in the number of residential units. Consequently, the rigid application of these standards is not considered appropriate. Nevertheless, it remains that the NDSS is a relevant measurement against which to assess the suitability of internal space provided within

all residential development in the context of Policy 29(e) of the CDP which requires new development to provide high standards of amenity and privacy.

61. Objections raised concerns that the proposal would not meet the minimum standards set out in the NDSS. All of the bedrooms would meet the 7.5sq metre minimum floor space requirements and would achieve the required 2.15 metre width. In terms of the overall minimum gross internal floor space provided the NDSS does not refer to a 5-person 5-bedroom dwelling (5p5b) but it does refer to a 4b5p dwelling and requires a minimum of 97sq metres respectively. The submitted floor plans indicate that a minimum of 78sq metres would be provided which is acknowledged falls below the minimum requirements. However, as already noted it is not considered that the rigid application of these standards is appropriate and, notwithstanding this, the property would be required to be licensed and comply with DCC Standards for Shared Houses. This requires combined living/dining/kitchen areas to provide 11.5sq metres where used by 1-5 persons. The submitted plans indicated that 17.1sq metres of space would be provided, and it is therefore considered that suitable shared amenity space will be provided.
62. The NDSS also states that in dwellings with 5 or bedspaces, they should include enough space for 1 bathroom and 1 additional WC (or shower room). Revised plans were received showing the addition of a WC located on the first floor.
63. Therefore, overall, the proposal is considered to comply with Policy 29(e) of the CDP in that it provides a suitable amount of internal and external amenity space to meet the needs of future occupiers and deliver a suitable quality of development in relation to Policy 29(e) and Policy 16 Part 3 of the CDP and Paragraph 135 of the NPPF.

Impact on the character and appearance of the area

64. Paragraph 131 of the NPPF advises that the creation of high quality, beautiful and sustainable 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. Policy 29 of the CDP requires development to contribute positively to an area's character, identity, heritage significance, townscape and landscape features, helping to create and reinforce locally distinctive and sustainable communities.
65. Objection from Belmont Parish Council has raised concern that HMOs have a negative impact on the residential housing estate, due to them not being adequately maintained and that students are short term occupiers with no stake in local community. Further concerns are raised that the general appearance of the property would deteriorate as a consequence of the proposed use, there is no evidence that this would occur, and the applicant has reiterated that the property would be appropriately maintained. There are also separate planning powers available to address untidy land and buildings should such issues arise.
66. Objections were raised that the proposed extension of the driveway would result in a loss of visual amenity. However, it should be noted that this part of the proposal would constitute permitted development given the access would be taken from the unclassified road and additional parking is a requirement of the Council's Parking Standards SPD which is discussed in more detail elsewhere in this report.
67. Consequently, the proposed development would fit with the character and appearance of the area and would not have a detrimental impact on the appearance of the wider streetscene in accordance with Policy 29 of the CDP and Part 12 of the NPPF.

Highway Safety and Access

68. CDP Policy 16 Part 3 of the CDP requires new HMOs to provide adequate parking and access and CDP Policy 21 states that new development should ensure that any vehicular traffic generated can be safely accommodated on the local and strategic highway network. This displays broad accord with Paragraph 114 of the NPPF which requires new development to provide safe and suitable access to the site.
69. The application proposes the change of use to a 5 bedroom property which would require an minimum of 3 in curtilage parking spaces which the applicant proposes to deliver through extending the existing drive. The Highway Authority offers no objection to the application and does not consider there would be any adverse impact in terms of highway safety as a result of the proposals.
70. It is not considered that there would be any unacceptable increase in demand for on street parking or any subsequent vehicle displacement that would adversely impact upon highway safety.
71. Cycle storage is shown on the proposed cycle and bin storage layout plan as being within the rear garden which is considered acceptable.
72. Therefore, 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 accordance with the aims of CDP Policy 16 Part 3 and CDP 21 and Paragraph 114 of the NPPF.

Ecology

73. NPPF Paragraph 186 d) advises that opportunities to improve biodiversity in and around developments should be integrated as part of their design, especially where this can secure measurable net gains for biodiversity or enhance public access to nature where this is appropriate. In line with this, CDP Policy 41 seeks to secure net gains for biodiversity and coherent ecological networks. Part 15 of the NPPF seeks to ensure that developments protect and mitigate harm to biodiversity interests, and where possible, improve them.
74. The application was submitted after the 12th of February 2024, the date on which the requirements of the Environment Act 2021, as inserted into Schedule 7A of the Town and Country Planning Act 1990, came into force. However, it is noted that there are a number of exemptions which if applicable, can remove a development from the legal requirement to deliver a minimum of 10% net biodiversity gain through the development. The Environment Act 2021 includes exemptions for permitted development which includes development which does not impact on any onsite property habitat and where there is an impact this must be less than 25 square metres of onsite habitat.
75. The development relates to a dwellinghouse and as such falls within the exemption listed above and as such the development is considered to be exempt from requirement to deliver 10% net increase in biodiversity net gain. The development therefore accords with the aims of Policy 41 of the CDP, Part 15 of the NPPF and Schedule 7A of the Town and Country Planning Act 1990.

CONCLUSION

76. In summary, it is considered that the principle of development is acceptable and would accord with the aims of CDP Policies 6 and 16 subject to appropriate planning conditions described within the report and listed below.
77. When assessed against other policies of the County Durham Plan relevant to the application, it is considered that the introduction of a small HMO in this location would not unacceptably imbalance the existing community towards one dominated by HMOs, nor would it result in an unacceptable impact upon the amenity of existing or future residents through cumulative impact from an over proliferation of HMOs, highway safety or ecology (including biodiversity net gain) in accordance with Policies 6, 16, 21, 29, 31 and 41 of the County Durham Plan and Parts 9, 12 and 15 of the NPPF.

Public Sector Equality Duty

78. 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.
79. In this instance, officers have assessed all relevant factors and do not consider that there are any equality impacts identified.

RECOMMENDATION

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

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

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

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

Reason: To define the consent and ensure that a satisfactory form of development is obtained in accordance with Policies 6, 16, 21, 29 and 31 of the County Durham Plan and Parts 2, 4, 8, 9, 12 and 15 of the National Planning Policy Framework.

3. The change of use to a Small HMO falling within use class C4 hereby approved, shall be carried out in full accordance with the requirements of the 'Student Management Plan' received by the Local Planning Authority on 20 January 2025.

Reason: In the interest of the amenities of the area in accordance with Policies 16, 29 and 31 of the County Durham Plan and Parts 12 and 15 National Planning Policy Framework

4. The small HMO hereby approved shall be occupied by no more than a maximum of 5 permanent tenants at any one time.

Reason: To protect residential amenity in accordance with the requirements of Policies 29 and 31 of the County Durham Plan.

5. The property shall not be occupied until such time as the sound proofing shown on Drawing No. 1429 03 A entitled 'Proposed Floor Plans & Elevations' have been fully installed. Thereafter the measures shall be retained in situ at all times for as long as the property is occupied as a Small HMO.

Reason: In the interest of the amenities of the area in accordance with Policies 16, 29 and 31 of the County Durham Plan and Parts 12 and 15 of the National Planning Policy Framework.

6. The driveway and cycle storage as shown on Drawing No. 1429 04 entitled 'Existing and Proposed Site Plans', received by the Local Planning Authority on 20 January 2025, shall be constructed and available for use prior to first occupation of the property as a small HMO (Use Class C4) hereby approved and shall thereafter be retained for use at all times whilst the property is occupied as a small HMO.

Reason: To promote sustainable modes of transport in accordance with policies 6 and 16 of the County Durham Plan and Part 9 of the National Planning Policy Framework.

ADDITIONAL MATTERS

STATEMENT OF PROACTIVE ENGAGEMENT

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

BACKGROUND PAPERS

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

Statutory, internal, and public consultation responses

The National Planning Policy Framework (2023)

Technical housing standards – nationally described space standard (2015)

National Planning Practice Guidance Notes

County Durham Plan (2020)

Durham County Council Residential Amenity Standards SPD (2022)

Durham County Council Parking and Accessibility SPD (2023)



<p>Planning Services</p>	<p>DM/25/00159/FPA Change of use from dwellinghouse (Use Class C3) to a small house in multiple occupation HMO (Use Class C4) including extension of driveway, cycle parking and bin storage 38 Goodyear Crescent, Sherburn Road Est, Durham, DH1 2EB</p>	
<p>This map is based upon Ordnance Survey material with the permission of Ordnance Survey on behalf of Her Majesty's Stationary Office © Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceeding. Durham County Council Licence No. 100022202 2005</p>		
	<p>08/04/2025</p>	<p>NTS</p>

COMMITTEE REPORT

APPLICATION DETAILS

APPLICATION NO:	DM/24/02156/FPA
FULL APPLICATION DESCRIPTION:	Erection of 20 affordable dwellings (Amended Description 28/11/2024)
NAME OF APPLICANT:	Woodside Commercial Developments Limited
SITE ADDRESS:	Land To The South Of 28 Station Road, West Rainton DH4 6SF
ELECTORAL DIVISION:	Sherburn
CASE OFFICER:	Callum Harvey Senior Planning Officer Tel. 07393 469 380 Callum.Harvey@durham.gov.uk

DESCRIPTION OF THE SITE AND PROPOSALS

The Site

1. The application site comprises an area of grass land measuring 0.62 hectares in area. The site features a slight gradient from the southeast corner down to the northwest corner. To the north lies Station Road with residential dwellings beyond, and to east lies Lambton View with residential dwellings beyond. Lambton View is set upon a higher level than the site, with a well-established hedgerow and a retaining wall located adjacent to the eastern site boundary. To the southeast of the site lie two-and-a-half storey dwellings set upon a higher level of land.
2. The current site forms part of a wider field which benefits extant planning permission for the following:

“Residential development of 150 dwellings, small scale community hub within use classes A1, A2, A3, A4 and A5 of up to 950 sq m and within use class D1 of up to 950 sq m with open space, hard and soft landscaping and associated infrastructure (outline), all matters reserved except access) including off site highway improvements”
3. Outline planning consent was granted for the above in 2015, reference 8/CMA/4/112. Reserved Matters consent for the 150 dwellings was subsequently granted in 2016, reference DM/16/01806/RM. Reserved Matters consent for the community hub was subsequently granted in 2019, reference DM/18/02573/RM.

4. The current site forms the area of the previously approved community hub. To the west and southwest of the current site lies the area benefitting consent for the 150 dwellings; that residential development is already well underway with a number of properties already built and occupied at the time of writing this report. That development is referred to as the Banks development in this report.
5. Given the progress of that adjacent residential development it is considered that the current site no longer lies within the countryside, and now forms part of the built-up area of the settlement of West Rainton.
6. The site was historically in agricultural use, though benefits from an extant consent for a community hub and is now surrounded by residential development. The site is no longer in agricultural use.
7. The site is within the Lower Risk Coal Advice Area. The land to the west of the site is within the Higher Risk Coal Area. The site is also within the surface mined coal resource area as defined in the County Durham Plan. The site is within a mineral safeguarding area for coal.
8. There are no known mineshafts within the site, with the nearest being approximately 70m to the southwest of the site.
9. There are no designated heritage assets within or adjacent to the site, with the nearest listed building or structure being the Grade I listed Former Ebenezer Chapel, a 19th century methodist chapel located on Hall Lane approximately 600m to the northeast of the site. The nearest Conservation Area is Hallgarth Conservation Area approximately 2.5km to the southeast, located to the south of High Pittington.
10. The site falls within Flood Zone 1 as identified by the Environment Agency, which is the lowest risk area of fluvial (river) flooding.
11. No parts of the site lies within a pluvial (surface water following rainfall) flooding area.
12. There are six trees located at the southeastern boundary of the site, though they are not covered by a Tree Preservation Order. To the immediate east of the site lies a well-established hedgerow along the edge of the highway at Lambton View.
13. There are no ecological designations within the site, with the nearest being Moorhouse Wood Local Wildlife Site located approximately 680m to the southwest. The nearest ponds are 280m and 380m respectively to the east and northeast beyond the A690.
14. The site does not lie within a designated area of higher landscape value, the nearest is located approximately 180m to the southwest.
15. The site does not lie within the Green Belt, the nearest being the Durham City Green Belt located approximately 180m to the southwest of the site.

The Proposal

16. The application seeks consent for 20 residential dwellings. All 20 dwellings would be affordable units, of affordable shared ownership tenure. The proposed mix of dwellings is:
 - 12 two-bedroom bungalows;
 - 4 two-bedroom houses; and
 - 4 three-bedroom houses.

17. The application has been submitted by Woodside Commercial Developments Limited, a small residential builder. It is proposed that the affordable units once constructed would be taken on and managed by Heylo Housing who are a Registered Provider.
18. The current application submits that the proposed affordable housing offer would compliment the previous secured affordable units on the adjacent residential development to the west and southwest, which is being developed by Banks Homes. Within that development are 30 affordable units which are a mix of two and three bedroom bungalows and houses; 23 of which are secured as affordable rent, 7 of which are secured as intermediate units. Those 30 affordable units are to be managed by Gentoo Housing Association. The current application submits that the currently proposed 20 shared ownership units would be subject to low rent and low deposit requirements to enable easier entry to home ownership for first time buyers.
19. The current application benefits from lengthy pre-application discussions between the applicant, Officers and Banks Homes. The current application submits that the previously approved commercial hub is no longer feasible, and is therefore not anticipated to come forward. The current application therefore seeks to justify the loss of the commercial hub through the provision of 20 affordable units.
20. The layout of the development comprises a ring with 8 two storey dwellings surrounded by a highway, and 8 bungalows along the northern edge to provide active frontage onto Station Road. A further 4 bungalows are proposed along the eastern edge of the site. Pedestrian access points are proposed at the northern and western edges. To the west of the site is a previously approved area of public open space for the larger Banks development.
21. Vehicular access into the current site would be via the adjacent Banks development to the west, using the previously approved access onto Station Road. This access arrangement aligns with the previously approved access arrangement for the commercial hub upon this site.
22. Private parking bays are proposed at each plot, with an additional 5 visitor parking bays distributed across the site. Each dwelling would benefit from an Electric Vehicle charging point. No garages are proposed.
23. No Sustainable Urban Drainage System (SuDS) basin or swales are proposed. All driveways and private shared surfaces would feature permeable paving.
24. The development would be a mix of single storey and two storey dwellings, each with their own parking areas and private rear gardens. The dwellings would comprise buff brick with white render external elevations, to match the previously approved residential development to the west and southwest. Grey slate roof tiles and white upvc windows are proposed.
25. Boundary treatments would comprise a mix of 1.8m high vertical timber fencing, and vertical timber fencing above a low brick wall upto 1.8m in height.
26. The application indicates that the proposed residential dwellings would be of a sustainable design and would be constructed using sustainable methods. The applicant indicates that air source heat pumps would be installed at every dwelling, and whilst roof-mounted solar panels are not shown at this stage they would be an option for purchasers of the dwellings.
27. In respect of Biodiversity Net Gain (BNG), the current proposal would result in a net loss in habitat biodiversity units of 0.50 units (a 41% loss). The current proposal would

also result in a net gain in hedgerow biodiversity units of 0.64 units (a 159% gain). Overall, the proposal is unable to achieve a 10% BNG on-site, and therefore seeks to purchase additional BNG units from an off-site provider in order to achieve the mandatory 10% BNG.

28. The current application is being reported to the Central and East Area Planning Committee due to the proposal being for more than 9 dwellings. Due to proposal being for less than 200 dwellings, and due to the site being less than 4 hectares in area, it is not being reported to the County Planning Committee.

PLANNING HISTORY

29. The site is subject to the following planning history.

4/97/00184/FPA – Residential development and associated highway access (Outline). Approved July 1997.

4/97/00441/RM – Approval of reserved matters for design and external appearance of proposed dwellings. Approved December 1997.

8/CMA/4/112 – Residential development of 150 dwellings, small scale community hub within use classes A1, A2, A3, A4 and A5 of up to 950 sq m and within use class D1 of up to 950 sq m with open space, hard and soft landscaping and associated infrastructure (outline), all matters reserved except access) including off site highway improvements. Approved August 2015.

DM/16/02739/VOC – Application to vary condition 7 of 8/CMA/4/112 to facilitate 10m landscape buffer to southern boundary and 7m landscape buffer to Station Road. Approved November 2016.

DM/18/02573/RM – Reserved Matters application relating to DM/16/02739/VOC for appearance, landscaping, layout and scale of the community hub. Approved July 2019.

DM/23/00231/S106A – Variation to Section 106 Agreement to amend triggers in relation to delivery of commercial development. Approved June 2023.

DM/24/00707/AD – Display of 1 no. non-illuminated freestanding advertisement board and 6 no. flagpoles (part retrospective). Approved May 2024.

30. The site has also seen a number of non-material amendment and discharge of conditions applications, which are not considered to be relevant in the assessment of the current application.

PLANNING POLICY

NATIONAL POLICY

31. A revised National Planning Policy Framework (NPPF) was published in December 2024. The following elements of the National Planning Policy Framework (NPPF) are considered relevant to this proposal:
32. *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.

33. *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.
34. *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.
35. *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.
36. *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.
37. *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.
38. *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.
39. *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.
40. *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.

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

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

NATIONAL PLANNING PRACTICE GUIDANCE:

43. 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 (October 2020)

44. *Policy 1 – Quantity of Development.* Outlines the levels of employment land and housing delivery considered to be required across the Plan period.
45. *Policy 6 – Development on Unallocated Sites.* States that development on sites not allocated in the County Durham Plan or in a 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 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 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.
46. *Policy 9 – Retail Hierarchy and Town Centre Development.* States that the Council will protect and enhance the County's hierarchy of retail centres, as defined in the Policy. The Policy states that new town centre development across all of the County's centres will be supported where it will improve choice and bring about regeneration and environmental improvements. The Policy also states that in all other locations outside of those identified in the retail hierarchy, the loss of essential shops and services will be resisted. The Policy goes on to cover town centre boundaries, district centres, primary shopping areas, residential uses within defined centres, and the evening economy.
47. *Policy 14 – Best and Most Versatile Agricultural Land and Soil Resources.* 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.
48. *Policy 15 – Addressing Housing Need.* Establishes the requirements for developments to provide on-site affordable housing, the circumstances when off-site affordable housing would be acceptable, the tenure and mix of affordable housing, the requirements of developments to meet the needs of older people and people with disabilities, and the circumstances in which the specialist housing will be supported. The Policy states that on sites with 10 or more units, 10% of the homes provided should be for affordable home ownership (starter homes, discount market sale housing and other affordable routes to home ownership). In line with the requirements in Table 8 of the Plan, any contribution above 10% should be provided as affordable housing for rent. The Policy goes on to state that where it can be evidenced by the applicant to the Council's satisfaction that this tenure mix would make the required affordable housing contribution unviable or that alternative affordable housing products are required to meet local needs, then proposals for an alternative tenure mix as proposed by the applicant will be considered.
49. *Policy 19 – Type and Mix of Housing.* States that on all new housing developments the Council will seek to secure an appropriate mix of dwelling types and sizes, taking account of existing imbalances in the housing stock, site characteristics, viability, economic and market considerations and the opportunity to facilitate self build or custom build schemes.
50. *Policy 21 – Delivering Sustainable Transport.* States that all development shall deliver sustainable transport by (in part) ensuring that any vehicular traffic generated by new development, following the implementation of sustainable transport measures, can be safely accommodated on the local and strategic highway network and does not cause an unacceptable increase in congestions or air pollution and that severe congestion can be overcome by appropriate transport improvements.

51. *Policy 25 – Developer Contributions.* States that new development will be approved where any mitigation necessary to make the development acceptable in planning terms is secured through appropriate planning conditions or planning obligations.
52. *Policy 26 – Green Infrastructure.* States that development will be expected to maintain and protect, and where appropriate improve, the County's green infrastructure network. Advice is provided on the circumstances in which existing green infrastructure may be lost to development, the requirements of new provision within development proposals, and advice in regard to public rights of way.
53. *Policy 29 – Sustainable Design.* Requires all development proposals to achieve well designed buildings and places having regard to advice within Supplementary Planning Documents (SPDs) 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).
54. *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.
55. *Policy 32 – Despoiled, Degraded, Derelict, Contaminated and Unstable Land.* States [in part] that development will not be permitted unless the developer can demonstrate that the site is suitable for the proposed use, and does not result in unacceptable risks which would adversely impact on the environment, human health and the amenity of local communities.
56. *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.
57. *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.
58. *Policy 39 – Landscape.* States that proposals for new development will be permitted where they would not cause unacceptable harm to the character, quality or distinctiveness of the landscape, or to important features or views and that

development affecting valued landscapes will only be permitted where it conserves, and where appropriate enhances, the special qualities of the landscape, unless the benefits of the development in that location clearly outweigh the harm.

59. *Policy 40 – Trees, Woodlands and Hedges.* States that proposals will be expected to retain existing trees where they can make a positive contribution to the locality or to the development, maintain adequate standoff distances between them and new land-uses, including root protection areas where necessary, to avoid future conflicts, and integrate them fully into the design having regard to their future management requirements and growth potential.
60. *Policy 41 – Biodiversity and Geodiversity.* States that proposals for new development will not be permitted if significant harm to biodiversity or geodiversity resulting from the development cannot be avoided, or appropriately mitigated, or as a last resort, compensated for.
61. *Policy 43 – Protected Species and Nationally and Locally Protected Sites.* Development proposals that would adversely impact upon nationally protected sites will only be permitted where the benefits clearly outweigh the impacts whilst adverse impacts upon locally designated sites will only be permitted where the benefits outweigh the adverse impacts. Appropriate mitigation or, as a last resort, compensation must be provided where adverse impacts are expected. In relation to protected species and their habitats, all development likely to have an adverse impact on the species' abilities to survive and maintain their distribution will not be permitted unless appropriate mitigation is provided or the proposal meets licensing criteria in relation to European protected species.
62. *Policy 44 – Historic Environment.* States that great weight will be given to the conservation of all designated assets and their settings (and non-designated heritage assets of archaeological interest that are demonstrably of equivalent significance to scheduled monuments)(164). Such assets should be conserved in a manner appropriate to their significance, irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance. This aligns with Chapter 16 of the NPPF.
63. *Policy 56 - Safeguarding Mineral Resources.* States that planning permission will not be granted for non-mineral development that would lead to the sterilisation of mineral resources within a Mineral Safeguarding Area. This is unless it can be demonstrated that the mineral in the location concerned is no longer of any current or potential value, provision can be made for the mineral to be extracted satisfactorily prior to the non-minerals development taking place without unacceptable adverse impact, the non-minerals development is of a temporary nature that does not inhibit extraction or there is an overriding need for the non-minerals development which outweighs the need to safeguard the mineral or it constitutes exempt development as set out in the Plan. Unless the proposal is exempt development or temporary in nature, all planning applications for non-mineral development within a Mineral Safeguarding Area must be accompanied by a Mineral Assessment of the effect of the proposed development on the mineral resource beneath or adjacent to the site of the proposed development.

Supplementary Planning Documents

64. The following Supplementary Planning Documents (SPDs) form part of the development plan in County Durham:
65. County Durham Design Code SPD (2024) - provides local design guidance to help developers create well-designed schemes that fit in well with their context and setting.

The SPD is supported by Settlement Character Studies and includes examples of design coding for the different types of settlement found in County Durham.

66. Development Viability, Affordable Housing and Financial Contributions SPD (2024) – Provides guidance on how CDP Policy 25 and other relevant policies requiring planning obligations for affordable housing or other infrastructure will be interpreted and applied.
67. Trees, Woodlands and Hedges SPD (2024) – Provides guidance on good practice when considering the impacts of development on trees, woodlands, and hedgerows, as well as new planting proposals.
68. Residential Amenity Standards SPD (2023) – Provides guidance on the space/amenity standards that would normally be expected where new dwellings are proposed.
69. Parking and Accessibility SPD (2023) – Provides guidance on parking requirements and standards.
70. County Durham Building for Life SPD (2019) – Provides guidance on the application of the Building for Life standards and the Design Review process referenced in CDP Policy 29 to ensure well-designed major residential development proposals.

NEIGHBOURHOOD PLAN:

71. The application site is not within a designated Neighbourhood Plan area.

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)

CONSULTATION AND PUBLICITY RESPONSES

STATUTORY RESPONSES:

72. *West Rainton and Leamside Parish Council* – support the proposed development. Councillors noted the increasing demand and need for affordable homes in reaching its decision. The inclusion of 12 bungalows in the proposed scheme was particularly welcomed.
73. *Highways* – Have no concerns in respect of the proposed access arrangement, or in respect of vehicle trips from the development on the capacity of the local road network.
74. In respect of car parking, concerns have been raised with the designated parking bays for Plot 17 being located in front of Plots 11 and 12 instead of in front of Plot 17. Concerns have also been raised in respect of insufficient parking provision for Plots 11 and 12. Concerns have also been raised with an insufficient margin width around the edges of the visitor parking bays located along the western site boundary.
75. In respect of highway design, they have raised some concerns which would need to be addressed through the technical approval process under the Highways Act. This is separate from the Planning process, and the highway layout is acceptable in Planning terms.

76. The Highways officer also advises the retaining walls along the rear gardens of Plots 13, 14, 15 and 16 must remain the responsibility of the landowner regardless of whether they support the highway.
77. *Drainage & Coastal Protection (Lead Local Flood Authority)* – Advise that following receipt of amended plans and an updated Flood Risk Assessment and Drainage Strategy, they have no concerns. No conditions are recommended.
78. *Northumbrian Water* – No response received.

INTERNAL CONSULTEE RESPONSES:

79. *Spatial Policy* – offer key policy observations in relation to the proposed development.
80. They advise that the key issue for this proposal is whether the loss of the community hub as part of the delivery of this scheme is justified. They highlight the importance of the previously approved community hub during officers' assessment of the previous development for 150 dwellings, given the limited range of amenities and services in West Rainton. They advise that robust evidence would be required before officers could consider the proposed loss of the community hub to be justified.
81. The Spatial Policy Officer notes that all of the proposed dwellings are to be affordable units, which is welcomed.
82. The Spatial Policy officer notes that 10% of total dwellings are required to be homes suitable for older people, equating to 2 units. The proposed 12 single story bungalows exceeds this requirement, which is welcomed.
83. Advice is also provided in respect of Policy requirements in relation to National Described Space Standards (NDSS), M4(2) standards, design, transport and highways, green infrastructure, and developer contributions.
84. *Affordable Housing* – Advise that whilst the provision of 20 affordable units is welcomed, though they have sought further evidence from the applicant that there is a need for 20 affordable shared ownership tenure units in this local area. They note the supporting letter from the registered provider Heylo - whilst the letter gives assurances that this tenure of affordable units will be in demand and states that they have provided the product throughout the North East, the application has not clearly demonstrated whether this proposed affordable housing tenure is meeting *local* need.
85. The affordable housing officer therefore suggests that further evidence of demand in the local area be provided before they can support the delivery of 20 affordable shared ownership tenure units.
86. *Access and Rights of Way* – Advise that there are no registered public rights of way affected by this proposal, and little scope for improvements to the wider network arising from it. Therefore no concerns are raised and no conditions are recommended.
87. *Archaeology* – raise no concerns. They note the submitted evaluation does not locate any archaeological features within the site, therefore no further work is required and no conditions are recommended.
88. *Design and Conservation* – Have provided advice separate from the internal Design Review process, as the application has not been taken to internal Design Review given its small scale.

89. The Urban Design officer notes that the proposed layout shows the development is outward-facing, positively addressing the street to the north, and positively addressing the open space to the west which is proposed as part of the wider development. Initial concerns regarding parking and landscaping have been addressed. They note the proposed housetypes and external materials reflect those proposed as part of the wider development to the west and southwest. Therefore they have no concerns with the amended scheme.
90. *Landscape* – Note that the principle of developing this site has previously been established. Landscape and visual effects would remain highly localised and as previously predicted would not exceed moderate and adverse, given that there is existing housing to the north-east and south-east, with recently built new dwellings to the northwest and southwest of the site.
91. In respect of the detailed layout of the proposal, following initial concerns they advise that the amended landscaping scheme has reduced the perception of a car dominated street scene. They note the lack of on-site public open space, though also note the immediately adjacent public open space to the west as previously secured under the Banks development for 150 dwellings on adjacent land to the west and southwest.
92. In respect of proposed tree planting within the site, they advise that where space for root growth is restricted the design should allow for optimal soil volumes below ground to sustain the trees in the longer term. Where trees are close to construction the use of root barriers may need to be considered.
93. *Ecology* – Advise that the proposal's intention to purchase off-site biodiversity units to deliver mandatory 10% BNG is sound. They also have not raised concerns in respect of protected species.
94. *Education* – advise that, based on the methodology set out in the Council's adopted Securing Developer Contributions towards Education Provision in County Durham, the proposed development of 20 dwellings would produce 1 Nursery age pupils, 5 pupils of primary school age, 3 pupils of secondary age, 0 post-16 pupils, and 0.2 SEND pupils.
95. They advise that in order to mitigate the impact of the development, a contribution of £88,385 (5 pupils x £17,677) would be required toward Primary Schools.
96. They also advise that in order to mitigate the impact of the development, a contribution of £88,385 (5 pupils x £17,677) would be required toward Secondary Schools.
97. They also advise that in order to mitigate the impact of the development on SEND provision, they advise a contribution of £16,796 (0.2 x £83,980) would be required.
98. *Environmental Health and Consumer Protection (Air Quality)* – Advise that the received Air Quality Assessment and Construction Management Plan are sufficient. They recommend that the mitigation measures for dust control within the Air Quality Assessment be secured by condition.
99. *Environmental Health and Consumer Protection (Contaminated Land)* – Advise that no further surveys are required. No conditions are recommended.
100. *Environmental Health and Consumer Protection (Nuisance Action)* – Advise that the received Noise Impact Assessment and Construction Management Plan are sufficient.

They recommend that the mitigation measures for noise control within the Noise Impact Assessment be secured by condition.

101. *Sustainable Travel* – Have not responded.

EXTERNAL CONSULTEE RESPONSES:

102. *Coal Authority* – Have responded with no concerns, given that the site is not within the Higher Risk Coal Area. No concerns are raised with the nearby mineshaft. No conditions are recommended.

103. *NHS* – Have responded with no comment due to the scale of the development.

104. *Police Architecture Liaison* – Have provided standard advice in relation to secured by design measures.

PUBLIC RESPONSES:

105. The application has been advertised in the local press (the Northern Echo), by site notice, and through neighbour notification letters sent to 27 individual properties.

106. 12 objections have been received raising the following concerns:

- Loss of previously approved commercial / community hub and subsequent loss of a supermarket/convenience store, and subsequent loss of facilities for employment, training and learning opportunities for residents;
- The proposed dwellings are in addition to the 150 dwellings previously approved on adjacent land;
- The proposed affordable units are in addition to the 30 affordable units previously approved on adjacent land;
- Perception of crime relating to affordable housing;
- Poor design and visual impact;
- Loss of privacy / overlooking for neighbouring residents;
- Overshadowing / loss of light toward neighbouring residents;
- Overdevelopment of the site leading to a cramped layout and insufficient gardens;
- Capacity of the local road network;
- Pollution created by additional vehicle movements;
- Disruption during the construction period such as dust, noise and vehicle movements;
- Loss of recreational land and impact on well-being of local residents;
- Loss of biodiversity;
- Encroachment of site into neighbouring property's land.

107. 1 letter of support has also been received from the owner/operator of an existing retail store in the village, raising the following points:

- West Rainton is a small settlement and the creation of a new retail store would harm existing businesses;
- An existing retail store in the village plans to be refurbished in the future, and already sells fresh produce;
- There are already a range of retail stores within walking distance and within a 10 minute bus journey;
- A new retail store would create more traffic.

108. Officers have also been made aware of an online petition, which at the time of writing this report has 277 signatures. Officers are unable to verify whether all of the signatories reside in West Rainton. The petition is titled: "We request a minimum to have at least 1 type of express Shop to Cathedral Meadows", which refers to the previous Banks development known as Cathedral Meadows, and referring to the currently proposed loss of a community hub. The petition states the following: "The Village of West Rainton Is crying out for an Express Shop, that can provide the Village with fresh produce and the everyday essentials people need. The majority of West Rainton residents have to drive to either Houghton le Spring or Gilesgate to do their weekly shop. Having an Express shop such as Morrisons or Sainsbury's would definitely benefit the residents of West Rainton because you cannot always get what you want from the shop which is already in the village. The village is growing rapidly and the residents of West Rainton needs a decent size shop where they can purchase everything they need. Also, a new shop on the new housing estate of Cathedral Meadows, Station Road, will be a short walk from our doctors surgery and our local Chemist. We also have a local hairdressers and deli, so a new express shop will be in the perfect setting and could even create more jobs within West Rainton."

ELECTED MEMBERS:

109. Councillor David Hall has submitted the following comments: -

"If minded to grant I would like to call this into committee in relation to concerns about safe crossings for this new housing (and the existing grant of houses as this is essentially an amendment to the original application) to the main village amenities across what is currently a 40mph road on Station Road. I have requested this road be made a 30mph with suitable accessible crossing. If not part of the overall scheme, or agreed to be done by DCC or others in some way, I will have to request committee add this crossing, and so need for a 30mph zone, as an amendment to any grant.

I have no other objections to this application at present so hopefully everyone can sort out a safe crossing, which presumably would need a 30mph road."

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/search.do?action=simple&searchType=Application>

APPLICANT'S STATEMENT:

110. This development of shared ownership affordable homes has been designed to contribute towards the demand for affordable homes in County Durham. Durham Council's Strategic Housing Market assessment in 2018 identified the need for 15,883 affordable homes in County Durham between 2016 and 2035. Within this figure 1,854 are required within the Central area, which includes West Rainton.

111. By way of background this site is part of a larger landscape led development which is currently under construction by Banks Homes. This application site, comprising 20 shared ownership affordable homes was originally proposed as a commercial development, and has been marketed for that purpose, without success, since 2014. More recently the leading Estate Agents, Savills, were appointed to try to find interested commercial operators and as you will have read in their report dated June 2024, and their updated Retail Demand update report dated 27th November 2024, there is no interest from retailers, primarily because there are not enough "chimney pots" in West Rainton. When in conjunction with Durham Highways Department we delivered the junction improvements on the A690, and the housing development by Banks Homes was underway we hoped the position might change, however this turned out not to be the case. There is no Retail demand for the commercial development

site, which already has the benefit of a reserved matters consent, and therefore after consultation with Durham's Planning Department it was agreed that affordable housing would benefit the community, we came forward with the current proposal.

112. Before we submitted the planning application, we applied through the Council's preapplication planning process, and the design and application you see before you were prepared after taking cognisance of all the points of the various Council's departments, including Housing. The development comprises shared ownership, 12 two-bedroom bungalows, and 8 two- and three-bedroom houses, and is being provided by Heylo Housing Association. This is a high-quality proposal with a mix of houses that meet National Space standards and Energy Efficient targets. Every home will have heating via air source heat pumps, and customers who buy the houses will have an optional extra of having solar panels on the roof. The number of properties provided exceed the Council's normal requirement for bungalows, and these properties are situated along the site boundaries of Station Road and Lambton View, to minimise the impact on adjacent homes. In March 2025 Councillor Bell advised us that a resident thought that there may be an interest from Sainsbury's, we again contacted Sainsburys who again confirmed they were not interested, and a formal statement confirming this in writing will be provided in due course.
113. Prior to the planning application being submitted I attended West Rainton Parish Councils Annual General Meeting in May 2024, and presented these proposals. They acknowledged the site had been marketed for commercial development for years and were supportive of the idea of shared ownership affordable homes.

PLANNING CONSIDERATIONS AND ASSESSMENT

114. 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, addressing housing needs, residential amenity, layout and design, trees and hedgerows, highway safety, ecology, surface water and foul drainage, heritage and archaeology, contaminated land and coal mining risk, planning contributions, agricultural land and soil resources, safeguarding mineral resources, travel plan, public rights of way, energy efficiency and broadband.

Principle of Development

115. Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The NPPF is a material planning consideration. The County Durham Plan (CDP) is the statutory development plan and the starting point for determining applications as set out in the Planning Act and reinforced at Paragraph 12 of the NPPF. The CDP was adopted in October 2020 and provides the policy framework for the County up until 2035 and therefore is up to date.

116. 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.

117. 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.

Housing Land Supply

118. Policy 1 of the County Durham Plan (CDP) states that in order to meet the needs and aspirations of present and future residents of County Durham, and to deliver a thriving economy, the following levels of development are proposed up to 2035:

- a. 300 hectares of strategic and general employment land for office, industrial and warehousing purposes; and
- b. a net minimum of 24,852 new homes of mixed type, size and tenure over the period 2016 to 2035 (1,308 new homes per year).

119. The County Council can currently demonstrate a 5.97 year housing land supply, which clearly exceeds the County's 5 year housing land supply requirement due to the County Durham Plan not being more than five years old. Whilst officers note that demonstrating sufficient housing land supply is a minimum requirement and not a ceiling, the ability to clearly demonstrate sufficient housing land supply is of substantial weight in the decision-making process and is an important material consideration in the event that a conflict with the County Durham Plan is identified.

Unallocated site

120. In order to meet the housing need of the County, the CDP has allocated a number of sites for housing development under CDP Policy 4. The site subject to this application is not one of those allocated for residential development in the CDP. It is however a committed site in the CDP, as the wider Banks development benefitted from planning permission at the time of the preparation and adoption of the CDP.

121. The site is within the built form of West Rainton, therefore Policy 6 of the CDP applies. Policy 6 states that development on sites not allocated in the County Durham Plan or in a 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 accords with all relevant Development Plan policies, and conforms with criteria (a) to (j) of the Policy.

122. Officers note that in order for criteria a) to j) to be applicable, the site first needs to be considered well-related to the settlement. Paragraph 4.110 of the CDP explains that when assessing whether a site is well-related to a settlement, the physical and visual relationship of the site to the existing built-up area of the settlement will be a key consideration. Paragraph 4.111 goes on to state that the Council wants to ensure that new development does not detract from the existing form and character of settlements and will not be harmful to their surroundings. In determining whether a site is appropriate for new development, the relationship with adjacent buildings and the surrounding area will be taken into account along with the current use of the site and compatibility of the proposal with neighbouring uses.
123. Officers are mindful that the site is surrounded to the north, east and southeast by existing residential dwellings, and to the southwest and west by dwellings under the extant consent for the Banks Homes development which is currently being built out. The site is therefore considered to be within the settlement.
124. In terms of physical relationship to the settlement, the site is in close proximity to bus stops which are served by frequent, direct connections to Durham City, whilst the site is also in acceptable walking distances to a range of amenities and services as discussed later in this report. The site is well related to the settlement in a physical sense.
125. Officers have also considered the proposal against the relevant criteria under Policy 6:
126. Regarding Policy 6 a), officers note the existing dwellings to the north, east and south. The site is adjacent to a housing development which is currently under construction, located to the west and southwest. Whether the proposal leads to statutory nuisance or an unacceptable impact on amenity of residents in respect of either noise or odour will be considered later in this report.
127. Regarding Policy 6 b), the proposal does not contribute to coalescence with neighbouring settlements, and would not result in ribbon development or inappropriate back land development. The proposal therefore accords with Policy 6 b).
128. Regarding Policy 6 c), the site is open land though is in private ownership, whilst the proposal would not lead to a loss of land of recreational value. Whether the proposal leads to ecological, heritage or landscape amenity impacts is considered later in this report.
129. Regarding Policy 6 d), whether the proposal is appropriate in terms of scale, design, layout, and location to the character, function, form and setting of the settlement will be considered later in this report.
130. Regarding Policy 6 e), whether the proposal leads to a highway safety impact will be considered later in this report.
131. Regarding Policy 6 f), whether the site is a sustainable location for development will be considered later in this report.
132. Regarding Policy 6 g), the proposal would not result in the loss of valued existing facilities or services. The proposed loss of the previously approved though not as yet constructed community hub at the site is discussed later in this report.

133. Regarding Policy 6 h), whether the proposal minimises vulnerability and provide resilience to impacts arising from climate change, including but not limited to, flooding, will be considered later in this report.
134. Regarding Policy 6 i), the proposal would not include the re-use of Previously Developed Land, therefore the proposal does not gain support from Policy 6 i).
135. Regarding Policy 6 j), the proposal does not reflect priorities for urban regeneration, therefore the proposal does not gain support from Policy 6 j).

Locational Sustainability

136. Policy 21 of the CDP provides clarity on what the CDP requires in respect of sustainability, with Policy 21 considering more than just public transport connections. Policy 6 f) build upon these areas and cover public transport connection considerations.
137. Policy 21 of the CDP requires the delivery of sustainable transport by facilitating investment in safe sustainable modes of transport, providing appropriate, well designed, permeable and direct routes for walking, cycling and bus access, so that new developments clearly link to existing services and facilities together with existing routes for the convenience of all users. The Policy requires all development to have regard to the policies set out in the County Durham's Strategic Cycling and Walking Delivery Plan and, where possible, contribute to the development of a safe strategic cycling and walking network and in particular the routes set out in Local Cycling and Walking Infrastructure Plans. It also requires development to have regard to the Parking and Accessibility Supplementary Planning Document. Policy 22 of the CDP supports modal shift and sustainable transport improvements.
138. Policy 21 first requires the transport implications of development to be addressed as part of any planning application, where relevant this could include through Transport Assessments, Transport Statements and Travel Plans. This is discussed in the highway safety section of this report.
139. Turning first to criteria a) and b) of Policy 21, it is noted that these criteria prioritise pedestrian connectivity ahead of cycling and bus transport. Officers are mindful of the CIHT's Planning for Walking (2015) guidance which states under Section 6.4:
"Building Sustainable Transport into New Developments (DfT, 2008) gives the following advice on pedestrian catchment areas: Traditional compact town layouts: Walking neighbourhoods are typically characterised as having a range of facilities within 10 minutes' walking distance (around 800 metres). However, the propensity to walk or cycle is not only influenced by distance but also the quality of the experience; people may be willing to walk or cycle further where their surroundings are more attractive, safe and stimulating. Developers should consider the safety of the routes (adequacy of surveillance, sight lines and appropriate lighting) as well as landscaping factors (indigenous planting, habitat creation) in their design. The power of a destination determines how far people will walk to get to it. For bus stops in residential areas, 400 metres has traditionally been regarded as a cut-off point and in town centres, 200 metres (DOENI, 2000). People will walk up to 800 metres to get to a railway station, which reflects the greater perceived quality or importance of rail services."
140. Officers are also mindful of more recent guidance by Active Travel England in their Standing Advice Note: Active Travel and Sustainable Development (June 2024). The document states that:

“The government’s ambition is for England to be a great walking and cycling nation, supporting a shift in the way people across England think about undertaking short journeys within towns and cities. The aim is for walking, wheeling (trips made by wheelchair and mobility scooters) and cycling to be seen as the most convenient, desirable and affordable way to travel.” In respect of pedestrian access to local amenities, the document states: *“A mix of local amenities should be located within an 800m walking and wheeling distance (using well-designed routes) of all residential properties or staff entrances for workplace facilities. Trip lengths to key amenities should be derived from isochrone maps using an appropriate point within the application site, rather than straight-line distances from site boundaries or main access points. Footpaths/ways to local amenities should conform to the National Design Guide standards of being safe, direct, convenient and accessible for people of all abilities, which includes but is not limited to routes that:*

- have a minimum width of 2m, with limited pinch points no less than 1.5m;*
- are step-free;*
- have a smooth, even surface;*
- have seating at regular intervals;*
- are uncluttered;*
- have good natural surveillance and clear lines of sight;*
- have street lighting;*
- have wayfinding; and*
- have crossing points suitable for the speed and traffic flow of the road(s).”*

141. In relation to cycling accessibility, the document states that:

“Off-site cycling infrastructure to a range of local amenities, and town centres, railway stations, employment areas and the National Cycle Network as appropriate, should be coherent, direct, safe, comfortable and attractive in line with the five core design principles and geometric requirements in LTN 1/20. The development should not be reliant on shared use routes in full or intermittently, which conflicts with the government’s clear position in paragraph 1.6.1 (2) of LTN 1/20 that cycles must be treated as vehicles and not as pedestrians. Where on-road provision would be utilised, there should be sufficient protection from motor traffic in accordance with the suitability and segregation standards in LTN 1/20.” In relation to access to public transport, the document states: *“Most buildings within the application site should be within 400m of a high-frequency bus stop or 800m of a rail/light station or tram stop, with appropriate facilities. Local bus stops should have good natural surveillance and provide seating, lighting, shelter, real-time passenger information and raised bus boarders or specialist kerbs. Local rail stations should provide cycle parking, including spaces for non-standard cycles footpaths/ways to public transport nodes should conform to the design standards.”*

142. The centre of the site is adjacent to the nearest bus stops located on Lambton View and Station Road. Subject to the footpaths within the proposed site being adequately lit and surfaced, the entire route to the bus stops would be adequately lit and surfaced. The route would also benefit from natural surveillance. The actual walking distance is within the 400m standard established by the CIHT guidance and Active Travel England (ATE) guidance referenced above.

143. Turning next to the routes which serve the subject stops on The Avenue, the 20 and 20A routes provide at least one service per hour seven days a week, with as many as three services per hour Monday to Friday. These services provide frequent, direct connections into Durham City and into Sunderland.

144. Due to the short distance to the nearest bus stops in accordance with the relevant CIHT and ATE guidance, and the destinations the buses provide frequent direct

connections to, it is considered that the development would benefit from attractive, convenient and desirable public transport connections.

145. Notwithstanding the public transport connections to this site, officers also note that Policy 21 a) requires proposed development to deliver, accommodate and facilitate investment in safe sustainable modes of transporting in the following order of priority:
- those with mobility issues or disabilities,
 - walking,
 - cycling;
 - then bus and rail transport.
146. Turning now to those higher priority modes of transport, an 800m standard for pedestrian connections to the nearest facilities and amenities is established by the CIHT guidance and ATE guidance referenced above. Officers note the shortest actual walking routes to the nearest facilities and amenities from the centre of the residential part of the site are:
- The Storehouse Pharmacy on Lambton View, approx. 70m actual walking distance to the northeast;
 - GP surgery on Woodland View, approx. 290m actual walking distance to the north;
 - West Rainton Primary School on Benridge Bank, approx. 350m actual walking distance to the northwest;
 - Costcutter convenience store and post office, approx. 570m actual walking distance to the northwest.
147. The above list shows that the site is within 800m actual walking distance of a range of services and amenities, using lit routes which benefit from natural surveillance. It is considered sufficient services and amenities are within a convenient walking distance, increasing their attractiveness to occupiers of the development.
148. The above connections can also be used by cyclists.
149. Due to the attractive, convenient and desirable pedestrian, cycling and public transport connections as described above, there is clear opportunity to use these modes of transport in place of the private car, therefore occupiers of the development would not be dependant on their private cars to meet their day-to-day needs. Consequently, the location of the proposed development is considered well related to the settlement, and is a sustainable location.
150. As a result of the above assessment of the application site, the proposal accords with criteria a) and b) of Policy 21 of the CDP; as well as with Policy 6 f) of the CDP.
151. Regarding criterion 21 c), as mentioned earlier in this report, the Highways officer has no concerns with the proposed access arrangement, whilst the vehicle trips which would be generated by this development is considered low and can be accommodated on the local road network without the need for mitigation. They advise that the proposal would not be detrimental to road safety, and that there is no issue with regard to cumulative impact on the road network, therefore the application is considered acceptable in Highways terms and the proposal accords with CDP Policy 21 c).
152. Regarding criterion 21 d), it is considered that the proposed footpath connections would not harm the natural, built or historic environment, therefore the proposal accords with CDP Policy criterion 21 d).

153. Regarding criterion 21 e), the site is not in close proximity to a railway level crossing, therefore CDP Policy 21 e) is not applicable.

Loss of Community Hub

154. The site is not located within a town centre or a primary shopping area as identified in the CDP.

155. Policy 9 of the CDP states that in all locations outside of those identified in the County's retail hierarchy, the loss of essential shops and services will be resisted.

156. Officers note that Part 7 of the NPPF is only applicable where a proposal is seeking to create new town centre uses such as retail units. The proposal is for 20 affordable dwellings, therefore Part 7 of the NPPF is not applicable in the consideration of this application.

157. Paragraph 96 of the NPPF states that planning decisions should aim to achieve a healthy, inclusive and safe places, which promote social interaction including opportunities for meetings between people who might not otherwise come into contact with each other – for example through mixed-use developments; and which enable and support healthy lives, through both promoting good health and preventing ill-health – for example through the provision of local shops.

158. Paragraph 98 of the NPPF states that to provide the social, recreational and cultural facilities and services a community needs, planning decisions should plan positively for the provision and use of shared spaces, community facilities (such as local shops, meeting places, sports venues, open space, cultural buildings, public houses and places of worship) and other local services to enhance the sustainability of communities and residential environments. Paragraph 98 seeks to guard against the unnecessary loss of valued facilities and services, particularly where this would reduce the community's ability to meet its day-to-day needs.

159. Officers are mindful that there is an extant planning permission for a 'community hub' at the application site. The community hub has not yet been constructed.

160. Detailed Reserved Matters consent, reference DM/18/02573/RM, was granted in July 2019 for the following:

- One building (known as Unit B) with a floorspace of 460sq.m., in what was formerly D1 Use Class (Clinics, health centres, creches, day nurseries, day centres); and
- Two further buildings (known as Units A and C) with a combined floorspace of 1,050sq.m., in what was formerly A1, A2, A3 and A5 Use Classes (shops, financial and professional services, cafes, restaurants, pubs, and takeaways).

161. Officers are mindful that the above Use Classes were updated in 2020 following a change in legislation, to the following:

- Clinics, health centres, creches, day nurseries, day centres, shops, financial and professional services, cafes and restaurants are all now Use Class E; whilst
- Pubs and takeaways are now Sui Generis Use Class.

162. The principle of the community hub was established through the granting of outline consent for both the hub and for 150 dwellings in 2015, reference 8/CMA/4/112. In the officer report to Members of the County Committee in June 2014, officers advised that the community hub helped ensure that proposal would be a sustainable mixed-use development.

163. Officers are conscious of the range of the current local facilities and amenities within 800m actual walking distance of the centre of the site, and of the regular bus links to Durham City and Sunderland using stops adjacent to this site. Therefore, had the original outline application for 150 dwellings been considered at the current moment in time, the site would have been deemed a sustainable location for a development of 150 dwellings, therefore at the current moment in time a community hub would not have been deemed necessary to make such an application acceptable.
164. Notwithstanding this, officers are mindful of the representations received from the public when objecting to the current application, which raise concerns with the proposed loss of a community facility which could include one or several retail units, or a pub, or another service such as a café or day centre/nursery. Whilst the community hub has not yet been constructed, its perceived loss to the local community is still a material consideration.
165. Turning to the current application, the developer for the 150 dwelling scheme had approached officers some time before the current application was submitted, raising concerns with the lack of interest from potential occupiers/operators in the community hub due to viability concerns. One example is the initial aspirations for a local GP surgery to relocate to the hub did not come to fruition. Officers responded to those initial discussions advising that robust evidence of the lack of interest in the hub would be required as part of a formal planning application, along with a high-quality replacement development which maximised public benefits.
166. The current application was submitted in August 2024, and seeks to replace the previously approved community hub with 20 affordable dwellings. The application submits that the proposed affordable dwellings would help address a County-wide need, given that the County Durham Plan establishes a single, County-wide housing market area. The tenure and mix of these affordable units are considered in greater detail later in this report. Officers are mindful that this is a sustainable location for development, where affordable housing delivery is supported.
167. The application submits that the viability of the community hub is reliant upon a retail store as an 'anchor unit'. If a retail unit could not be established then this would deter interest in other potential occupiers/operators such as a café. Establishing a retail anchor unit is a well-known concept when master planning community hubs, as retail units draw in regular footfall throughout the day and throughout the week, upon which other uses such as a café would draw from to ensure that business is viable. Officers therefore consider that whether a viable retail unit could be accommodated within the community hub is a key material consideration.
168. Turning first to large scale retail units comparable to an ASDA, Tesco or Morrisons supermarket, officers are mindful that a retail unit of this size could not be accommodated within a site only 0.62 hectares in area.
169. Turning next to medium scale retail units comparable to an Aldi or Lidl, the applicant has submitted evidence of marketing the site via a well-established national chartered surveyor. Whilst the proximity to the A690 and passing traffic is a positive attractor to the site, the application submits that the site would still not be large enough for a medium scale retail unit and associated car parking and loading areas. Further to this, potential retailers have raised concerns that the settlements of West Rainton and East Rainton do not benefit from sufficient populations to sustain a new medium scale retail unit on this site. The proximity to a large Tesco at Houghton-le-Spring and another large Tesco at Dragonville had also been noted by potential retailers. For the above reasons the application submits that there is a lack of interest in establishing a medium scale retail unit at this site, and officers accept that submission.

170. Turning next to small scale retail units comparable to a convenience store, the applicant has submitted further evidence of marketing the site via a well-established national chartered surveyor. The application submits that most of the potential operators of a small scale retail unit are 'brands', which operate on a franchise model, therefore they are operated by local individuals who take on the financial risk. The challenge of delivering a store for one of these operators brings with it viability risks; fundamentally, a franchisee operator will not commit to a long-term lease (likely a maximum 10 years), but they are also more constrained on the rental level they will pay and also offer a far weaker financial covenant strength to that of an established national retailer. This then has a significant impact on the viability outcome. As the lease income offers less security and heightened risk to an investor, they expect a higher return, which can only be achieved through paying less at the outset. Ultimately, the value of the store let on this basis is far less than what might have expected, yet the cost of delivering it will not vary. The application submits that the level of engagement has been poor following the marketing of the site, with only one party expressing interest in a small unit of circa 2,500 sq.ft / 232 sq.m. However given the financial viability risks summarised above, that party's interest has fallen away. For the above reasons, the application submits that there is a lack of interest in establishing a small scale retail unit at this site, and officers accept that submission.
171. Given the above considerations, the County Council are left with the clear likelihood that the previously approved community hub will not come to fruition, and the site would remain an undeveloped parcel of land in private ownership, which would have the potential to become an eye sore if left unmanaged by the landowner. Whilst the loss of the community hub is regrettable, as highlighted in the representations received from the public, the subsequent harm from that loss is reduced by the justification submitted under this application. It is considered that sufficient justification has been provided to form part of the planning balance in regard to the proposed new housing that forms part of this application.
172. During pre-application discussions with the applicant, officers were seeking a replacement development with demonstrable public benefits – a standard market housing scheme was not invited by officers. In response to those discussions, the applicant has submitted a scheme for 20 affordable units, comprising 12 bungalows and 8 two storey dwellings. The applicant has also secured interest from a Registered Provider to take on the long term management of the dwellings. Officers recognise the benefits of affordable housing delivery, over and above the benefits of market housing delivery, in sustainable locations, and officers also recognise the benefits of delivery of 12 bungalows on a site where only 2 would normally be required. These merits of this proposal attract weight in favour of this application.

Summary of the Principle of Development

173. The site is not allocated for housing in the County Durham Plan, though it is within the settlement, and is a sustainable location for development.
174. The proposal would lead to the loss of a community hub; whilst planning permission has been granted, it is not yet been constructed. Officers accept the application's submission that a new retail store is not viable in this location, therefore the County Council are left with the likelihood that the previously approved community hub will not come to fruition.
175. The proposed provision of 20 affordable dwellings, 12 of which are bungalows, is welcomed and afforded weight in favour of the proposal.

176. The acceptability of the proposal is still dependant on a number of other matters as discussed below.

Addressing Housing Need

Type and Mix of Housing

177. Paragraph 5.187 of the CDP recognises that the County has an imbalanced housing stock in relation to type and mix. CDP Policy 19 therefore states that, on all new housing developments, the Council will seek to secure an appropriate mix of dwelling types and sizes, taking account of existing imbalances in the housing stock, site characteristics, viability, economic and market considerations and the opportunity to facilitate self-build or custom-build schemes. Paragraph 60 of the NPPF states that 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. The overall aim should be to meet as much of an area's identified housing need as possible, including with an appropriate mix of housing types for the local community.

178. The application seeks consent for 20 residential dwellings. The proposed mix is:

- 12 two-bedroom bungalows;
- 4 two-bedroom houses; and
- 4 three-bedroom houses.

179. Officers have considered the proposed mix of dwellings, and consider it acceptable. The provision of 12 single storey bungalows as opposed to the policy requirement of 2 is welcomed.

Meeting the Needs of Older People and People with Disabilities

180. CDP Policy 15 also aims to meet the needs of older people and people with disabilities, achieving this in two ways.

181. The first part is that 66% of the units on schemes of 5 units or more need to be accessible and adaptable to meet the needs of older people and people with disabilities. This is achieved by adhering to Building Regulations Requirement M4(2) (accessible and adaptable dwellings) standard.

182. The proposed plans state that 100% of the proposed dwellings would be built to M4(2) standard. This provision above the requirement is therefore acceptable and welcomed. Notwithstanding the submitted details the Spatial Policy officer advises that a compliance condition be used to secure at least 66% of dwellings be constructed to Building Regulations Requirement M4(2) (accessible and adaptable dwellings) standard.

183. The second part of CDP Policy 15 requires a minimum of 10% of the total number of dwellings on the site to be of a design and type that increases the housing options of older people. This means it has to be built as a suitable product from the outset, so that it is available at the point of first occupation (i.e. now/immediately) to meet the needs of older people. These properties should also be built to M4(2) standard and would contribute to meeting the 66% requirement set out above. They should be situated in the most appropriate location within the site for older people. Appropriate house types considered to meet this requirement include:

- level access flats;
- level access bungalows; or

- housing products that can be shown to meet the specific needs of a multi-generational family.

184. The provision of 12 single storey bungalows as opposed to the required 2 is welcomed. The received plans also state that all of the bungalows would be built to M4(2) standard. The distribution of the bungalows across the site is acceptable.

185. For the above reasons, the proposal is acceptable and accords with Policy 19 of the CDP or with Part 5 of the NPPF in this respect.

Affordable Housing Provision

186. Policy 15 of the CDP establishes the requirements for developments to provide on-site affordable housing, the circumstances when off-site affordable housing would be acceptable, the tenure and mix of affordable housing, the requirements of developments to meet the needs of older people and people with disabilities, and the circumstances in which the specialist housing will be supported. The Policy states that on sites with 10 or more units, 10% of the homes provided should be for affordable home ownership (starter homes, discount market sale housing and other affordable routes to home ownership). In line with the requirements in Table 8 of the Policy, any contribution above 10% should be provided as affordable housing for rent. The Policy goes on to state that where it can be evidenced by the applicant to the Council's satisfaction that this tenure mix would make the required affordable housing contribution unviable or that alternative affordable housing products are required to meet local needs, then proposals for an alternative tenure mix as proposed by the applicant will be considered.

187. Following the publication of the updated NPPF in December 2024, officers are now seeking an affordable tenure mix of 70% social or affordable rent; and 30% discount market sale housing and/or other affordable routes to home ownership.

188. All 20 of the proposed dwellings would be affordable housing, of affordable shared ownership tenure.

189. The application has been submitted by Woodside Commercial Developments Limited, a small residential builder. It is proposed that the affordable units once constructed would be taken on and managed by Heylo Housing who are a registered provider.

190. The current application submits that the proposed affordable housing offer would complement the previously secured affordable units on the adjacent residential development to the west and southwest, which is being developed by Banks Homes. Within that development are 30 affordable units which are a mix of two and three bedroom bungalows and houses; 23 of which are secured as affordable rent, 7 of which are secured as intermediate units. Those 30 affordable units are to be managed by Gentoo Housing Association. The current application submits that the currently proposed 20 shared ownership units would be subject to low rent and low deposit requirements to enable easier entry to home ownership for first time buyers.

191. The site is within the 'medium' viability area as identified in the County Durham Plan. Major-scale residential developments in this area are required to provide at least 15% of dwellings as affordable housing. The current proposal for 100% affordable dwellings is therefore acceptable and welcomed.

192. The affordable housing officer has been consulted, and they advise that whilst the provision of 20 affordable units is welcome, they have sought further evidence from the applicant that there is a need for 20 affordable shared ownership tenure units in

this local area. They note the supporting letter from the registered provider Heylo - whilst the letter gives assurances that this tenure of affordable units will be in demand and states that they have provided the product throughout the Northeast, the application has not clearly demonstrated whether this proposed affordable housing tenure is meeting local need, and can therefore be an accepted deviation from the NPPF and CDP Policy 15 requirements. Officers are however mindful that the County Durham Plan establishes a single, County-wide housing market area, and that there is an outstanding County-wide need for affordable housing. If this application could demonstrate the proposal would address an identified local need then officers would give greater weight to the benefits of the proposed affordable housing, however given the above factors it is considered that the provision of affordable housing in this sustainable location is still supported as a matter of principle as it contributes to the delivery of affordable housing in County Durham, even if the application does not clearly identify a local need for 20 units of the affordable home ownership tenure.

193. Given that the proposal relies upon the benefits of delivering 20 affordable dwellings when seeking to justify the loss of the commercial hub, officers are seeking to secure all 20 of the dwellings as affordable units in perpetuity through a legal agreement.
194. On balance, it is considered that the proposed affordable housing provision is acceptable, as it would help address a County-wide need in what is a sustainable location. The proposal would therefore not conflict with Policies 15 and 19 of the CDP or with Part 5 of the NPPF.

Residential amenity

195. Paragraph 180 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 191 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 192 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 193 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).
196. Policies 29 and 31 of the CDP outline that developments should provide high standards of amenity and privacy, minimise the impact of development upon the occupants of existing adjacent and nearby properties, and not lead to unacceptable levels of pollution. The Policies are informed by Parts 12 and 15 of the NPPF, which require that a good standard of amenity for existing and future users be ensured, whilst seeking to prevent both new and existing development from contributing to, or being put at unacceptable risk from, unacceptable levels of pollution including noise pollution.

Construction Period

197. The application is supported by a Construction Management Statement, received August 2024. Whilst the statement is not accompanied by a site plan, the Statement provides sufficient detail of the location of the site compound. The application is also supported by Noise and Air Quality Assessments.
198. The Environmental Health (Air Quality and Nuisance) Officers have been consulted and they have no concerns with the submitted documents. No further details are required, and no conditions are recommended.
199. Following the advice of the specialist officers as summarised above, subject to a condition ensuring compliance with measures set out within the Construction Management Statement, the Air Quality Assessment, and the Noise Assessment, the proposal would preserve the amenity of neighbouring residents during the construction period.

Separation Distances

200. The Council's Residential Amenity Standards Supplementary Planning Document (RAS SPD) provides detailed guidance on the assessment of separation distances between proposed dwellings and between existing and proposed dwellings. The RAS SPD seeks separation distances of:-
- A minimum distance of 21.0m between habitable room windows, where either dwelling exceeds single storey, and a minimum of 18.0m between habitable room windows and both dwellings are single storey.
 - 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 13.0m shall be provided where either dwelling exceed single storey or 10.0m where both dwellings are single storey.
201. Officers also note that this particular site features a gradient from the southern boundary sloping down to the northern boundary. The RAS SPD provides further guidance in relation to changes in levels, stating: *"To compensate for these changes the separation / privacy distances cited above should be increased by 3m for every additional storey height (including rooms within the roof space which contain windows) above two storeys. Where there is a significant change in levels, the minimum separation/privacy distance will increase by 1m for every full 1m that the floor level of the development would be above the affected floor level of the neighbouring property."* The RAS SPD does however recognise that there may be instances where these instances can be relaxed, including for design purposes or to address wider material considerations.
202. Officers have carefully considered the proposed separation distances between proposed dwellings within the site, and between proposed dwellings and the adjacent existing dwellings around the edge of the site, in line with the above guidance. It is considered that the separation distances are acceptable.
203. For the above reasons proposal accords with with Policies 6 d), 29 e) and 31 of the CDP, or with the Residential Amenity Standards SPD, or with Paragraph 135 f) of the NPPF.

Private Amenity Spaces

204. Consideration has also been given to the size of the proposed gardens across the site, which provide private amenity space for occupiers of the development. The Council's RAS SPD requires rear garden depths to be 9m in length, subject to site and plot specific considerations.

205. Officers note that the 12 bungalow plots do not provide sufficient garden depths. Plots 5, 6, 7, 8, 11 and 12 measure only 7m in depth, Plots 9 and 10 measure only 8m in depth, and Plots 13, 14, 15 and 16 measure only 8.5m in depth. Officers are however mindful that these are bungalow plots, and benefit from wide curtilages. Given the overall size of these garden areas it is considered that sufficient private amenity spaces are provided for the bungalows, in accordance with the RAS SPD.
206. Plots 1, 2, 3, 4, 17, 18, 19 and 20 are two storey dwellings which all have sufficient garden depths.
207. The proposal does not conflict with Policies 6 d), 29 e) and 31 of the CDP or with Paragraph 135 f) of the NPPF in this respect.

Layout and Design

208. CDP Policy 6 d) requires new development well related to existing settlements to be appropriate in terms of scale, design and layout in relation to the existing settlement. Policy 29 builds upon this requirement and specifically requires new development to provide a high quality of design.
209. Due to the scale of the development it has not been through the Council's internal Design Review process using the Building for Life Supplementary Planning Document (2019) (BfL SPD).
210. To the west and southwest of the current site lies the area benefitting consent for the 150 dwellings; that residential development is already well underway with a number of properties already built and occupied at the time of writing this report. The current site is surrounded to the north, east and southeast by existing residential dwellings.
211. The layout of the development comprises a ring with 8 two storey dwellings surrounded by a highway, and 8 bungalows along the northern edge to provide active frontage onto Station Road. A further 4 bungalows are proposed along the eastern edge of the site. Pedestrian access points are proposed at the northern and west edges. To the west of the site is the previously approved recreational area for the larger Banks Homes development.
212. No Sustainable Urban Drainage System (SuDS) basin or swales are proposed due the scale of the site. All driveways and private shared surfaces would feature permeable paving.
213. The development would be a mix of single storey and two storey dwellings, each with their own parking areas and private rear gardens. The dwellings would comprise buff brick with white render external elevations, to match the previously approved residential development to the west and southwest. Grey slate roof tiles and white upvc windows are proposed.
214. Boundary treatments would comprise a mix of 1.8m high vertical timber fencing, and vertical timber fencing above a low brick wall up to 1.8m in height.
215. Whilst officers would usually seek a lesser density to accommodate integrated drainage, public open space, and more parking bays, the proposal is seeking to provide a notable overprovision of bungalows, and provide 20 affordable dwellings in a sustainable location, on what is a relatively small site. Given these considerations it felt that the proposed density and layout is on balance acceptable.

216. In respect of design of the dwellings, it is considered that the material pallet would not be out of character with the surrounding area. The proposed boundary treatments are also acceptable. The applicant has also responded to officer feedback by providing a corner turner unit at Plot 5 at the northwestern corner of the site, alongside a softer landscaped boundary treatment, on what would be a visually prominent plot along Station Road. These changes are welcomed.
217. On balance it is considered that the proposed layout and design would not lead to conflict with Policies 6 d) and 29 of the CDP or with Part 12 of the NPPF and is therefore acceptable.

Trees and Hedgerows

218. In respect of trees, 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 be expected to retain existing trees where they can make a positive contribution to the locality or to the development, maintain adequate stand-off distances between them and new land-uses, including root protection areas where necessary, to avoid future conflicts, and integrate them fully into the design having regard to their future management requirements and growth potential. Where trees are lost, suitable replacement planting, including appropriate provision for maintenance and management, will be required within the site or the locality. Where applications are made to carry out works to trees in Conservation Areas or that are covered by a Tree Preservation Order, they will be determined in accordance with the council's Tree Management Policy Document (or any subsequent revisions).
219. In respect of hedgerows, CDP Policy 40 goes on to state that 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 be expected to retain existing hedgerows where appropriate and integrate them fully into the design having regard to their management requirements. Where any hedges are lost, suitable replacement planting or restoration of existing hedges, will be required within the site or the locality, including appropriate provision for maintenance and management.
220. Paragraph 136 of the NPPF states that trees make an important contribution to the character and quality of urban environments and can also help mitigate and adapt to climate change.
221. There are six trees located at the southeastern boundary of the site which are of limited amenity value and they are not covered by a Tree Preservation Order. The proposal seeks to replace these trees with three new trees, which would fall within the curtilage of Plot 16. The loss of these existing trees during the works is not considered unacceptable subject to the proposed replacement planting. The implementation of that planting can be secured by condition.
222. To the immediate east of the site is a retaining wall with a hedgerow and adjacent highway beyond. The proposal seeks to retain the hedgerow during the works. Given the visual prominence of the hedgerow, and given that it would provide a visual screen to prevent overlooking from the higher footpath down into the proposed bungalows at Plots 13, 14, 15 and 16, it is considered necessary to retain that hedgerow. This can be secured through use of a condition.

223. Subject to recommended conditions the proposal would not lead to an unacceptable loss of trees or hedgerows, therefore the proposal would not conflict with Policy 40 of the County Durham Plan, or with the National Planning Policy Framework.

Highway Safety

224. Paragraph 115 of the NPPF states that when assessing proposals, it should be ensured appropriate opportunities to promote sustainable transport modes can be – or have been – taken up, given the type of development and its location. It should also be ensured that safe and suitable access to the site can be achieved for all users; that the design of streets, parking areas, other transport elements and the content of associated standards reflect current national guidance, including the National Design Guide and the National Model Design Code; and that 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.
225. Paragraph 116 of the NPPF then states that development should only be refused on transport grounds where the residual cumulative impacts on development are severe. Policies 6 e) and 21 of the County Durham Plan outlines that development should not be prejudicial to highway safety or have a severe cumulative impact on network capacity. Policy 21 also expects developments to deliver well designed pedestrian routes and sufficient cycle and car parking provision.
226. Vehicular access into the current site would be via the adjacent Banks development to the west, using the previously approved access onto Station Road. This access arrangement aligns with the previously approved access arrangement for the commercial hub upon this site.
227. Private parking bays are proposed at each plot, with an additional 5 visitor parking bays distributed across the site. Each dwelling would benefit from an Electric Vehicle charging point. No garages are proposed.
228. Due to the scale of the development neither a Transport Assessment nor a Transport Statement has been required. A Construction Management Statement has been submitted and considered.
229. The Highways officer has been consulted and they have no concerns in respect of the proposed access arrangement, or in respect of vehicle trips from the development on the capacity of the local road network.
230. In respect of car parking, concerns have been raised with the designated parking bays for Plot 17 being located in front of Plots 11 and 12 instead of in front of Plot 17. Concerns have also been raised in respect of insufficient parking provision for Plots 11 and 12. Officers are mindful of the lack of a single parking bay for a plot, however it is noted that this serves a bungalow. The parking standards require a two bedroom bungalow to benefit from two parking bays, though only one bay is proposed. Given that this is a bungalow, which is also in close proximity to bus stops which are served by frequent, direct connections into Durham City and into Sunderland, it is considered that the lack of a single parking bay is justified.
231. The Highways officer has also raised concerns with an insufficient margin width around the edges of the visitor parking bays located along the western site boundary. Whilst officer recognise the margin would assist vehicle users in leaving their vehicles, the lack of a margin is not considered necessary on highway safety grounds, therefore the lack of a margin is not unacceptable.

232. In respect of highway design, the Highways officer has raised some concerns which would need to be addressed through the technical approval process under the Highways Act. This is separate from the Planning process, and the highway layout is acceptable in Planning terms. A condition is recommended which secures approval of those technical details prior to the occupation of the first dwelling, should the applicant seek to offer the highway up for adoption by the County Council.
233. The Highways officer also advises the retaining walls along the rear gardens of Plots 13, 14, 15 and 16 must remain the responsibility of the landowner regardless of whether they support the highway. This would be a matter between the applicant, subsequent property owners, and the local Highway Authority, separate from the Planning process.
234. Officers are conscious that Councillor Hall has commented on the application, requesting a pedestrian crossing be provided on Station Road to the northwest of this site to provide safe access to the facilities and amenities further into the village. Due to the scale of the currently proposed development at only 20 dwellings, and due to Station Road not being a major highway with notable vehicle trips, officers do not consider it necessary to provide a pedestrian crossing on highway safety grounds. It is considered that occupiers of the currently proposed development would be able to safely cross the highway without a new crossing, therefore officers cannot reasonably require the developer to provide a crossing at their expense through the Planning process. Officers are mindful that Councillor Hall has been discussing the crossing provision issue with Highways officers separate from the Planning process.
235. Subject to standard highways conditions, the proposal does not lead to a highway safety impact and does not conflict with Policies 6 e) or 21 c) of the CDP or with the NPPF.

Ecology

236. Part 15 of the NPPF seeks to ensure that developments protect and mitigate harm to biodiversity interests, and where possible, improve them.
237. Paragraph 186 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. The Policy also considers protected species and their habitats.

Protected Species

238. 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 which is transposed by the Conservation of Habitats and Species Regulations 2017 (as amended). The Regulations prohibit 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 would require a licence 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.

239. There are no ecological designations within the site, with the nearest being Moorhouse Wood Local Wildlife Site located approximately 680m to the southwest. The nearest ponds are 280m and 380m respectively to the east and northeast beyond the A690.
240. An Ecological Appraisal has been submitted which, following an initial site survey, advises that no further survey work is required. Mitigation measures are recommended to avoid potential impacts on protected species during the works.
241. The Ecology officer has been consulted and they have not raised any concerns in relation to protected species.
242. The mitigation measures set out within the received Ecological Appraisal can be secured by conditions.
243. No impacts on protected species or irreplaceable habitats are expected. The submitted documents set out sufficient mitigation measures to avoid potential impacts on protected species during the works, which can be secured by condition. As there would be no interference with protected species, there is no need to apply the derogation tests for a licence.
244. The proposal would not have an adverse impact on protected species in accordance with Policies 41 and 43 of the CDP and with Part 15 of the NPPF.

Biodiversity Net Gain

245. From 12th February 2024 the requirements of Schedule 14 of the Environment Act 2021, as inserted into Schedule 7A of the Town and Country Planning Act 1990, apply to all planning applications for major development unless falling under one of the listed exemptions. This application was received after 12th February 2024 and does not meet any of the exemptions, therefore the proposal is required to deliver at least 10% Biodiversity Net Gain (BNG).
246. The application is supported by a BNG Assessment and Metric, which submits that the proposal would achieve a net loss of 0.50 habitat units (a 40.78% loss) and a net gain of 0.64 hedgerow units (a 159% gain). Overall the required 10% net gain would not be achieved on site, therefore the applicant is seeking to acquire off-site credits to achieve the required 10%.
247. The Ecology officer has been consulted and they advise that the updated BNG metric, which now excludes reliance on urban trees within private gardens of the proposed dwellings, is acceptable. They also advise that the proposed acquisition of off-site credits to achieve the required 10% is acceptable. Given the small amount of on-site BNG measures the Ecology officer advises that these measures can be secured through a Landscape Ecological Management Plan (LEMP) via planning conditions, as opposed to a more onerous Habitat Management and Monitoring Plan (HMMP) which would usually be secured by a legal agreement and by planning conditions. The

Ecology officer has also advised that a BNG monitoring fee does not need to be secured given the small amount of on-site BNG measures.

248. Subject to the use of relevant conditions, it is considered that the proposal would achieve at least a 10% BNG through some on-site measures and through acquiring BNG credits. The proposal accords with Policies 6 c) and 41 of the CDP and with Part 15 of the CDP in this respect.

Surface Water and Foul Drainage

249. 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 180 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.
250. Paragraph 173 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.
251. CDP Policies 35 and 36 relate to flood water management and infrastructure, of which Policy 6 h) is also consistent. CDP Policy 35 requires agreement of flood risk and use of sustainable drainage systems with all development proposals required 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. It is not reasonable for development proposals to mitigate separate existing issues. Policy 35 also states that for major developments such as the current proposal, the management of water must be an intrinsic part of the overall development.
252. Policy 36 addresses the disposal of foul water in the consideration of development proposals, and the hierarchy of drainage options that must be considered and discounted for foul water. 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.
253. The site falls within Flood Zone 1 as identified by the Environment Agency, which is the lowest risk area of fluvial (river) flooding.
254. No parts of the site lie within a pluvial (surface water following rainfall) flooding area.

255. No Sustainable Urban Drainage System (SuDS) basin or swales are proposed due to the shape and size of the site forming a constraint to the proposal's layout. All driveways and private shared surfaces would feature permeable paving.
256. The Council's Drainage and Coastal Protection Team have been consulted and they have advised that the surface water drainage strategy is acceptable in principle. Given the shape and size of the site, on balance the lack of a proposed SuDS basin and lack of integrated drainage features across the layout of the proposal, such as swales, is acceptable. No conditions are recommended, provided that the submitted details and the updated Flood Risk Assessment and Drainage Strategy form part of the approved plans condition.
257. The proposal seeks to connect to a mains sewer for its foul drainage solution. Northumbrian Water have been consulted in relation to foul drainage and the capacity of the local sewer system. Agreement for this would fall outside of the planning process under separate legislation.
258. The proposal would not lead to an increased surface water flood risk either within the site or elsewhere, therefore the proposal would not conflict with Policy 35 of the CDP, or with the NPPF.
259. The proposed foul drainage solution is considered acceptable in accordance with Policies 6 h), 35 and 36 of the CDP and Part 14 of the NPPF.

Heritage and Archaeology

260. 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.
261. 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. Policy 6 c) is of relevance also in this regard.
262. There are no designated heritage assets within or adjacent to the site, with the nearest listed building or structure being the Grade I listed Former Ebenezer Chapel, a 19th century methodist chapel located on Hall Lane approximately 600m to the northeast of the site. The nearest Conservation Area is Hallgarth Conservation Area approximately 2.5km to the southeast, located to the south of High Pittington.
263. It is considered that the proposed development would not have an adverse impact on above-ground heritage assets, therefore there would be no conflict with CDP Policy 44 or with Part 15 of the NPPF in this respect.

264. In respect of Archaeology, Paragraph 200 of the NPPF states that where a site on which development is proposed includes, or has the potential to include, heritage assets with archaeological interest, Local Planning Authorities should require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation.
265. Footnote 68 of the NPPF states that non-designated heritage assets of archaeological interest, which are demonstrably of equivalent significance to scheduled monuments, should be considered subject to policies for designated heritage assets. Therefore Paragraphs 200, 206 and 207 the NPPF are applicable, which require any harm to or loss of such assets to require clear and convincing justification. This is reflected in Policy 44 of the CDP.
266. The Archaeology officer has been consulted and they have not raised any concerns. No conditions are recommended.
267. It is considered that the proposal would cause no harm to heritage assets or archaeological remains, therefore there would be no conflict with CDP Policies 6 c) or 44, or with Part 16 of the NPPF, or with the Listed Building Act, in this respect.

Contaminated Land and Coal Mining Risk

268. Part 15 of the NPPF (Paragraphs 124, 180, 189 and 190) 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 states that development will not be permitted unless the developer can demonstrate that the site is suitable for the proposed use, and that the proposal does not result in unacceptable risks which would adversely impact on the environment, human health and the amenity of local communities.
269. The site is within the Lower Risk Coal Advice Area. The land to the west of the site is within the Higher Risk Coal Area. The site is also within the surface mined coal resource area as defined in the County Durham Plan.
270. There are no known mineshafts within the site, with the nearest being approximately 70m to the southwest of the site.
271. The Coal Authority have been consulted, and given that the site is not within the Higher Risk Coal Area they have not raised concerns. They have also not raised any concerns in respect of mineshafts. They have not recommended any conditions.
272. The Environmental Health and Consumer Protection (Contaminated Land) officer has been consulted and they advise that following review of the submitted geoenvironmental appraisal, contamination risk assessment, and gas risk assessment, they have no concerns. They also advise that no conditions are recommended.
273. The proposal would not result in ground stability or land contamination risks which would adversely impact on the environment, on human health, or on the amenity of local communities. The proposal does not conflict with Policies 6 or 32 of the CDP or with Part 15 of the NPPF in this respect.

Planning Contributions

274. CDP Policy 25 states that new development will be approved where any mitigation necessary to make the development acceptable in planning terms is secured through appropriate planning conditions or planning obligations. Such mitigation will relate to the provision, and/or improvement, of physical, social and environmental infrastructure taking into account the nature of the proposal and identified local or strategic needs. Policy 25 goes on to state that developers will be required to enter into Planning Obligations which are directly related to the development and fairly and reasonably related in scale and kind to the development, in order to secure the mitigation that is necessary for a development to be acceptable in planning terms. Policy 25 reflects Paragraphs 55 and 57 of the NPPF.
275. CDP Policy 25 requires planning applications which do not propose policy compliant levels of affordable housing and/or obligations necessary to mitigate the impact of development will need to be supported by a robust viability assessment. Any viability assessment accompanying a planning application should refer back to the assessment that informed the Plan and provide evidence of what has changed since then. No such assessment has been submitted as part of this application.
276. The Council has published a Development Viability, Affordable Housing and Financial Contributions Supplementary Planning Document (SPD) dated April 2024, which supports Policy 25 of the CDP and provides guidance on how the required contributions are calculated.
277. Under the provisions of Section 106 of the Town and Country Planning Act 1990 (as amended) the applicant is proposing a planning obligation should planning permission be granted covering a number of matters as set out below.

Affordable Housing

278. All 20 of the proposed dwellings would be affordable housing, of affordable shared ownership tenure.
279. The application has been submitted by Woodside Commercial Developments Limited, a small residential builder. It is proposed that the affordable units once constructed would be taken on and managed by Heylo Housing who are a registered provider.
280. Given that the proposal relies upon the benefits of delivering 20 affordable dwellings when seeking to justify the loss of the commercial hub, officers seek to secure all 20 of the dwellings as affordable units in perpetuity through a legal agreement.

Education

281. Based on the methodology set out in the Council's adopted Securing Developer Contributions towards Education Provision in County Durham, the proposed development of 20 dwellings would produce 1 Nursery age pupils, 5 pupils of primary school age, 3 pupils of secondary age, 0 post-16 pupils, and 0.2 SEND pupils.
282. In relation to Primary School pupils, the following schools could serve the development based on a 2 mile safe walking distance:-

West Rainton Primary School
Pittington Primary School
Belmont Cheveley Park

283. Based on the projected rolls of the schools, taking into account the likely implementation timeframe of the development, build rates and other committed

development there would not be sufficient space to accommodate the pupils generated by the development, whilst maintaining a 5% surplus. In order to mitigate the impact of the development, a contribution of £88,385 (5 pupils x £17,677) would be required.

284. In relation to Secondary School pupils, the nearest Secondary School is Belmont School, which has capacity for 845 pupils. Based on the projected rolls of the schools, taking into account the likely implementation timeframe of the development, build rates and other committed development, the Education officer advises there would not be sufficient space to accommodate the pupils generated by the development, whilst maintaining a 5% surplus. In order to mitigate the impact of the development a contribution of £72,936 (3 pupils x £24,312) would be required to facilitate the provision of additional teaching accommodation at Belmont School.

285. In relation to SEND pupils, the Education officer advises there is a shortage of SEND places across the County. In order to mitigate the impact of the development on SEND provision, they advise a contribution of £16,796 (0.2 x £83,980) would be required.

Healthcare

286. The NHS has been consulted and have not commented on the proposal due to the scale of the development. Therefore officers are not seeking a contribution toward increasing local GP surgery capacity.

Public Open Space Provision

287. CDP Policy 26 requires proposals for new residential development to make provision for open space to meet the needs of future residents having regard to the standards of open space provision set out in the Open Space Needs Assessment (OSNA). The OSNA sets out the most up to date position in respect to open space provision across the county and provides a formula for calculating requirements on a site-specific basis.

288. Using the OSNA's methodology, it is noted that a scheme of 20 dwellings would lead to 44 persons, at 2.2 persons per household. At 1000 persons per hectare of open space, the following open space would normally be expected on-site for a 20 dwelling scheme:

- Amenity/ Natural Green Space: 660 sq.m.

289. A site plan has been submitted showing no public open spaces would be provided within the site, with all soft landscaped spaces being residential curtilages. The application submits that this proposal is seeking to maximise affordable housing delivery.

290. Turning first to Amenity / Natural Green Space, the lack of the required 660 sq.m. is a concern. Officers note the previously approved area of Amenity / Natural Green Space to the immediate west of this site which benefits the adjacent Banks housing development which is currently under construction. However, officers are mindful that this adjacent area was required to mitigate the impacts of that adjacent development, therefore officers are unable to 'double count' its provision to off-set the requirements of the currently proposed development.

291. Officers are mindful of the benefits of maximising affordable housing delivery in what is a sustainable location, alongside the delivery of 12 bungalows when only 2 are usually required for a development of this scale. The delivery of this amount of affordable units, and this amount of bungalows, leads to limited room within the site to provide public open space, therefore a balancing act is required as to whether these

benefits outweigh the lack of on-site Amenity/Natural Green Space. Officers consider that the lack of what would be a relatively small amount of Amenity/ Natural Green Space is justified, provided that a financial contribution be secured to ensure off-site provision instead.

292. A contribution of £9,900 is therefore expected for what is a 20 dwelling development, unless the 50% discount applies. Officers note the proximity of the existing Amenity/ Natural Green Space to the north of Station Road and west of Chantry Place, which are within 480m of the site. It is therefore considered that the 50% discount does apply, and a contribution of only £4,950 should be sought.
293. In respect of other public open space typologies, the following financial contributions would normally be expected for a 20 dwelling development, unless the 50% discount applies:
- Allotments: £11,800
 - Parks and Recreation: £44,352
 - Play Space (Children): £3,740
 - Play Space (Youth): £2,922
294. In respect of Allotments, officers note the existing allotments within 480m to the southeast of the site, on the opposite side of the A690. Following the recent completion of the junction upgrade works there is a safe pedestrian crossing across the dual carriageway, providing sufficient access to these allotments. The 50% discount toward the off-site contribution for Allotment provision therefore applies, which equates to £5,940.
295. In respect of Play Space (Children), officers note the existing play area to the west of South Street and south of The Crescent, within 600m to the north of the site. The 50% discount toward the off-site contribution for Play Space (Children) provision therefore applies, which equates to £1,870.
296. In respect of Play Space (Youth), officers note the existing BMX track at the Adventure Play Park north of The Crescent, within 720m to the northwest of the site. The 50% discount toward the off-site contribution for Play Space (Youth) provision therefore applies, which equates to £1,496.
297. In respect of Parks and Recreation, officers note the existing Parks and Recreation space at the Adventure Play Park north of The Crescent, which is beyond 600m to the northwest of the site. The 50% discount toward the off-site contribution for Parks and Recreation provision therefore does not apply, and the full £44,352 contribution is sought.
298. In summary, a total of £58,608 is sought in contributions toward off-site public open space provision.

Summary of Planning Contributions

299. Financial contributions are sought toward Primary School, Secondary School and SEND school provision. As explained in the above assessment, officers are unable to secure a financial contribution toward Nursey and Post-16 provision.
300. Financial contributions are also sought toward off-site public open space provision.
301. Due to the small scale of development the NHS have not sought a financial contribution toward healthcare provision.

302. All 20 of the proposed dwellings would need to be secured as affordable units in perpetuity.
303. As explained in the Ecology section of this report, due to the small amount of BNG provided on-site, the management and maintenance of on-site Biodiversity Net Gain measures can be secured through a Landscape and Ecological Monitoring Plan (LEMP) via planning conditions, rather than through a Habitat Monitoring and Management Plan (HMMP).
304. As also explained in the Ecology section of this report, due to the small amount of BNG provided on-site, a financial contribution is not required toward monitoring the proposed on-site BNG measures.
305. The required contributions and affordable housing provision can be secured through a Section 106 Agreement should Members be minded to grant permission. If the applicant were to not enter into this agreement, the proposal would conflict with Policies 25 and 26 of the CDP.
306. With regard to the CIL Regulation tests, it is considered that the obligations being sought are necessary to make the development acceptable in planning terms; are directly related to the development; and are fairly and reasonably related in scale and kind to the development. Therefore, the obligations being sought accord with these tests.
307. Subject to the completion of a legal agreement the proposal would not conflict with CDP Policies 25 and 26, or with Paragraphs 55 and 57 of the NPPF.

Other Matters

Agricultural Land

308. The application site is less than 1 hectare, therefore the application is not required to provide an agricultural land classification statement.
309. 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. Paragraph 180 of the NPPF states that Planning policies and decisions should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils, in a manner commensurate with their statutory status or identified quality in the development plan.
310. The site was historically in agricultural use, though benefits from an extant consent for a community hub and is now surrounded by residential development. The site is no longer in agricultural use. The benefits of the development, including maximising affordable housing delivery in what is a sustainable location, alongside the delivery of 12 bungalows when only 2 are usually required for a development of this scale, have also been taken into consideration.
311. It is considered that the proposal does not conflict with Policy 14 of the CDP or with Paragraph 180 of the NPPF in this respect.

Soil Resource

312. CDP Policy 14 states 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. Paragraph 180 of the NPPF states that Planning policies and decisions should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils, in a manner commensurate with their statutory status or identified quality in the development plan.

313. A condition can be used to secure details of soil management during the construction works. Subject to the use of this condition, the proposal does not conflict with Policy 14 of the CDP or with Paragraph 180 of the NPPF in this respect.

Safeguarding Mineral Resources

314. The site is within the surface mined coal resource area as defined in the County Durham Plan. The site is also within a mineral safeguarding area for coal. Therefore Policy 56 of the CDP is applicable, which states that development of non-mineral development in the safeguarded areas would not be supported unless it meets one of the criteria in the Policy, or is one of the exemptions in Appendix C of the CDP.
315. Officers are mindful that if any coal were extracted from the site, due to its close proximity to existing residential dwellings that extraction operation would lead to an unacceptable adverse impact on the amenity of those residents. Therefore the proposal meets criterion b) of Policy 56.
316. Officers are also mindful that the proposal is for 20 affordable dwellings in a sustainable location, which also provides 12 bungalows as opposed to the policy requirement for only 2 bungalows. It is therefore considered that there are sufficient benefits to outweigh the safeguarding of the coal mineral beneath what is a small site. Therefore the proposal meets criterion e) of Policy 56.
283. For the above reasons this proposal does not conflict with Policy 56 of the CDP.

Travel Plan

317. At 20 dwellings, the proposal does not require a Travel Plan.

Public Rights of Way

318. Part 8 of the NPPF seeks to promote healthy communities with a key reference being towards the protection and enhancement of public rights of way and access. CDP Policy 26 states that development will be expected to maintain or improve the permeability of the built environment and access to the countryside for pedestrians, cyclists and horse riders. Proposals that would result in the loss of, or deterioration in the quality of, existing Public Rights of Way (PROWs) will not be permitted unless equivalent alternative provision of a suitable standard is made. The Policy goes on to state that where diversions are required, new routes should be direct, convenient and attractive, and must not have a detrimental impact on environmental or heritage assets.
319. The Access & Rights of Way officer has been consulted and notes that no formal public rights of way are located within or adjacent to the site.
320. The proposed works would not have an adverse impact on the registered public right of way network, and would not conflict with CDP Policy 26 or with Part 8 of the NPPF in respect of registered public rights of way.

Energy Efficiency

321. CDP Policy 29 requires proposals to minimise greenhouse gas emissions, by seeking to achieve zero carbon buildings and providing renewable and low carbon energy generation, and include connections to an existing or approved district energy scheme where viable opportunities exist. Where connection to the gas network is not viable, development should utilise renewable and low carbon technologies as the main heating source. The Policy goes on to require proposals to minimise the use of non-renewable and unsustainable resources, including energy, water and materials, during both construction and use, by encouraging waste reduction and appropriate reuse and recycling of materials, including appropriate storage space and segregation facilities for recyclable and non-recyclable waste and prioritising the use of local materials.
322. CDP Policy 29 also refers specifically to reducing CO2 emissions for new buildings based upon building regulations requirements at the time the County Durham Plan was adopted in 2020, however Part L of the Building Regulations has since been revised in 2021, and the levels now required exceed that of Policy 29 of the CDP. The applicant will be required to accord with those Building Regulations which would be enforced outside the Planning process. These Building Regulations require a further 31% reduction in carbon emissions over previous 2013 Building Regulations.
323. Electric Vehicle charging points are proposed at each dwelling and this is considered acceptable. Officers note that EV charging point provision is already required under Part S of Building Regulations following an update in 2021. A condition is recommended ensuring the EV charging points are installed and made available for use prior to the occupation of each dwelling.
324. The application indicates that the proposed residential dwellings would be of a sustainable design and would be constructed using sustainable methods. The proposal includes a number of energy efficiency measures relating to heating, water, lighting, materials and construction method, in response to Building Regulation requirements as mentioned above.
325. The application indicates that the proposed residential dwellings would be of a sustainable design and would be constructed using sustainable methods. The applicant indicates that air source heat pumps would be installed at every dwelling, and whilst roof-mounted solar panels are not shown at this stage they would be an option for purchasers of the dwellings. Officers are mindful that provision of these measures are subject to Building Regulation requirements separate from the Planning process.
326. The proposal also includes an EV charging point and cycle parking provision at each dwelling.
327. For the above reasons, the proposal would be an energy efficient form of development which would not conflict with Policy 29 of the CDP, or with Parts 9, 12 and 14 of the NPPF in this respect.

Broadband

328. CDP Policy 27 relates to utilities, telecommunications and other broadband infrastructure and requires any residential and commercial development to be served by a high-speed broadband connection and where this is not appropriate, practical or economically viable, developers should provide appropriate infrastructure to enable future installation.

329. Paragraph 118 of the NPPF states that advanced, high quality and reliable communications infrastructure is essential for economic growth and social well-being. Planning policies and decisions should support the expansion of electronic communications networks, including next generation mobile technology (such as 5G) and full fibre broadband connections. Policies should set out how high quality digital infrastructure, providing access to services from a range of providers, is expected to be delivered and upgraded over time; and should prioritise full fibre connections to existing and new developments (as these connections will, in almost all cases, provide the optimum solution).
330. In considering this policy requirement, due the location of the development within the settlement, there would be existing high-speed broadband availability in the area to comply with CDP Policy 27. Details of broadband provision could be secured by condition in accordance with CDP Policy 27 and Paragraph 118 of the NPPF.

Loss of existing recreational land

331. Concerns have been raised in public representations that the proposal would lead to the loss of existing recreational land. Officers are mindful that the site is a former agricultural field, is in private ownership, and following multiple visits to the site officers do not consider the site to hold any value as public open space. The proposal would therefore not lead to the loss of existing recreational land.

Encroachment onto neighbouring property's land

332. Concerns have also been raised in public representations that the proposal would lead to encroachment onto land to the south of the site in the ownership of a neighbouring property. The applicant has responded to those concerns by advising officers that the extent of the red line boundary and extent of the proposed works is entirely on land in their ownership, and would not lead to any encroachment onto the neighbouring party's land. However, as this a civil matter between the applicant and relevant party, this would not be a reasonable reason to withhold the granting of planning permission.

Public Sector Equality Duty

333. 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.
334. In this instance, officers have assessed all relevant factors and do not consider that there are any equality impacts identified. Accordingly, no changes to the proposal were required to make it acceptable in this regard.

CONCLUSION

335. Section 38(6) of the Planning and Compulsory Purchase Act 2004 sets out that planning applications be determined in accordance with the development plan unless material considerations indicate otherwise. The NPPF is a material consideration in planning decisions.

336. The site is not allocated for housing in the County Durham Plan, though it is within the settlement, and is a sustainable location for development.
337. The proposal would lead to the loss of a community hub; whilst planning permission has been granted, it is not yet been constructed. Officers accept the application's submission that a new retail store is not viable in this location, therefore the County Council are left with the clear likelihood that the previously approved community hub will not come to fruition.
338. The proposed provision of 20 affordable dwellings, 12 of which are bungalows, is welcomed and afforded weight in favour of the proposal. It is therefore considered that the harm that would result in the loss of the previously approved community hub is outweighed by the submitted justification, along with the benefits of providing 20 affordable dwellings and 12 bungalows.
339. The development is acceptable when assessing against other County Durham Plan Policies and the NPPF, particularly in relation to locational sustainability, design, landscape, residential amenity, highway safety, flooding and drainage, and other technical matters subject to relevant conditions and financial obligations.
340. Overall, the proposal is considered to comply with the development plan as a whole, there are no material considerations which indicate a decision should be otherwise and therefore it is recommended that planning permission be granted.

RECOMMENDATION

341. That the application is **APPROVED** subject to the following conditions, and completion of an agreement under Section 106 of the Town and Country Planning Act 1991 (as amended) to secure:
- 100% of Affordable housing on-site comprising 20 Affordable Shared Ownership units;
 - £88,385 contribution toward increasing capacity at the following Primary Schools: West Rainton Primary School; and/or Pittington Primary School; and/or Belmont Cheveley Park;
 - £72,936 contribution toward increasing capacity at Belmont School;
 - £16,796 contribution toward increasing capacity at SEND schools across the County; and
 - £58,608 contribution toward improving off-site public open space in the Electoral Division.

Conditions:

Time Limit

- 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.

Plans

- 2) The development hereby approved shall be carried out in accordance with the following approved plans and documents:

1201 – L 100 B – House Type 1 Proposed Plans
1201 – L 101 A – House Type 1 Proposed Elevations
1201 – L 200 B – House Type 2 Proposed Plans
1201 – L 201 A – House Type 2 Proposed Elevations
1201 – L 300 B – House Type 3 Proposed Plans
1201 – L 301 A – House Type 3 Proposed Elevations

1457 – L 000 – Location Plan
1457 – L 001 B – Proposed Site Plan
1457 – L 003 B – Proposed Soft and Hard Landscaping Plan

2215 D800 Rev 2 – Section 38 Plan

Flood Risk Assessment & Drainage Strategy Version 4 dated 21st March 2025 by RWO
SUDS Maintenance Plan, dated 27th January 2025 by RWO
Surface Water Construction Management Plan, dated 27th January 2025 by RWO
D001 Revision 03 – Engineering Layout
D210 Revision 03 – SUDS Identification Plan
D810 Revision 03 – Surface Water Management Plan

Ecological Appraisal V2, dated 15th January 2024 by OS Ecology
Biodiversity Net Gain Assessment V3, dated January 2025 by OS Ecology
Biodiversity Net Gain Metric V3, dated January 2025 by OS Ecology

D6420/1 – Geoenvironmental Appraisal Revision 0, dated December 2014 by Dunelm
D6420A/01 – Updated Contamination Risk Assessment, dated 31st May 2018 by Dunelm
D6420/02 – Mining Investigation Revision 0, dated 15th April 2015 by Dunelm
D6420/03 – Supplementary Mining Investigation Revision 0, dated January 2016 by Dunelm
D6420/GRA Revision 1 – Gas Risk Assessment, dated 17th August 2016 by Dunelm

Construction Method Statement, dated August 2024

IDP/SR/001 – Assessment of Noise Levels and Noise Amelioration Measures, dated April 2018 by LA Environmental
NJD24-0299-001R – Air Quality Screening Assessment, dated November 2024 by NJD Environmental Associates

DS14.258revised – Archaeological Evaluation Written Scheme of Investigation, dated 5th September 2014 by Durham University Archaeological Services
3572 – Archaeological Evaluation, dated October 2015 by Durham University Archaeological Services

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

Biodiversity Net Gain

3) The Biodiversity Gain Plan shall be prepared in accordance with the 'Biodiversity Net Gain Assessment V3, dated January 2025 by OS Ecology.

Reason: To ensure the Biodiversity Gain Plan submitted for approval accords with the biodiversity information submitted with the planning application and the development delivers a biodiversity net gain in accordance with Schedule 7A of the Town and Country Planning Act 1990 and Policy 41 of the County Durham Plan and Part 15 of the National Planning Policy Framework.

4) No development shall not commence until a Landscape Ecological Management Plan (LEMP) has been prepared in accordance with the approved Biodiversity Gain Plan and has been submitted to, and approved in writing by, the Local Planning Authority. The LEMP shall only detail on-site measures. The LEMP shall include:

- (a) a non-technical summary;
- (b) the roles and responsibilities of the people or organisation(s) delivering the LEMP;
- (c) the planned habitat creation and enhancement works to create or improve habitat to achieve the biodiversity net gain in accordance with the approved Biodiversity Gain Plan;
- (d) the management measures to maintain habitat in accordance with the approved Biodiversity Gain Plan for a period of 30 years from the completion of the development or the first occupation of the development, whichever is the sooner; and
- (e) the monitoring methodology and frequency in respect of the created or enhanced habitat to be submitted to the Local Planning Authority.

Reason: To ensure the proposed habitat creation and/or enhancements are suitably managed and monitored to ensure development delivers a biodiversity net gain in accordance with Schedule 7A of the Town and Country Planning Act 1990 and Policy 41 of the County Durham Plan and Part 15 of the National Planning Policy Framework.

5) Notice in writing shall be given to the Local Planning Authority when:

- (a) the LEMP has been implemented; and
- (b) the on-site habitat creation and enhancement works as set out in the LEMP have been completed.

Reason: To ensure the development is carried out in accordance with the proposed habitat creation and/or enhancements and so delivers a biodiversity net gain in accordance with Schedule 7A of the Town and Country Planning Act 1990 and Policy 41 of the County Durham Plan and Part 15 of the National Planning Policy Framework.

6) Prior to the occupation of the final dwelling on the scheme:

- (a) the habitat creation and enhancement works set out in the approved LEMP shall be completed; and
- (b) a completion report, evidencing the completed habitat enhancements, has been submitted to, and approved in writing by the Local Planning Authority.

Reason: To ensure the proposed habitat creation and/or enhancements are carried out so the development delivers a biodiversity net gain in accordance with Schedule 7A of the Town and Country Planning Act 1990 and Policy 41 of the County Durham Plan and Part 15 of the National Planning Policy Framework.

Protected Species

7) Prior to the first dwelling being constructed beyond damp proof course level, details of the location of integrated bat and bird boxes, along with details of the type of box, shall be submitted to and approved in writing by the Local Planning Authority. The boxes shall be integrated into the external walls of each of proposed dwellings, in accordance with the mitigation measures recommended in the hereby approved Ecological Appraisal V2, dated 15th January 2025 by OS Ecology.

Reason: In the interest of conserving protected species, in accordance with Policies 41 and 43 of the County Durham Plan, and with Part 15 of the National Planning Policy Framework.

8) All close boarded fence boundary treatments shall contain a 13 x 13cm minimum gap between the fence base and the ground, in accordance with the mitigation measures recommended in the hereby approved Ecological Appraisal V2, dated 15th January 2025 by OS Ecology.

Reason: In the interest of conserving protected species, in accordance with Policies 41 and 43 of the County Durham Plan, and with Part 15 of the National Planning Policy Framework.

Soil Management

9) No development shall commence until a soil resource management strategy has been submitted to and approved in writing by the Local Planning Authority. The strategy shall clearly describe the proposed use of all soils on site and demonstrate that soil resources will be managed and conserved in a viable condition and used sustainably in line with accepted best practice. The strategy should detail soil handling, storage and replacement methods to be used appropriate to the grade of soil and intended after-use. The strategy shall also include details of the proposed soil depths upon replacement and plant and machinery to be used as well as, where appropriate, steps to prevent the spread of any soil-borne plant or animal diseases. If soils are to be removed from site, then details of quantities and a programme for removal shall be submitted.

Thereafter, development shall take place in accordance with the approved details.

Reason: In the interests of the protection of soil resources and to comply with Policy 14 of the County Durham Plan and Part 15 of the National Planning Policy Framework. Required to be a pre-commencement condition to ensure soils present on the site are protected throughout the works.

Highways

10) Prior to the occupation of the first dwelling, full engineering, drainage, street lighting and constructional details of the streets proposed for adoption by the Local Highway Authority shall be submitted to and approved in writing by the Local Planning Authority.

Thereafter, the development shall be constructed in accordance with the approved details.

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

11) Prior to the first occupation of Plots 10 or 11 as identified on the hereby approved drawings, the proposed footpath link from the development to the adopted footpath to the north of the site shall be implemented.

Reason: To provide sufficient pedestrian connections between the development and the wider settlement and the nearest bus stops, in accordance with Policies 6 and 21 of the County Durham Plan and Part 9 of the National Planning Policy Framework.

12) No dwelling shall be occupied until the refuse storage provision for that dwelling, as detailed on the approved plans, has been implemented.

Thereafter, the refuse storage provision shall be retained in accordance with the approved details and shall be made available for the parking of cycles at all times.

Reason: In the interests of visual amenity and highway safety, in accordance with Policies 21 and 29 of the County Durham Plan and Parts 9 and 12 of the National Planning Policy Framework.

13) No dwelling shall be occupied until the cycle parking provision for that dwelling, as detailed on the approved plans, has been implemented and made available for use.

Thereafter, the cycle parking shall be retained in accordance with the approved details and shall be made available for the parking of cycles at all times.

Reason: In the interest of sustainable development, in accordance with Policies 21 and 29 of the County Durham Plan, and Part 2 of the National Planning Policy Framework

14) No dwelling shall be occupied until the Electric Vehicle Charging Points for that dwelling, as detailed on the approved plans, has been installed and made available for use.

Thereafter, the charging points shall then be retained for use at all times for the lifetime of the development.

Reason: In the interest of sustainable development, in accordance with Policies 21 and 29 of the County Durham Plan, and Part 2 of the National Planning Policy Framework

15) No dwelling shall be occupied until the car parking area for that dwelling, as detailed on the approved plans, has been hard surfaced, sealed and marked out as parking bays in accordance with the approved plans.

Thereafter, the car parking area shall be retained in accordance with the approved plans and shall not be used for any purpose other than the parking of vehicles associated with the development.

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

Landscaping

16) Prior to any ground excavations, or laying of hardstanding, or storage of materials, plant or vehicles on land adjacent to the eastern boundary of the site, details of root protection area measures in respect of the adjacent hedgerow to the east of the site shall be submitted to and approved in writing by the Local Planning Authority.

The development shall then be constructed in strict accordance with the approved root protection area measures.

Reason: To ensure the retention of the hedgerow throughout the works, in the interest of the visual amenity of the area, and in the interest of the amenity of occupiers of Plots 13, 14, 15 and 16 as detailed on the hereby approved plans, in accordance with Policies 29, 31 and 40 of the County Durham Plan and with Part 12 of the National Planning Policy Framework.

17) 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, in accordance with Policies 29 and 40 of the County Durham Plan, and with Part 12 of the National Planning Policy Framework.

Construction Period

18) The development shall be constructed in accordance with the mitigation measures in the hereby approved documents:

Construction Method Statement, dated August 2024

IDP/SR/001 – Assessment of Noise Levels and Noise Amelioration Measures, dated April 2018 by LA Environmental

NJD24-0299-001R – Air Quality Screening Assessment, dated November 2024 by NJD Environmental Associates

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

Working Hours

19) 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 0730 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 without express permission from the Local Authority.

Banksmen will be employed to escort deliveries and manage traffic when reversing onto the public highway or other activity which may impact on road safety. All off-loading of plant, equipment and materials will be carried out on site and vehicles would turn around before leaving.

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

Broadband

20) Prior to the construction of the first dwelling, details of the means of broadband connection to the site shall be submitted to and agreed in writing by the Local Planning Authority. Thereafter, the development shall be carried out in accordance with the agreed details.

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

Retention of Garages and Drives

21) Before the dwelling(s) hereby approved are occupied those with hardstanding(s)/drive(s) shall be constructed and made available for use, thereafter they shall be used and maintained in such a manner as to ensure their availability at all times for the parking of private motor vehicles.

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

Housing Technical Standards

22) Prior to the construction above damp proof course level of any of the dwellings hereby approved in a phase, a report setting out how at least 66% of the total number of units approved for each phase or part thereof will conform to Buildings Regulations M4(2) standard shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be implemented in accordance with the approved details.

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

23) Prior to the occupation of any dwelling constructed to Buildings Regulations M4(2) standard as approved under Condition 22, a verification report compiled by a suitably competent person demonstrating that the dwelling has been constructed to achieve Buildings Regulations M4(2) standard shall be submitted to and approved in writing by the Local Planning Authority.

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

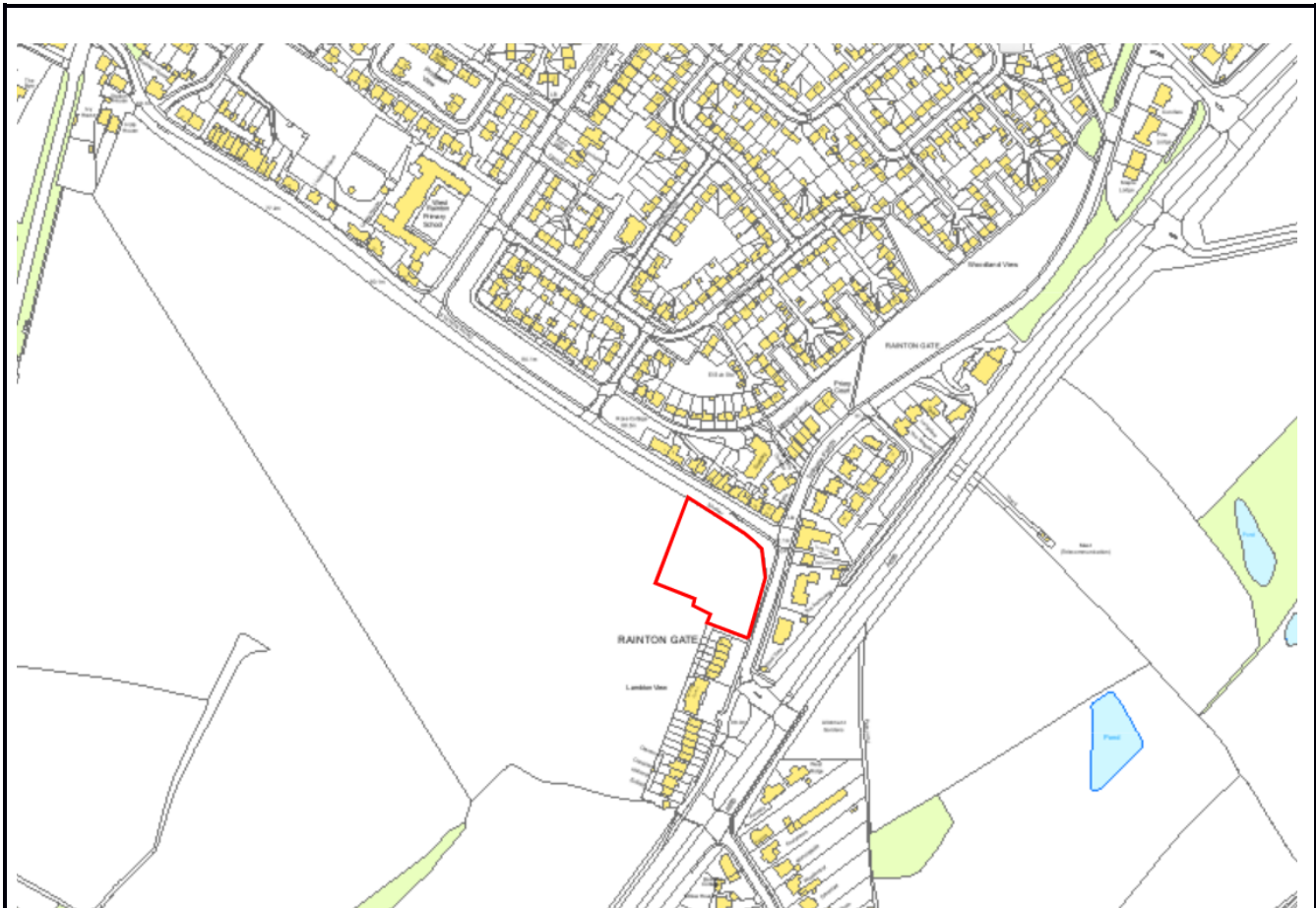
STATEMENT OF PROACTIVE ENGAGEMENT


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

BACKGROUND PAPERS

- Submitted application form, plans, supporting documents and subsequent information provided by the applicant
- Statutory, internal and public consultation responses
- The National Planning Policy Framework
- National Planning Practice Guidance Notes
- County Durham Plan (2020)
 - County Durham Design Code SPD (2024)

- Development Viability, Affordable Housing and Financial Contributions SPD (2024)
- Trees, Woodlands and Hedges (2024)
- Residential Amenity Standards SPD (2023)
- Parking and Accessibility SPD (2023)
- Building for Life SPD (2019)
- Durham County Council Open Space Needs Assessment (2018)
- County Durham Settlement Study (June 2018)
- Active Travel England Standing Advice Note: Active Travel and Sustainable Development (2024)
- CIRIA The SuDS Manual (2015)
- CIHT Better Planning, Better Transport, Better Places (August 2019)



 <p>Planning Services</p>	<p>DM/24/02156/FPA Erection of 20 affordable dwellings (Amended Description 28/11/2024) Land To The South Of 28 Station Road, West Rainton DH4 6SF</p>	
<p>This map is based upon Ordnance Survey material with the permission of Ordnance Survey on behalf of Her Majesty's Stationary Office © Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceeding. Durham County Council Licence No. 100022202 2025</p>	<p>Comments</p>	
	<p>Date March 2025</p>	<p>Scale Not to Scale</p>

COMMITTEE REPORT

APPLICATION DETAILS

APPLICATION NO:	DM/24/03318/FPA
FULL APPLICATION DESCRIPTION:	Full planning application for a 2.5 storey building for offices and associated uses for the operation of for County Durham and Darlington Fire and Rescue and accommodation for the North East Ambulance Service plus associated works including a new access road, external lighting, parking area, landscaping, PV panels and wind turbine
NAME OF APPLICANT:	Mr James Gilbert
ADDRESS:	County Durham And Darlington Fire And Rescue Service, Durham Community Fire Station, Durham, DH1 5RA
ELECTORAL DIVISION:	Esh and Witton Gilbert
CASE OFFICER:	Richard Laughton Senior Planning Officer richard.laughton@durham.gov.uk

DESCRIPTION OF THE SITE AND PROPOSALS

The Site

1. The application site relates to the County Durham and Darlington Community Fire Station, situated off the A691 to the west of Sniperley Park and Ride. The site comprises of the existing fire station building with a large operational area of hard standing and training facilities to the north; a car park to the east and the remaining land being undeveloped bounded and hedgerow and a line of trees to the southern boundary. Sniperley Farm is situated to the north west of the site and the allocated Sniperley Park Housing development is situated to the north.
2. Access to the site is taken from two access points on the A691, the first leading to a car park and large operational hardstanding area to the rear of the existing building and the second directly into the fire station for emergency vehicles.
3. The site lies within the designation of the locally listed Sniperley Hall Historic Parks and Garden. There are no ecological designations on or in the direct vicinity of the site although the site is bounded by surrounding Green Belt and an Area of High Landscape Value (AHLV) to the west and south. The site is in flood zone 1. A Public Right of Way (Footpath no. 9 (Witton Gilbert)) lies to northern site boundary, following the line of the existing car park access.

The Proposal

4. The application is seeking full planning permission for the extension of the existing Fire Station for a mix of offices, dining, break out spaces, store facilities and a workshop. The development also proposes ambulance bays, car parking, landscaping and new access and erection of 7.5kW wind turbine (25m tip height). The new building extension would enhance the existing facilities on site, provide accommodation and stationing for the North East Ambulance Service and would serve as the headquarters for the County Durham and Darlington Fire and Rescue Service (CDDFRS) which is currently located in Belmont Business Park.
5. The new building would be 2.5 storeys (13.3m to ridge and 8.1m to eaves) and would be constructed from materials such as brickwork, aluminium frames windows, timber cladding, standing seam metal cladding. The design includes solar panels to the roof. The ground floor would have a floor area of 471m² and would contain the dining and breakout areas, meeting room, IT, offices, plant, store facilities and a workshop. The first floor would have an area of 471m² that would provide large office space, meeting places and kitchen facilities. The second floor of 393m² would allocate space for separate offices for the Deputy Chief, Directors and Chief Fire Officer. The wind turbine would be located on the southern boundary.
6. Due to the location of the new building and new access arrangements, there would be a loss of some hedgerow and re-positioning of some existing trees. The application includes a landscape plan that proposed landscape and biodiversity compensation and enhancements such as native grass seed mix; tree planting; new hedgerows and retention of existing scrub on the northern boundary.
7. In addition to the two existing access points to the site, a new access and junction is proposed from the A691 to separate traffic from the existing operational and training space at rear of the fire station. This new access would only be used by cars only with emergency vehicles utilising the existing arrangement. The proposed parking arrangement would provide 97 spaces for the entire site which would serve the HQ, North East Ambulance staff and visitors, Fire Station Crew and Search and Rescue Team, On-Call Team and act as overflow parking. There are currently 55 spaces on site.
8. This application is being report to the Central & East committee in accordance with the scheme of delegations.

PLANNING HISTORY

9. 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. [now completed]
10. DM/22/03712/OUT Demolition of existing buildings adjacent to B6532 and outline planning permission (all matters reserved except for access) for a maximum of 1,550 residential dwellings (Use Class C3), a local centre (Use Classes E and F2), public house (Use Class Sui Generis) and primary school (Use Class F1), compensatory improvements to the Green Belt, associated infrastructure and landscaping (resubmission). Land At Sniperley Park Pity Me DH1 5DZ.
11. DM/23/00591/OUT Outline planning application (with all matters reserved apart from access) for the development of up to 370 dwellings, an extension to Sniperley park and

ride, demolition of former farm buildings and associated infrastructure works. | Land North And East Of Sniperley Farm Durham DH1 5RA

12. DM/22/03686/FPA | Conversion of existing farm buildings to form 4no residential units (Use Class C3) (resubmission). Sniperley Farm Durham DH1 5RA
13. DM/22/03778/FPA DM/22/03778/FPA Hybrid planning application consisting of outline planning permission (all matters reserved) for an extension to the Sniperley Park and Ride and full planning permission for the development of 368 dwellings associated access and works and demolition of former farm buildings (resubmission) Land North And East Of Sniperley Farm Durham DH1 5RA
14. APP/X1355/W/22/3330836 Land at Sniperley Park, Pity Me, Durham, DH1 5DZ, DH1 5RH – Application Ref DM/22/03712/OUT. Allowed 2024. b: App/X1355/W/22/3331745 land north and east of Sniperley Farm, Durham City, County Durham – Application Ref DM/23/00591/OUT. Allowed 2024. c: APP/X1355/W/22/3331801 Sniperley Farm buildings, Durham – Application Ref DM/22/03686/FPA. Allowed 2024. d: APP/X1355/W/22/3333600 land north and east of Sniperley Farm, Durham, County Durham - DM/22/03778/FPA. allowed 2024.

PLANNING POLICY

NATIONAL POLICY

15. The following elements of the National Planning Policy Framework (NPPF) are considered relevant to this proposal:
16. *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.
17. *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.
18. *NPPF Part 6 – Building a strong, competitive economy:* The Government is committed to ensuring the planning system does everything it can to support sustainable economic growth. Planning should operate to encourage and not act as an impediment to sustainable growth. Therefore, significant weight should be placed on the need to support economic growth through the planning system.
19. *NPPF Part 7 Ensuring the Vitality of Town Centres* - Planning policies should be positive, promote competitive town centre environments and set out policies for the management and growth of centres over the plan period.
20. *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.

21. *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.
22. *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.
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 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.
25. *NPPF Part 15 - Conserving and enhancing the natural environment.* Planning policies and decisions should contribute to and enhance the natural and local environment.
26. *NPPF Part 16 - Conserving and Enhancing the Historic Environment.* Heritage assets range from sites and buildings of local historic value to those of the highest significance, such as World Heritage Sites which are internationally recognised to be of Outstanding Universal Value. These assets are an irreplaceable resource and should be conserved in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of existing and future generations.

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

NATIONAL PLANNING PRACTICE GUIDANCE:

27. 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 (October 2020)

28. *Policy 6 (Development on Unallocated Sites)* states the development on sites not allocated in the Plan or Neighbourhood Plan, but which are either within the built-up area or outside the built up area but well related to a settlement will be permitted provided it: is compatible with use on adjacent land; does not result in coalescence with neighbouring settlements; does not result in loss of land of recreational, ecological, or heritage value; is appropriate in scale, design etc to character of the settlement; it is not prejudicial to highway safety; provides access to sustainable modes of transport; retains the settlement's valued facilities; considers climate change implications; makes use of previously developed land and reflects priorities for urban regeneration.
29. *Policy 9 (Retail Hierarchy and Town Centre Development)* states that the council will protect and enhance the following hierarchy of Sub Regional, Large Town, Small Town, District and Local retail centres in the county. The Plan will look to support new town centre development across all of the county's centres that will improve choice and bring about regeneration and environmental improvements. In all other locations outside of those identified in the retail hierarchy the loss of essential shops and services will be resisted.
30. *Policy 10 (Development in the Countryside)* 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 one or more of the following exceptions; economic development, infrastructure development or the development of existing buildings. New development in the countryside must accord with all other relevant development plan policies and general design principles.
31. *Policy 21 (Delivering Sustainable Transport)* states that all development shall deliver sustainable transport by (in part) ensuring that any vehicular traffic generated by new development, following the implementation of sustainable transport measures, can be safely accommodated on the local and strategic highway network and does not cause an unacceptable increase in congestions or air pollution and that severe congestion can be overcome by appropriate transport improvements.
32. *Policy 25 (Developer Contributions)* advises that any mitigation necessary to make the development acceptable in planning terms will be secured through appropriate planning conditions or planning obligations. Planning conditions will be imposed where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects. Planning obligations must be directly related to the development and fairly and reasonably related in scale and kind to the development.
33. *Policy 26 (Green Infrastructure)* states that development will be expected to maintain and protect, and where appropriate improve, the County's green infrastructure network. Advice is provided on the circumstances in which existing green infrastructure may be lost to development, the requirements of new provision within development proposals and advice in regard to public rights of way.
34. *Policy 27 (Utilities, Telecommunications and Other Broadcast Infrastructure)* requires all residential and commercial 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.

35. *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).
36. *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.
37. *Policy 32 (Despoiled, Degraded, Derelict, Contaminated and Unstable Land)* states [in part] that development will not be permitted unless the developer can demonstrate that the site is suitable for the proposed use, and does not result in unacceptable risks which would adversely impact on the environment, human health and the amenity of local communities.
38. *Policy 34 (Wind Turbine Development)* States wind turbine development will only be permitted in the areas identified as suitable for development on the policies map and where the applicant is able to demonstrate that, following consultation, those planning-related impacts identified by any affected local communities have been fully addressed and that the proposal has their backing. This includes a criteria to assess impacts to amenity, landscape, noise, traffic and protected species.
39. *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.
40. *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.
41. *Policy 39 (Landscape)* states that proposals for new development will be permitted where they would not cause unacceptable harm to the character, quality or distinctiveness of the landscape, or to important features or views and that development affecting valued landscapes will only be permitted where it conserves,

and where appropriate enhances, the special qualities of the landscape, unless the benefits of the development in that location clearly outweigh the harm.

42. *Policy 40 (Trees, Woodlands and Hedges)* states that proposals will be expected to retain existing trees where they can make a positive contribution to the locality or to the development, maintain adequate standoff distances between them and new land-uses, including root protection areas where necessary, to avoid future conflicts, and integrate them fully into the design having regard to their future management requirements and growth potential.
43. *Policy 41 (Biodiversity and Geodiversity)* states that proposal for new development will not be permitted if significant harm to biodiversity or geodiversity resulting from the development cannot be avoided, or appropriately mitigated, or as a last resort, compensated for.
44. *Policy 43 (Protected Species and Nationally and Locally Protected Sites)* Development proposals that would adversely impact upon nationally protected sites will only be permitted where the benefits clearly outweigh the impacts whilst adverse impacts upon locally designated sites will only be permitted where the benefits outweigh the adverse impacts. Appropriate mitigation or, as a last resort, compensation must be provided where adverse impacts are expected. In relation to protected species and their habitats, all development likely to have an adverse impact on the species' abilities to survive and maintain their distribution will not be permitted unless appropriate mitigation is provided or the proposal meets licensing criteria in relation to European protected species.
45. *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.
46. *Policy 45 (Durham Castle and Cathedral World Heritage Site)*. Both are designated heritage assets of the highest significance. New development should sustain and enhance the significance and be based upon Outstanding Universal Value, protecting and enhancing it in the immediate and wider setting and important views across, out of and into the site. Harmful development is only permitted in wholly exception circumstances.
47. *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.

Supplementary Planning Documents

48. The following Supplementary Planning Documents (SPDs) form part of the development plan in County Durham:
49. Development Viability, Affordable Housing and Financial Contributions SPD (2024) – Provides guidance on how CDP Policy 25 and other relevant policies requiring planning obligations for affordable housing or other infrastructure will be interpreted and applied.
50. Trees, Woodlands and Hedges SPD (2024) – Provides guidance on good practice when considering the impacts of development on trees, woodlands, and hedgerows, as well as new planting proposals.

51. Residential Amenity Standards SPD (2023) – Provides guidance on the space/amenity standards that would normally be expected where new dwellings are proposed.
52. Parking and Accessibility SPD (2023) – Provides guidance on parking requirements and standards.

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)

Neighbourhood Plan:

53. The site falls within the defined boundary of the Witton Gilbert Neighbourhood Plan. The neighbourhood Plan was adopted in 2018 and extends up to 2033. Relevant policies include:-
54. *WG Policy 6 – Sustainable Design.* 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.

CONSULTATION AND PUBLICITY RESPONSES

STATUTORY RESPONSES:

55. *Highways Authority* – Advise that currently, the section of the A691 in front of the development has a 60mph speed limit. The proposed access to the proposed development has been designed to 40mph standards for junction separation and visibility.
56. However, as part of the adjacent Sniperley housing planning application which has been granted planning permission, changes would be made to this section of the A691 including provision of a new access roundabout, and dropping of the speed limit to 40mph. A hybrid plan showing both the works associated with the Sniperley application, and this development are shown on the submitted drawings.
57. Given the existing speed limits in force, until such time as the works associated with the Sniperley development have been undertaken, including the dropping of the speed limit to 40mph, then this proposed development could not open or use their proposed new access to the A691. Once the works are completed and the speed limit dropped to 40mph, then the proposed access to the office development could then be opened and used. Should permission be granted for this development, this would need to be secured through a condition to control this.
58. Due to the volumes of traffic being carried by the A691, and at the request of the Local Highway Authority, the applicant has now made provision of a protected right turn to serve the new access. This would allow for the safe accessing of the site from the A691, and prevent the potential for traffic to stack back to the Park & Ride roundabout due to right turners being sat in the running lane waiting to turn into the site.
59. Until the works are carried out allowing the applicant to use the proposed new access, the applicant would use the existing Fire Station access to serve the office building. This is considered acceptable. Sufficient car parking is provided to serve the development. A condition securing a Construction Management Plan is recommended.

60. *Public Right of Way* – No objection. General vehicle access (excluding appliances) to the fire station from the A691 is currently via public footpath no. 9 Witton Gilbert Parish. The proposals do not appear to alter this arrangement to any significant degree.

INTERNAL CONSULTEE RESPONSES:

61. *Design and Conservation* - Advise that the proposed building and turbine would both be prominent roadside additions alongside the A 691. However, the building especially will read as part of the operational fire station site and subject to the careful control of materials will be readily assimilated. Careful consideration has been given to the impact of the turbine in relation especially to the wider setting of the World Heritage Site.
62. It is considered there would be no direct intervisibility between the mast and the WHS. No clear views from the A691 near or approaching the site nor from higher elevation moving further northwards, no views from the B6532 in the east. It falls outside the inner setting boundary with visual effects neutralised by topography, mature tree cover and extensive built development between the site and WHS. It is considered the WHS and wider setting are preserved.
63. *Ecology* – No objections subject to ensuring a final version of the EclA and BNG Report is submitted and corresponds with the amended metric and landscaping plans. It is acknowledged that the risk to protected species is low.
64. *Lead Local Flood Authority* - No objections. We accept the filter strip filter drain as being a suitable solution to draining and treating surface water from the access road. The hydraulic calculations has also been submitted in digital format which ensure the drainage scheme is achievable.
65. *Landscape Officer* - No objections, advising that the proposals would ensure that there would continue to be a green frontage onto the A691
66. *Tree Officer* - No objections, but conditions should be attached to any approval to refine the landscaping plan and ensure that appropriate protection measures are erected before development commences.
67. *Environmental Health (Air Quality)* - No objections. A dust management plan incorporated into a CMP would suffice for dust emissions in relation to AQ.
68. *Environmental Health (Nuisance)* - No objections subject to controlling the working hours during construction.
69. *Environmental Health (Land Contamination)* - No objections subject to a condition requiring the submission of a Phase 4 verification report on completion of the development.
70. *Spatial Policy* – The proposal is considered to be in accordance with CDP Policy 6 provided that there are no issues raised in regard to the new HQs design and layout, or any potential adverse amenity impacts on the residential dwellings to be built the north. The proposed development is also in accordance with criterion b.) of CDP Policy 10 as it is accepted that the CDDRS is a public body/emergency service and does not need to show any financial viability given it provides an essential community service. It is considered the proposed development would be in accordance with the other relevant criteria in CDP Policy 10 given there are no issues raised by the other relevant statutory consultees.

PUBLIC RESPONSES:

71. There has been one representations received in response to the consultation exercise involving individual letters, press and site notices. The main reasons for objection are as follows:
72. The proposed new roundabout for the Sniperley development will result in a series of three roundabouts in rapid succession which will all have entrances situated between them. This would create a third entrance relating to the fire station between two of these roundabouts. The roundabout on the A167 is already incredibly difficult to cross as a pedestrian or cyclist and while traffic lights may help some it is unclear if this would be motorists, cyclists or pedestrians, if any. Road entrances for cyclists are always more problematic as not only do you have to worry about someone pulling out in front of you but also those overtaking to immediately turn in.

APPLICANT'S STATEMENT:

73. County Durham and Darlington Fire and Rescue Service (CDDFRS) currently have their headquarters located in Belmont Business Park, DH1 1TW. The lease for this building is due to end in 2027. The number of staff that the HQ now accommodates is significantly lower than it was when the building was first occupied by CDDFRS in 2012, having approximately halved from 120 to 60. CDDFRS have therefore been looking at alternative options that are generally more economically advantageous and offer better operational adjacencies with other departments. The reduced size requirement of the headquarters building provides the opportunity to share facilities with another building within the estate. Utilising land currently owned by CDDFRS is also beneficial from an economical point of view. The proposal is for a new headquarters at the existing Durham Community Fire Station site at Sniperley. This location was chosen for the following reasons:

- The site is large and is able to accommodate the headquarters.
- The location of the site on the outskirts of Durham city provides good links for staff and visitors to and from both the city centre and to the road network to the wider county.
- There is scope to share facilities between the fire station and the headquarters, for example the existing gym for use by all staff and the multi-purpose room for use by the Combined Fire Authority.
- There is scope to promote the partnership between the CDDFRS and the North East Ambulance Service by accommodating both in the new building. In addition the Search and Mountain Rescue Team are already accommodated on site. This all creates a true base for emergency services where collaboration can more effectively happen.
- The site is ideally located on the edge of Durham City with good road access enabling the emergency services staff operating from the site to respond quickly to emergency incidents, maximising the opportunity for a positive outcome for those requiring assistance.
- Having a greater number of operational and corporate staff onsite will increase the availability of the Retained Duty System appliance located at Sniperley during day time hours when availability has traditionally been low. This will improve the fire cover and response times across Durham City and the neighbouring area.
- It is therefore considered that accommodating a HQ building at the Sniperley site is by far the best option available to the CDDFRS and to the greater population it serves.

PLANNING CONSIDERATIONS AND ASSESSMENT

74. 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.
75. 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.
76. In this context, it is considered that the main planning issues in this instance relate to: the principle of the development, highway safety and access, layout and design, landscape and visual impact, residential amenity, ecology, flooding and drainage, and other matters.

Principle of the Development

The Development Plan

77. Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The NPPF is a material planning consideration. The County Durham Plan (CDP) is the statutory development plan and the starting point for determining applications as set out in the Planning Act and reinforced at Paragraph 12 of the NPPF. The CDP was adopted in October 2020 and provides the policy framework for the County up until 2035 and is therefore considered up to date.
78. NPPF Paragraph 11c requires applications for development proposals that accord with an up to date development plan to be approved without delay. NPPF Paragraph 12 states that where a planning application conflicts with an up-to-date development plan (including any neighbourhood plans that form part of the development plan), permission should not usually be granted. Local planning authorities may take decisions that depart from an up-to-date development plan, but only if material considerations in a particular case indicate that the plan should not be followed.
79. The site is located in the open countryside, CDP Policy 10 states that development in the countryside will not be permitted unless allowed for by specific policies in the CDP, by relevant policies within an adopted neighbourhood plan relating to the application site, or where the proposal relates to one or more of a number of exceptions stated in the Policy. CDP Policy 6 (Unallocated Sites) is a specific policy listed in CDP Policy 10, and in this respect the site is situated in close proximity to the Durham City's Sustainable Urban Extension, and Housing Land Allocation (Ref H5: Sniperley Park). The residential development DM/22/03712/OUT was allowed on appeal on August 21st 2024 and as a result, the CDDFRS site will now become enclosed by a housing estate once the dwellings have been constructed. Due to this, it is considered that locationally and physically the site will be well related to the built-up area and therefore CDP Policy 6 would apply. However, as the site is within the countryside for policy purposes the general design principals set out in Policy 10 apply.
80. CDP Policy 6 requires that development on unallocated sites must meet the following criteria:

a) Development should be compatible with, and not prejudicial to, any existing, allocated or permitted use of adjacent land;

81. As the Fire Station was already located and established on the site prior to the neighbouring residential development, it is considered to be compatible with the adjacent land. It is therefore considered the proposed development which is in effect an expansion of the existing facilities of the site is compatible to the adjacent land uses to the east, south and west, therefore according with criterion a.) of CDP Policy 6. The proposed building is complimentary to the buildings and use established on site.
82. The development would not result in the coalescence of neighbouring settlements, therefore it accords with CDP Policy 6 criterion b). While there is a loss of open land it is not considered to be of recreational, therefore the proposal also complies with CDP Policy 6 criterion c). The ecological and heritage impacts are assessed in detail later in this report.
83. To be found in accordance with CDP Policy 6 criterion d), the proposed development must ensure it's appropriate in terms of scale, design, layout, and location to the character, function, form and setting of the settlement. This is appraised later in the report.
84. CDP Policy 6 Criteria e) and f) are in relation to sustainable transport and impacts on the highways network. This is appraised later in the report with consultations with the Highways Authority.
85. CDP Policy 6 criterion i) highlights how proposals on previously developed land will be favoured. As the site is located on previously developed land it is in accordance with criterion i). There is part of the site that is undeveloped but the use is all part of the existing Fire Station site.
86. Notwithstanding this, although the application of CDP Policy 6 is considered appropriate, in this instance the development also does draw support from CDP Policy 10 which permits essential infrastructure where the need can be demonstrated for that location. In this instance the development proposes a mix of uses that are intrinsically linked to the fire station operation, such as dining facilities, store and operational rooms, the proposed offices also have a synergy with and complements the established use on site. Further to this the proposed ambulance bays, for the same reason that the location fire station was chosen, operationally allows ready access to surrounding development in case of an emergency.
87. The relevant criteria laid out in the 'General Design Principles for all Development in the Countryside' in CDP Policy 10 should also be given consideration. Criterion l) is particularly relevant where it highlights that proposals must not:
 - l) 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;
88. The relevant statutory consultees (Ecology Team, Landscape Team, and Design and Conservation Team) have been consulted to help determine whether the proposal is compliance with criterion l) and is appraised later in the relevant sections of the report.
89. CDP Policy 9 seeks to protect the vitality and viability of town centres, accordingly proposals for town centres uses as defined in the NPPF, not located in a defined centre, will be required to provide a sequential assessment. This requirement is replicated by Part 7 of the NPPF. Town centre uses include offices, however in this instance while

it is recognised that offices are proposed to allow the HQ function of the fire service to be operated from the site, it is considered that there is a clear synergy with the existing use on the site and the office use will complement this. It is also recognised that the development also proposes other elements that are intrinsically linked to the operation of the fire station operation, such as dining facilities, store and operational rooms. The development also proposes the formation of ambulance bays and a facilities to allow a combined operation of the site with the North East Ambulance Service. It is therefore considered that in this instance it would not be appropriate to disaggregate the office uses from the wider sui generis use of the site and a sequential assessment would therefore not be required.

90. A 25 high wind turbine is proposed and in accordance with CDP Policy 34, it is supported in principle with it being located in an area suitable for 'small' wind turbine development as identified in the policies map. The potential impact to amenity, landscape, visual intrusion, ecology will be assessed against the remaining criteria of this policy later in the report.
91. Overall, for the reasons above, the proposed development is considered to accord with CDP Policies 6, 9 and 10, and Part 7 of the NPPF, and is therefore deemed acceptable in principle, subject to further considerations below..

Highways Safety and Access

92. CDP Policy 21 (Sustainable Transport) requires 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. Criterion c) requires that any vehicular traffic generated by new development, following the implementation of sustainable transport measures, can be safely accommodated on the local and strategic highway network and does not cause an unacceptable increase in congestion or air pollution and that severe congestion can be overcome by appropriate transport improvements. The proposal will need to be in accordance with CDP Policy 21 and meet the requirements of the Council's Parking Standards, set out in the Council's adopted Parking and Accessibility SPD, along with any potential highway's safety concerns. CDP Policies 6 and 10 also seek to protect highway safety and to ensure that there is not a severe residual cumulative impact on the network capacity.
93. Part 9 of the NPPF also sets out that 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.
94. The submitted Planning Statement sets out that the proposed development would be served via a new access onto the A691, south east of the existing building. This access point would allow office-based staff and visitors to utilise a separate access, with the existing one primarily serving emergency vehicles. Smaller vehicles would therefore not need to negotiate the drill yard to the north of the existing building which is frequently used for training activities and manoeuvring of larger vehicles.
95. In its consideration of the proposals, the Highways Authority advise that the proposed access to this development has been designed to 40mph standards for junction separation and visibility. However, the proposal has to consider the approved highway works as part of the neighbouring Sniperley residential development as this secured changes to this section of the A691 including provision of a new access roundabout, and dropping of the speed limit to 40mph. Currently, this section of the A691 is 60mph.

The current applicant has to consider the existing arrangement and also the future changes to the highway, with the latter beyond their control.

96. A hybrid plan showing both the works associated with the Sniperley application, and the current proposals has been submitted as part of this planning application. The Highways Authority advise that due to the design of the proposed access and its location, until such time as the works associated with the Sniperley development has been implemented, including the dropping of the speed limit to 40mph, then this proposed development could not open or use their proposed new access to the A691. It has been considered reasonable to agree a phased approach due to the circumstances with the neighbouring residential development. Once the highway works to the A691 are completed and the speed limit dropped to 40mph, then the proposed access to the new Fire HQ building office could then be opened and used. The same access point can be used temporarily for construction vehicles and provisions have been put in place to ensure safe access and egress during this time. A construction Management Plan can also be imposed to confirm layout and design of construction access and egress points.
97. Due to the volumes of traffic being carried by the A691, the applicant has now made provision of a protected right turn to serve the new access. This would allow for the safe accessing of the site from the A691 and prevent the potential for traffic to stack back to the Park & Ride roundabout to the east.
98. The proposed new access and protected right turn would require works to be undertaken to the adopted highway and so the applicant would need to enter into a S278 agreement with the Local Highway Authority beyond the planning process.
99. As highlighted, until the works are carried out allowing the applicant to use the proposed new entrance, the existing Fire Station access would serve the office building. This is considered acceptable from a highway safety perspective.
100. In terms of parking, 56 allocated spaces are proposed as part of this development. Given there would be approximately 45 staff working within the office, this level of provision is considered acceptable. 14 EV spaces would be provided, and 4 spaces would be accessible. There are also 41 existing parking spaces across the existing Fire Station and training yard site in the applicant's control, so the total number of spaces available across the site is 97.
101. Overall, the Highway Authority raises no objection to this development subject to conditions limiting when the new access can be brought into operation and the delivery of off-site highway works being completed. It is therefore considered that this development would prejudice road safety, or that the cumulative impact of the scheme would be severe, and therefore the proposal would be in accordance with CDP Policies 6, 10 and 21 and NPPF Paragraph 116.

Landscape and Visual Impacts

102. Collectively CDP Policies 6, 10 and 29 outline 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. NPPF Paragraph 130 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.

103. A Design and Access Statement, has been submitted by the applicant, which highlights that the new building aims to compliment the existing adjacent buildings on the site and will utilise a similar palette of muted natural materials to that of the existing fire station.
104. The proposed building and turbine will both be prominent roadside additions alongside the A691. That said, the building especially will read as part of the operational fire station site.
105. In terms of the design qualities of the building, the scale is appropriate for its intended use and is proportionate with the site and existing Fire Station. The use of materials of brickwork, and features of timber and metal cladding provides a contemporary appearance and to also be consistent with the style of the existing building on site. There are no concerns with the proposed design and scale in this location and specific materials can be conditioned to provide further details. As such, the application accords with CDP Policy 29.
106. CDP Policy 39 states proposals for new development will be permitted where they would not cause unacceptable harm to the character, quality or distinctiveness of the landscape, or to important features or views. Proposals would be expected to incorporate appropriate measures to mitigate adverse landscape and visual effects. CDP Policy 26 outlines developments are expected to provide new green infrastructure and ensure provision for its long-term management and maintenance. Similar requirements are outlined in CDP Policy 29.
107. CDP Policy 40 seeks to avoid the loss of existing trees and hedgerows unless suitable replacement planting is provided.
108. Parts 12 and 15 of the NPPF promotes good design and sets out that the planning system should contribute to and enhance the natural and local environment by (amongst other things) recognising the intrinsic character and beauty of the countryside.
109. The site is located adjacent to both the Green Belt and the Area of Higher Landscape Value (AHLV). CDP Policy 20 (Green Belt) highlights that proposals within the Green Belt will be determined in accordance with national planning policy. As the development does not consist within the Green Belt boundary, and is located on an already existing developed site, it is considered that any impacts would be minimal.
110. The site lies in National Character Area (NCA 14). It lies in the Urban Broad Character Area the Wear Lowlands County Character Area which forms part of the larger Tyne & Wear Lowlands which belongs to the Lowland Valley Terraces Broad Landscape Type and is made up of Urban (Urban Local Landscape Type).
111. The proposed eastern wing extension to the building would increase the extent of urban form on the site, which is already developed and characterised as urban. The building would be proportionate in terms of size and areas of car parking and access arrangements would impact upon existing landscape features making the site more open in character. The proposed wind turbine would potentially create an industrial character close to a housing site to the north but has been sited to the eastern boundary. Landscape effects are anticipated as localised moderate and adverse at site level.
112. The Landscape Officer has acknowledged that the harm to the landscape from additional development on the site is considered in the context of the permanent presence of the existing facility and would be localised in extent. Based on the urban

environment with the Fire Station and future residential development at Sniperley, the current application can offer landscaping features so to not adversely impact upon the surroundings and the adjacent designated AHLV landscape. The submitted Landscape Plan shows the retention of sections of existing hedgerows and proposals to plant new native hedgerows and trees. The proposals would ensure that there would continue to be a green frontage onto the A691 road, and the fastigate oaks currently on the site will be translocated, rather than destroyed, to accommodate the external hard 'breakout area'. The retention of existing hedgerows would also provide adequate screening of parked cars when viewed outside the site. While there could be heritage issues regarding the setting of Sniperley Hall locally listed Park/garden, the proposals would not physically encroach upon a layout of the remaining designed/ parkland landscape associated with the hall as the proposals lie within the grounds of the Fire Station which have taken on a more urban character.

113. It is acknowledged that the wind turbine would be a visible feature in the landscape given it is 25m high, however it would not provide a dominating presence amongst the changing character of the area near the park and ride and existing and future urban developments. It also promotes a renewable energy source.
114. The scheme proposes the loss of some trees and hedgerow due to the new building and access works. An arboricultural report (AIA) has been submitted at the request of the Tree Officer and 14 trees were proposed to be removed however these are now to be translocated within the site. In particular, 9 existing trees are *Quercus robur* 'fastigiata' and are part of a linear planting design of the original development running parallel to the highway. It will be necessary for the contractor undertaking this work to provide a method statement for their particular tree spade and methodology. The applicant has confirmed that the translocation would not occur until later summer/autumn and are in agreement to a condition to provide further details within a method statement as requested. The Landscape Plan also identifies 11 new trees on site.
115. Where hedges are lost, CDP Policy 40 requires that suitable replacement planting or restoration of existing hedges, is carried out within the site or the locality including appropriate provision for maintenance and management. The aim of replacement planting or restoration should be to ensure that there is no overall reduction in hedgerow length and canopy in the locality. The landscape plan confirms that existing hedgerow will be retained but some hedge removal is necessary due to the construction of the new access. However, there are new sections proposed and reinstated to compensate this loss. In addition, it was initially proposed to remove 71m of hedgerow on the eastern boundary to rectify drainage and localised flooding issues, however this section is now to remain with surrounding land levels to be altered.
116. A condition will be imposed to any approval to ensure tree and hedge protection prior to construction as identified in the arboricultural report.
117. Overall, there would be some localised landscape harm with the addition of further development on an open area of land however, the proposed landscaping softens the visual effects. Given the urban context of the area with future residential development and an existing Fire Station on site, it is not considered the landscaping harm would cause unacceptable harm to the character, quality or distinctiveness of the landscape and therefore not conflict with CDP Policy 39. The application has also demonstrated that there would be adequate replanting and re-location of trees and boundary hedging to the satisfaction of the Tree Officer to retain the visual character of the area which adds to screening and biodiversity gains. Subject to the condition identified for translocation methodology and a root protection strategy, the application accords with CDP Policy 40.

Heritage and Archaeology

118. CDP Policy 44 sets out development will be expected to sustain the significance of designated and non-designated heritage assets, including any contribution made by their setting. Development proposals should contribute positively to the built and historic environment and should seek opportunities to enhance and, where appropriate, better reveal the significance and understanding of heritage assets whilst improving access where appropriate. CDP Policy 45 (Durham Castle and Cathedral World Heritage Site). New development should sustain and enhance the significance and be based upon Outstanding Universal Value, protecting and enhancing it in the immediate and wider setting and important views across, out of and into the site. Harmful development is only permitted in wholly exceptional circumstances.
119. The NPPF advises that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification.
120. The Planning (Listed Buildings and Conservation Areas) Act 1990 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. Any such harm must be given considerable importance and weight by the decision-maker. Under the Act also, special attention to the desirability of preserving or enhancing the character and appearance of a conservation area must be equally considered.
121. The Design and Conservation Officer have been consulted and careful consideration has been given to the impact of the turbine in relation especially to the wider setting of the World Heritage Site (WHS). It is considered there would be no direct intervisibility between the mast and the WHS. There are no clear views from the A691 near or approaching the site nor from higher elevation moving further northwards, no views from the B6532 in the east. It falls outside the inner setting boundary with visual effects neutralised by topography, mature tree cover and extensive built development between the site and WHS. It is considered the wider setting is preserved and therefore the development accords with CDP Policies 44 and 56, and NPPF Part 16 in this respect.
122. In addition, as part of the planning process the local authority can identify additional non-designated heritage assets that are not currently statutorily protected. The site is within the Sniperley Hall Local Park/Garden although the Conservation Officer has not identified the impact to the Designated Heritage Asset as it would not physically encroach upon its layout. The new HQ office would also be sited in between the existing Fire Station building, Park and Ride facility and the approved Sniperley residential development and recognised as within an area in which the character is changing to a more urban environment. In accordance with CDP Policy 44, a balanced judgement has been applied and development does not impact upon the significance and setting of a non-designated heritage asset.

Residential Amenity

123. CDP Policies 29 and 31 outline that developments should provide high standards of amenity and privacy, minimise the impact of development upon the occupants of existing adjacent and nearby properties and not lead to unacceptable levels of pollution.

A Residential Amenity Standards Supplementary Planning Document (SPD) has also been adopted by the Council. The aforementioned policies and SPD can be afforded significant weight. Parts 12 and 15 of the NPPF, which require that a good standard of amenity for existing and future users be ensured, whilst seeking to prevent both new and existing development from contributing to, or being put at unacceptable risk from, unacceptable levels of pollution.

124. The proposal consists of office facilities on an already existing site, with the use and buildings on site already given prior consideration to the approval of the adjacent housing development. The new building is similar in scale and height to existing buildings and retains approximately 36m to the northern boundary. Taking into the account the 13m high ridge height, the distance to the future residential to the north would not present and overbearing impact to new residents and the intensification of the site with office space is not it is considered to present a conflict of uses to generate any impacts amenity impacts.
125. The 7.5kW wind turbine would measure 25m high and be considered a 'Small' turbine within the preamble of CDP Policy 34. This policy covers all scales and heights development and the proposed single turbine is considered a minor addition in the area. It would be located in the south eastern boundary and as there are currently no dwellings in the vicinity, it would have negligible impact. The distance to the permitted Sniperley housing development is approximately 68m to the north which is adequate separation for a small wind turbine to ensure no adverse impact to future residents in terms of noise and visual intrusion. No concerns have been raised from Environmental Health (Nuisance). CDP Policy 34 also states that wind turbine development should be backed by the local community, however this is not considered necessary given the scale of the turbine and lack of nearby residential properties that could be impacted.
126. The Environmental Health (Nuisance) Officer has been consulted and no issues were identified with the proposed use and surrounding areas that the development is unlikely to cause a statutory nuisance. The scale of the development and construction works should be kept within suitable hours via an appropriate planning condition and a Construction Management Plan to mitigate disturbance. Environmental Health (Air Quality) Officer has also been consulted and has no objections subject to a Dust Management Plan being secured with the Construction Management Plan.
127. The application therefore accords with CDP Policies 29 and 31 and Parts 12 and 15 of the NPPF.

Ecology

128. CDP Policy 41 (Biodiversity and Geodiversity) states proposals for new development will be expected to minimise impacts on biodiversity by retaining and enhancing existing biodiversity assets and features and provide net gains for biodiversity including by establishing coherent ecological networks.
129. Biodiversity Net Gain (BNG) is mandatory under Schedule 7A of the Town and Country Planning Act 1990 (as inserted by Schedule 14 of the Environment Act 2021). Developers are required to deliver a minimum biodiversity net gain of 10%. The biodiversity gain objective is measured against the pre-development biodiversity value of the onsite habitat for the development using a metric developed by Defra.
130. The application has been supported by the appropriate surveys that conclude there are limited foraging habitats onsite for bats and existing trees and existing buildings on site have negligible suitability for roosting. There are small areas of suitable terrestrial habitat present for Great Crested Newts (GCN) due to drainage ditches connected to

a pond located 380m south of the site although the risk that this species will move to the site is low given the distance and intervening A-road). Whilst there are discrepancies in the Ecology and BNG Report reflecting the amended metric details and landscaping plans, it is sufficient enough to be able to understand the low impacts to protected species and habitats on site and BNG is to be secured off site.

131. Despite on site enhancements, the submitted Biodiversity Net Gain (BNG) assessment concluded a net loss of -1.26 biodiversity units will occur (equating to an overall loss of -36.45%), therefore below the required net gain of 10%. It is proposed that the applicant would purchase necessary units from a habitat bank that can be secured by an appropriately worded condition.
132. The proposed acquisition of off-site BNG credits to achieve the required 10% is acceptable which will also need to compensate for the net loss on site. The ecology report acknowledges offsetting and potential compensation sites are subject to field surveys. The granting of planning permission would be subject to the standard biodiversity gain condition which requires the developer to submit and agree a Biodiversity Gain Plan and a The Habitat and Monitoring Plan (HMMP) with the Local Planning Authority. Planning conditions are normally imposed on the grant of planning permission under section 70 (1) and section 72 of the Town and Country Planning Act 1990. However, the biodiversity gain condition has its own separate statutory basis as a planning condition under Paragraph 13 of Schedule 7A of the Town and Country Planning Act 1990 and would be included separately to the list of conditions recommended by Officers on the decision notice.
133. A S106 is required to secure a monitoring fee of £2,485 to assess the reports provided by the applicant over the 30 lifetime of the HMMP.
134. Subject to the use of relevant conditions, it is considered that the proposal would achieve at least a 10% BNG through some on-site measures and through acquiring BNG credits. The proposal accords with Policy 41 of the CDP and with Part 15 of the CDP in this respect. The proposal will not result in significant adverse ecological impacts and the application accords with CDP Policy 41 and Part 15 of the NPPF.

Flooding and Drainage

135. Policies 35 and 36 of the emerging CDP relate 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.
136. Policy 36 seeks to ensure that suitable arrangements are made for the disposal of foul water. 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.
137. The site is within low risk Flood Zone 1 and the submitted Drainage Strategy demonstrates that the site can be suitably and appropriately drained with flows managed on site without introducing additional flood risk to the buildings, site and surrounding area. The site is already subject to an existing surface water network, including attenuation tank, which will be retained and modified to suit the proposed

development. The application concludes that discharge rates have been calculated for storms up to 1 in 100 years, plus 45% for climate change and will be attenuated below ground within the network on site to ensure there is no flooding of buildings and flooding off site. The LLFA has checked these calculations and recommend no objection or conditions

138. The LLFA has been consulted and has no objection subject to conditions and the application therefore, accords with CDP Policies 35 and 36 and Part 14 of the NPPF

Land Contamination

139. Policy 32 addresses contaminated or unstable land. Development will not be permitted unless it can be demonstrated that any land issues can be addressed by appropriate mitigation measures prior to the construction or occupation of the proposed development; the site is suitable for the proposed use; and all investigations and risk assessments have been undertaken by an appropriately qualified person.
140. Ground Investigation works have been undertaken and no further investigative works are recommended. The Environmental Health (Land Contamination) Officer has been consulted and acknowledges these findings. The remediation works need to be carried out and validated in accordance with the submitted strategy to ensure that the remediation works are fully implemented as agreed and the site is suitable for use. Subject to this condition the application accords with CDP Policy 32.

Other Considerations

141. The site lies within a Mineral Safeguarding Area. Policy 56 of the CDP states that planning permission will not be granted for non-mineral development that would lead to the sterilisation of mineral resources within such areas unless specific criteria apply. The application site is underlain by deposits of coal, forming part of a larger deposit to surrounding area east of Durham City. Whilst some sterilisation could occur, it is considered the proposed development would have minimal impact on the future working of the more extensive deposit. In addition, given the nature of the development and the proximity of the resource to the existing building and future housing development then extraction is neither practicable or desirable and one would not be required. This outweighs the need to safeguard the mineral thereby satisfying Policy 56 criterion d) and Paragraph 204 c) of the NPPF.
142. Policy 27 (Utilities, Telecommunications and Other Broadcast Infrastructure) of the CDP requires all new residential and commercial development to be served by a high-speed broadband connection. This would need to be directly accessed from the nearest exchange and threaded through resistant tubing to enable easy access to the cable for future repair, replacement and upgrading. Where it can be demonstrated that this is not appropriate, practical, or economically viable, developers would be encouraged to provide appropriate infrastructure to enable future installation. It is anticipated that the existing fire station will already be served by high speed broadband, and the offices which are to be relocated to the site are likely to require it as a basic necessity.

CONCLUSION

143. Section 38(6) of the Planning and Compulsory Purchase Act 2004 sets out that planning applications be determined in accordance with the development plan unless material considerations indicate otherwise.

144. The proposed development would complement and support the existing uses on the site operated by County Durham and Darlington Fire and Rescue Service in accordance with CDP Policies 6, 9 and 10.
145. Subject to conditions and off-site highways works being completed preventing use of the permanent new access until the consented highways works for the neighbouring residential development have been implemented and off site highway works the development would prejudice road safety, in accordance with CDP Policies 6, 10 and 21 and NPPF paragraph 116.
146. There would be some localised visual harm with the addition of further development on an open area of land and due to the proposed wind turbine, however it is concluded that the proposed landscaping softens the visual effects. Furthermore, given the urban context of the area with future residential development and an existing Fire Station on site, it is not considered the landscaping harm would cause unacceptable harm to the character, quality or distinctiveness of the landscape and therefore not conflict with CDP Policies 6, 10, 34 39. There would be no impact to the wider setting of the World Heritage Site (WHS) in accordance with CDP Policies 44 and 46
147. The scheme is considered to minimal impacts to nearby existing and future residents in accordance with CDP Polices 31 and 34.
148. The application also ensures the site is not at risk to flooding and land contamination subject to appropriate conditions.
149. The proposal would not result in significant adverse ecological impacts, in order to secure a Biodiversity Net Gain the applicant proposes on site provision and also to purchase BNG credits, this approach can be secured by condition. A fee of £2485 (to be secured by legal agreement) is however required to enable the Council to monitor the delivery of onsite provision. As such, the application accords with CDP Policy 41.
150. Overall the proposal is considered to comply with the development plan as a whole, there are no material planning considerations which indicate that a decision should be otherwise and therefore it is recommended that planning permission be granted.

Public Sector Equality Duty

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

RECOMMENDATION

That the application be **APPROVED** subject to:-

- A legal agreement to secure £2485 for the monitoring of onsite BNG provision
- and subject to the following conditions:

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

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

2. The development hereby approved shall be carried out in accordance with the following plans:

Plan	Drawing No.	Date Received
Ground Floor Plan	ZZ-00-DR-A-01000 P8	10/01/25
External Stores Elevations	ZZ-00-DR-A-02020 P2	10/01/25
Substation Elevations	ZZ-00-DR-A-02021 P1	10/01/25
First Floor Plan	ZZ-01-DR-A-01001 P8	10/01/25
Second Floor Plan	ZZ-02-DR-A-01002 P8	10/01/25
Roof Plan	ZZ-RF-DR-A-01003 P3	10/01/25
Elevations 1 of 2	ZZ-ZZ-DR-A-02000 P5	10/01/25
Elevations 2 of 2	ZZ-ZZ-DR-A-02001 P3	10/01/25
Mast Elevations	ZZ-ZZ-DR-A-02002 P3	10/01/25
GA Section 2 of 2	ZZ-ZZ-DR-A-03001 P3	10/01/25
Planning Mast Perspective 1	ZZ-ZZ-DR-A-09010 P3	10/01/25
Planning Mast Perspective 2	ZZ-ZZ-DR-A-09011 P3	10/01/25
Planning Mast Perspective 3	ZZ-ZZ-DR-A-09012 P3	10/01/25
Site Constraints Plan	ZZ-ZZ-DR-A-900010 P5	12/03/25
Existing Trees Shown On Existing Layout	AIA & AMS Exi Rev A	26/02/25
Retained Trees Shown On Proposed Layout With Protective Measures Indicated	AIA & AMS TPP Rev A	26/02/25
Site Plan	ZZ-ZZ-DR-A-90000 P10	12/03/25
Landscaping Plan	ZZ-ZZ-DR-A-90001 P7	24/03/25
Proposed Roundabout and Ghost Island	24-071/SK05	06/03/25
Fire Station Site Access General Arrangement	24-071/SK04	27/02/25
Fire Station Site Access Swept Path Analysis	24-071/TK02	27/02/25
Fire Station Site Access Pavement	24-071/SK02	27/02/25
Construction Extents And Visibility		
Fire Station Site Temporary Access	24-071/SK03	27/02/25
Drainage Strategy	JCC24-122-02	24/02/25

Reason: To define the consent and ensure that a satisfactory form of development is obtained in accordance with Policies the County Durham Plan and the National Planning Policy Framework.

3. No development, including demolition, 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 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 and 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. Plan based details of the position, and heights relative to ground level, of security fencing, contractors' compounds, and temporary infrastructure, including cranes, plant, and other equipment, and storage arrangements for materials.
8. Details of provision for all site operatives for the loading and unloading of plant, machinery and materials, to including the timings of deliveries and the types of delivery vehicle(s) to be used.
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 or construction works.
14. Details 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" (or an equivalent British Standard if replaced) during the planning and implementation of site activities and operations.

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

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

4. 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 Part 15 of the National Planning Policy Framework.

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

Reason: To ensure the development relates acceptably to the character and appearance of the surrounding area and to comply with Policy 29 of the County Durham Plan and Part 12 of the National Planning Policy Framework.

6. In undertaking the development that is hereby approved: No external construction works, works of demolition, deliveries, external running of plant and equipment shall take place other than between the hours of 0800 to 1800 on Monday to Friday and 0800 to 1400 on Saturday.

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

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

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

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

7. The proposed access shown on MTP plan 24-071/SK04 shall not be brought into use until such time as the speed limit on the A691 is permanently reduced to 40mph as shown on plan 24-071/SK05. Until that time, the 'Phase 1' temporary access arrangements, shown on MTP plan 24-071/SK03 shall be used by all vehicles to access the development for the purposes of construction, and access for all other vehicles shall be via the existing Fire Station access road.

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

8. The proposed access shown on MTP plan 24-071/SK04 shall not be brought into use until such time as the provision of the Protected Right Turn facility to the A691 as detailed on plan 24-071/SK04 has been completed

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

9. The development shall not be brought into use until the cycle parking provision as detailed on the approved plans has been made available for use. Thereafter, the cycle parking shall be retained in accordance with the approved details and shall be made available for the parking of cycles at all times.

Reason: In the interest of sustainable development, in accordance with Policies 21 and 29 of the County Durham Plan, and the National Planning Policy Framework.
21.

10. The development shall not be brought into use until the car parking area depicted on the approved plans have been hard surfaced, sealed and marked out as parking bays in accordance with the approved plans. Thereafter, the car parking area shall

be retained in accordance with the approved plans and shall not be used for any purpose other than the parking of vehicles associated with the development.

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

11. No site clearance, preparatory work, or development shall take place, nor any site cabins, materials or machinery brought on site, until the tree and hedge protection fencing, and any other protection measures, contained within the submitted Tree Protection Plan AIA & AMS TPP Rev A have been erected on site in accordance with these approved details. Fencing shall be placed as indicated on the approved plan and comprise a vertical and horizontal framework of scaffolding, well braced to resist impacts, and supporting temporary welded mesh fencing panels or similar in accordance with British Standard BS 5837 2012 Trees in Relation to Design, Demolition and Construction - Recommendations (or in an equivalent British Standard if replaced).

If any access is required into the root protection area of any tree or hedge this shall only take place where in accordance with the approved details. Otherwise, there shall be no access, storage, parking, excavation of trenches, or alteration of ground levels within the root protection area of any tree or hedge to be retained.

No removal of limbs of trees or other works shall be carried out to any tree or hedge to be retained on site during the construction phase of the development, unless in accordance with an approved arboricultural report.

The fencing, and any other protection measures, shall be retained for the duration of the construction works.

Reason: To ensure the development is carried out in accordance with the appropriate best practice guidance to enable the long term retention of trees and hedges on site, in the interests of protecting the character and appearance of the area and to comply with Policies 29 and 40 of the County Durham Plan and Parts 12 and 15 of the National Planning Policy Framework.

12. No site clearance, preparatory work, or development shall take place, nor any site cabins, materials or machinery brought on site, until a scheme for a translocation methodology report for trees T1C-T9C identified within Landscape Plan ZZ-ZZ-DR-A-90001 P7, have been submitted to and approved in writing by the Local Planning Authority. Thereafter, the tree works shall be conducted in accordance with the approved timings and methodology. Trees T6C-T9C shall be translocated prior to the construction of the new access road.

Reason: To ensure the development is carried out in accordance with the appropriate best practice guidance to enable the long term retention of trees on site, in the interests of protecting the character and appearance 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. The details are required to be submitted and approved in advance of works commencing on site to ensure the trees and hedges on the site are protected against damage throughout the construction phase of the development.

13. Prior to commencement of development an updated and final report of the 'EclA and Biodiversity Net Gain Durham Fire HQ Nov 2024 ref: ECN24098' shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall thereafter be undertaken in accordance with the approved details.

Reason: To conserve protected species and their habitat and biodiversity and to ensure the proposed habitat creation and/or enhancements are carried out so the development delivers a biodiversity net gain in accordance with Schedule 7A of the Town and Country Planning Act 1990 and Policy 41 of the County Durham Plan and Part 15 of the National Planning Policy Framework.

14. The Biodiversity Gain Plan shall be prepared in accordance with the Biodiversity Net Gain Assessment approved under condition 13.

Reason: To ensure the Biodiversity Gain Plan submitted for approval accords with the biodiversity information submitted with the planning application and the development delivers a biodiversity net gain in accordance with Schedule 7A of the Town and Country Planning Act 1990 and Policy 41 of the County Durham Plan and Part 15 of the National Planning Policy Framework.

15. No development shall commence until a Habitat Management and Monitoring Plan (HMMP) has been prepared in accordance with the approved Biodiversity Gain Plan and has been submitted to and approved in writing by the Local Planning Authority. The HMMP shall include:

- (a) a non-technical summary;
- (b) the roles and responsibilities of the people or organisation(s) delivering the HMMP;
- (c) the planned habitat creation and enhancement works to create or improve habitat to achieve the biodiversity net gain in accordance with the approved Biodiversity Gain Plan;
- (d) the management measures to maintain habitat in accordance with the approved Biodiversity Gain Plan for a period of 30 years from the practical completion of the development or the first occupation of the development, whichever is the sooner; and
- (e) the monitoring methodology and frequency in respect of the created or enhanced habitat to be submitted to the Local Planning Authority.

Reason: To ensure the proposed habitat creation and/or enhancements are suitably managed and monitored to ensure development delivers a biodiversity net gain in accordance with Schedule 7A of the Town and Country Planning Act 1990 and Policy 41 of the County Durham Plan and Part 15 of the National Planning Policy Framework. Required to be pre-commencement to ensure the habitat creation and/or enhancements can be suitably delivered before any existing habitats are affected.

16. Notice in writing shall be given to the Local Planning Authority when:

- (a) the approved HMMP has been implemented; and
- (b) the habitat creation and enhancement works as set out in the HMMP have been completed.

Reason: To ensure the proposed habitat creation and/or enhancements are carried out so the development delivers a biodiversity net gain in accordance with Schedule 7A of the Town and Country Planning Act 1990 and Policy 41 of the County Durham Plan and Part 15 of the National Planning Policy Framework.

17. Unless agreed in writing with the Local Planning Authority that planting shall be completed within the first planting season following completion, the development shall not be occupied or brought into use until such time that:

(b) the habitat creation and enhancement works set out in the approved HMMP have been completed; and

(c) a completion report, evidencing the completed habitat enhancements, has been submitted to, and approved in writing by the Local Planning Authority.

Reason: To ensure the proposed habitat creation and/or enhancements are carried out so the development delivers a biodiversity net gain in accordance with Schedule 7A of the Town and Country Planning Act 1990 and Policy 41 of the County Durham Plan and Part 15 of the National Planning Policy Framework.

18. The created and/or enhanced habitat(s) specified in the approved HMMP shall be managed and maintained in accordance with the approved HMMP.

Reason: To ensure the proposed habitat creation and/or enhancements are appropriately managed and maintained for the required 30 year period so the development delivers a biodiversity net gain in accordance with Schedule 7A of the Town and Country Planning Act 1990 and Policy 41 of the County Durham Plan and Part 15 of the National Planning Policy Framework.

19. Monitoring reports shall be submitted to the Local Planning Authority in writing in accordance with the methodology and frequency specified in the approved HMMP.

Reason: To ensure the proposed habitat creation and/or enhancements are appropriately managed and maintained for the required 30 year period development delivers a biodiversity net gain on site in accordance with Schedule 7A of the Town and Country Planning Act 1990 and Policy 41 of the County Durham Plan and Part 15 of the National Planning Policy Framework.

STATEMENT OF PROACTIVE ENGAGEMENT

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

BACKGROUND PAPERS

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

Statutory, internal and public consultation responses

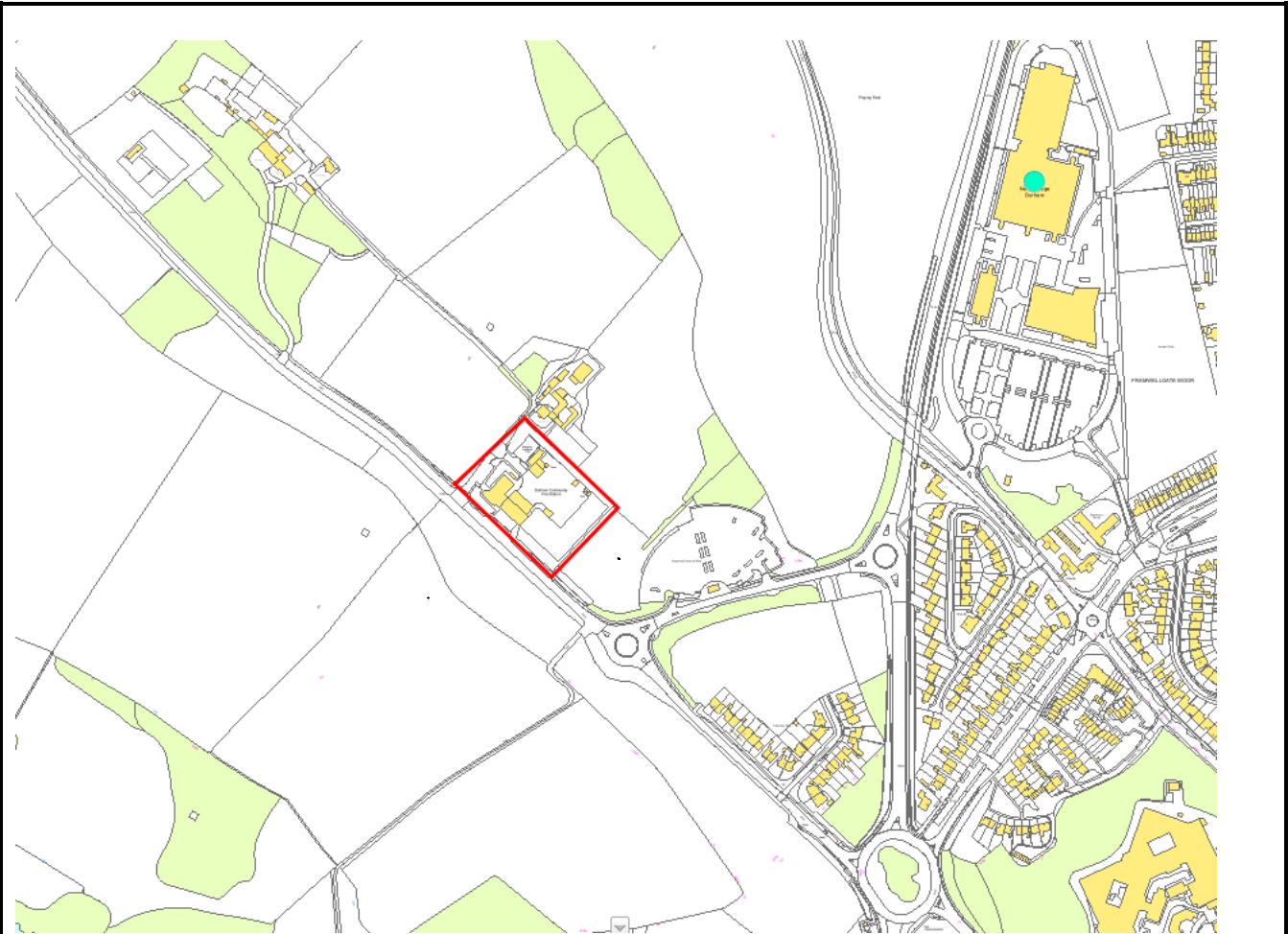
The National Planning Policy Framework

National Planning Practice Guidance Notes

County Durham Plan

Residential Amenity Standards SPD (2022)

County Durham Landscape Strategy (2008)



<p>Planning Services</p>	<p>DM/24/03318/FPA Full planning application for a 2.5 storey building for a new office headquarters (Use Class E(g)(i)) for County Durham and Darlington Fire and Rescue and accommodation for the North East Ambulance Service plus associated works including a new access road, external lighting, parking area, landscaping, PV panels and wind turbine. County Durham And Darlington Fire And Rescue Service, Durham Community Fire Station, Durham</p>	
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