

## COMMITTEE REPORT

---

### APPLICATION DETAILS

---

<b>APPLICATION No:</b>	DM/20/01580/FPA
<b>FULL APPLICATION DESCRIPTION:</b>	Erection of one detached 3-bed bungalow (resubmission)
<b>NAME OF APPLICANT:</b>	Mr Tony Richardson
<b>ADDRESS:</b>	Land to the south of Culloden Terrace Grants Houses
<b>ELECTORAL DIVISION:</b>	Horden
<b>CASE OFFICER:</b>	Jennifer Jennings Planning Officer Telephone: 03000 261057 <a href="mailto:jennifer.jennings@durham.gov.uk">jennifer.jennings@durham.gov.uk</a>

---

### DESCRIPTION OF THE SITE AND PROPOSALS

---

#### The Site

1. The application site is currently a grassed field located south of the existing settlement of Grants Houses. The site measures just over 1570 square metres and is surrounded by 1.6-1.8 metres high close boarded timber fencing.
2. The site is adjacent to terraced housing, Culloden Terrace and Springfield Terrace, to the north and north east, and open countryside to the east, south and south west. The area of land to the west is owned by the applicant and consists of an enclosed compound area that currently hosts a range of buildings associated with the keeping of animals for the private enjoyment of the applicant. The compound measures approximately 2700 square metres, and the buildings at this site consist of stables, an aviary, agricultural style storage buildings, greenhouse and a static caravan, the latter granted permission in February of this year, (under planning permission reference DM/19/02973/FPA).
3. Access to the site would be gained through this compound area, which itself is accessed via a short length of private track, some 110 metres, leading to an unclassified adopted highway, known as Sunderland Road West. This same adopted highway provides access to all the terraces on this side of Grants houses.

## The Proposal

4. The application seeks permission to erect a single storey L shaped 3 bed dwelling just west of central within the site. It would be orientated with east elevation providing the frontage of the dwelling and the rear elevation facing west towards the compound area and access to the site. Two parking spaces would also be provided at this western side. The property would be finished in facing brick with concrete roof tiles. The existing boundary fence would be retained, although the southern boundary would be realigned to take in a section of the adjacent field, adding some 215 square metres to the size of the field. It would be located 11 metres south of the curtilage of nearest dwelling no. 13 Culloden Terrace.
5. The application is being reported to Planning Committee at the request of the local ward member, on the grounds of sustainability.

---

## **PLANNING HISTORY**

---

6. Planning history:

A similar application for this site was submitted but withdrawn in December 2019.

---

## **PLANNING POLICY**

---

### **NATIONAL POLICY**

7. A revised National Planning Policy Framework (NPPF) was published in July 2018 (with updates since). The overriding message continues to be that new development that is sustainable should go ahead without delay. It defines the role of planning in achieving sustainable development under three overarching objectives – economic, social and environmental, which are interdependent and need to be pursued in mutually supportive ways.
8. In accordance with Paragraph 213 of the National Planning Policy Framework, existing policies should not be considered out-of-date simply because they were adopted or made prior to the publication of this Framework. Due weight should be given to them, according to their degree of consistency with the Framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given). The relevance of this issue is discussed, where appropriate, in the assessment section of the report. The following elements of the NPPF are considered relevant to this proposal.
9. *NPPF Part 2 - Achieving Sustainable Development.* The purpose of the planning system is to contribute to the achievement of sustainable development and therefore at the heart of the NPPF is a presumption in favour of sustainable development. It defines the role of planning in achieving sustainable development under three overarching objectives - economic, social and environmental, which are interdependent and need to be pursued in mutually supportive ways. The application of the presumption in favour of sustainable development for plan-making and decision-taking is outlined.
10. *NPPF Part 4 - Decision-making.* Local planning authorities should approach decisions on proposed development in a positive and creative way. They should use the full range of planning tools available, including brownfield registers and permission in principle, and work proactively with applicants to secure developments that will improve the economic, social and environmental conditions of the area. Decision-makers at every level should seek to approve applications for sustainable development where possible.

11. *NPPF Part 5 - Delivering a Sufficient Supply of Homes.* To support the Government's objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed, that the needs of groups with specific housing requirements are addressed and that land with permission is developed without unnecessary delay.
12. *NPPF Part 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 pollution and land stability and remediating contaminated or other degraded land where appropriate.

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

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; air quality; historic environment; design process and tools; determining a planning application; flood risk; health and well-being; land stability; housing and economic development needs assessments; housing and economic land availability assessment; light pollution; natural environment; 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:**

### District of Easington Local Plan (2001)

19. *Policy 1- General Principles of Development:* Due regard will be given to the development plan when determining planning applications. Account will be taken as to whether the proposed development accords with sustainable development principles while benefiting the community and local economy. The location, design and layout will also need to accord with saved policies 3, 7, 14-18, 22 and 35-38.
20. *Policy 3 – Protection of the Countryside:* Development limits are defined on the proposal and the inset maps. Development outside 'settlement limits' will be regarded as development within the countryside. Such development will therefore not be approved unless allowed by other policies.
21. *Policy 18 – Species and habitat protection:* Development which adversely affects a protected species or its habitat will only be approved where the reasons for development outweigh the value of the species or its habitat.
22. *Policy 35 – Design and layout of development:* The design and layout of development should consider energy conservation and efficient use of energy, reflect the scale and character of adjacent buildings, provide adequate open space and have no serious adverse effect on the amenity of neighbouring residents or occupiers.
23. *Policy 36 – Design for access and the means of travel:* The design and layout of development should ensure good access and encourage alternative means of travel to the private car.
24. *Policy 37 – Design for Parking:* The design and layout of development should seek to minimise the level of parking provision (other than for cyclists and disabled people).
25. *Policy 67 – Windfall Housing sites:* Housing development will be approved on previously developed land within settlement boundaries of established towns or villages provided the proposal is of appropriate scale and character and does not conflict with other policies in the plan.
26. *Residential Amenity Design Standards SPD –* In advance of the emerging County Plan the County has adopted new residential amenity standards to inform residential development layouts.

## EMERGING PLAN:

### The County Durham Plan

27. Paragraph 48 of the NPPF states that decision-takers may give weight to relevant policies in emerging plans according to: the stage of the emerging plan; the extent to which there are unresolved objections to relevant policies; and, the degree of consistency of the policies in the emerging plan to the policies in the NPPF. The Examination in Public (EiP) of the County Durham Plan (CDP) has now been completed following receipt of the Inspectors final report on 17<sup>th</sup> September 2020. This report confirms that the CDP is sound subject to Main Modifications being made and can progress to adoption. Therefore, as the CDP is at an advanced stage of preparation and will be adopted in due course, it is considered that it should be afforded significant weight in the decision-making process. Relevant policies include:
28. Policy 6 – Development on unallocated sites - 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 etc. value; is appropriate in scale, design etc to character of 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 10 – Development in the Countryside – will not be permitted unless allowed for by specific policies in the Plan or Neighbourhood Plan or unless it relates to exceptions for development necessary to support economic development, infrastructure development or development of existing buildings. The policy further sets out 9 General Design Principles for all development in the Countryside. Provision for development of existing buildings includes: change of use of existing building, intensification of existing use through subdivision; replacement of existing dwelling; or householder related development.
30. Policy 21 (Formerly Policy 22 in pre-submission draft) 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 to have regard to Parking and Accessibility Supplementary Planning Document.
31. Policy 29 (Formerly Policy 30 in pre-submission draft) Sustainable Design – requires all development proposals to achieve well designed buildings and places having regard to SPD and sets out 18 elements for development to be considered acceptable, including: positive contribution to areas character, identity etc.; adaptable buildings; minimising greenhouse gas emissions and use of non renewable resources; providing high standards of amenity and privacy; contributing to healthy neighbourhoods; and suitable landscape proposals. Provision for all new residential development to comply with Nationally Described Space Standards, subject to transition period.

32. Policy 31 (Formerly Policy 32 in pre-submission draft) Amenity and Pollution - sets out that development will be permitted where it can be demonstrated that there will be no unacceptable impact, either individually or cumulatively, on health, living or working conditions or the natural environment and that can be integrated effectively with any existing business and community facilities. Development will not be permitted where inappropriate odours, noise, vibration and other sources of pollution cannot be suitably mitigated against, as well as ensuring light pollution is minimised. Permission will not be granted for locating of sensitive land uses near to potentially polluting development. Similarly, potentially polluting development will not be permitted near sensitive uses unless the effects can be mitigated.
33. Policy 39 (Formerly Policy 40 in pre-submission draft) 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 expected to incorporate appropriate mitigation measures for 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
34. Policy 40 (Formerly Policy 41 in pre-submission draft) Trees, Woodlands and Hedges - Proposals for new development will not be permitted that would result in the loss of, or damage to, trees, hedges or woodland of high landscape, amenity or biodiversity value unless the benefits of the scheme clearly outweigh the harm. Proposals for new development will be expected to retain existing trees and hedges or provide suitable replacement planting. The loss or deterioration of ancient woodland will require wholly exceptional reason and appropriate compensation.
35. Policy 43 (Formerly Policy 44 in pre-submission draft) Protected Species and Nationally and Locally Protected Sites - development proposals that would adversely impact upon nationally and locally protected sites will only be permitted where the benefits clearly outweigh the impacts on the interest features of the site and any wider impacts on network of sites. 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.

*The above represents a summary of those policies considered most relevant in the Development Plan the full text, criteria, and justifications of each may be accessed at*  
<http://www.durham.gov.uk/article/3269/Easington-Local-Plan>

---

## **CONSULTATION AND PUBLICITY RESPONSES**

---

### **STATUTORY RESPONSES:**

36. *Highway Authority* – comments that sufficient parking is provided for the dwelling. Queries were raised regarding the access to the site, given that an adopted lit highway exists to the north of the site between two lines of terraces, but it was determined that access via the private track to the west was acceptable. The applicant was requested to demonstrate the location of a bin collection area.

37. *Northumbrian Water* – comments that the developer should develop their surface water drainage solution by working through a priority of suitable sustainable surface water management. An informative would be included as part of any planning permission.

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

38. *Spatial Policy* – comments the development falls outside the settlement limits and would be considered against saved policy 3 of the Easington Local Development Plan. However significant material weight should also be given to the policies associated with the emerging County Durham Plan.

39. *Ecology* – confirm the financial contribution for this development is £756.61 and should be secured through a Section 106 Agreement or Unilateral Undertaking.

The proposed development is likely to result in a net loss of biodiversity as the pasture grassland habitat within the boundary of development is likely to be lost. Mitigation is required for the development to meet the biodiversity requirements of the NPPF and achieve ecological net gain.

40. *Environment, Health and Consumer Protection (Contaminated Land)* – A full pre commencement planning condition for land contamination should be applied if planning permission is granted.
41. *Environment, Health and Consumer Protection (Nuisance Action Team)* – raise no concerns regarding the development but recommend control be applied to any permission granted in relation to construction hours.
42. *Archaeology* – comment that this area is within the area of a World War II camp, remains of which may survive. Accordingly this development should have a Watching Brief during development to record any remains encountered, and this could be secured by pre commencement conditions.

#### **PUBLIC RESPONSES:**

43. The application has been advertised by way of a site notice and individual notification letters to neighbouring residents. Six letters of support have been received, commenting as follows:
- Consider proposals making good use of land
  - Pleased with the efforts the applicant has made with the land and agrees with the addition of a bungalow on it.
  - The development will be a nice addition to a barren field and will add security at this part of Grants Houses

*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/simpleSearchResults.do?action=firstPage>*

#### **APPLICANTS STATEMENT:**

44. The proposal seeks planning permission for the erection of a single detached bungalow on land to the south of Culloden Terrace, Grants Houses. The development site lies in close proximity to the main town of Peterlee/Horden and the local service centre of Easington. These areas contain a good array of services ensuring that these settlements are self-sustaining and all are within easy reach of the proposed development site, either on foot or by public transport. Given the links to existing shops and services, and the fact that the site is well served by public transport, it is considered to be sustainable in terms of location.

45. The proposed dwelling plans have been amended to ensure that Residential Amenity Standards are met. The site also has sufficient private amenity space and we feel the development would not impact adversely upon Residential Amenity.
46. The proposed dwelling would reflect the scale and character of adjacent buildings and the area generally. The bungalow would not present an elevation onto the B1283 and would not, therefore, affect the street scene or be viewed as an incongruent addition by reason of it's scale, design, position and materials.
47. We consider the proposed bungalow to be acceptable in principle being situated in a sustainable location and could be satisfactorily accommodated within the site by virtue of it's design, mass, scale, layout and materials.
48. We also consider that it would not have any adverse impact upon the character and appearance of the surrounding area, residential amenity, drainage, highway safety or land contamination.
49. Finally, we would confirm that local residents and the wider community are very supportive of the proposals and what has been achieved so far on the adjacent smallholding, which is evidenced by the positive representations that have been submitted.

---

## **PLANNING CONSIDERATIONS AND ASSESSMENT**

---

50. Section 38(6) of the Planning and Compulsory Purchase Act 2004 sets out that regard is to be given to the development plan and 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.
51. The main planning issues for determining the acceptability of the proposal relate to: the principle of the development of a dwelling in this location, impact on the character and appearance of the area, residential amenity, highway safety and access, ecology and other issues.

### The Principle of the Development

52. 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 Easington Local Plan (ELP) remains the statutory development plan and the starting point for determining applications as set out at Paragraph 12 of the NPPF. However it should be noted that the emerging County Durham Plan (CDP) is at an advanced stage of preparation and can now be afforded significant weight but is not adopted at this stage and therefore not the statutory development plan.
53. The ELP was adopted in 2001 and was intended to cover the period to 2006. However, NPPF Paragraph 213 advises that Local Plan policies should not be considered out-of-date simply because they were adopted prior to the publication of the NPPF. Paragraph 213 also sets out that due weight should be given to existing policies, according to their degree of consistency with this Framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given).

54. On this basis, given the age of the local plan and the housing supply figures that informed it, the housing supply policies therein do not reflect an up-to-date objective assessment of need, and must now be considered out-of-date, and the weight to be afforded to the policies reduced as a result. However, this does not make out-of-date policies irrelevant in the determination of a planning application. Nor do they prescribe how much weight should be given to such policies in the decision, this being a matter for the decision maker, having regard to advice at paragraph 213 of the NPPF.
55. Saved policy 3 of the local plan defines settlement limits and states that development outside of settlement limits will be regarded as development within the countryside and that other than specifically allowed for by other policies, development in the countryside will not be approved. However, the out of date evidence base which underpins this policy and the application of settlement limits means that it must be regarded as out of date for the purposes of paragraph 11 of the NPPF and as a consequence, can be afforded only limited weight.
56. The housing policies in the emerging County Durham Plan are based on an up to date objectively assessed need that aligns with the Government's standard methodology as prescribed in paragraphs 73 of the NPPF and national planning guidance. The policies therefore carry significant weight in the consideration of this application. The site is identified as being located just beyond the settlement limits of Grants Houses and would therefore be classified as development in the countryside. Whilst emerging Policy 10 deals specifically with development in the countryside, in this case, emerging Policy 6 would also be of relevance, as this policy relates to development of sites not allocated in the Plan which can be either within the built-up area or outside the built up area but well related to a settlement. Significant weight can be applied to these policies as part of the decision making process, but it must be noted that they are still not formally adopted.
57. Consequently, as noted within Paragraph 11c of the NPPF, there is no adopted up to date plan, meaning the development must be determined against Paragraph 11d. This states:
- 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.
58. Having regard to the above, the adopted local plan is out of date and the emerging County Durham Plan is not sufficiently far advanced to remove the need to apply paragraph 11 in this case. However the relevant policies will carry material weight as part of the overall planning balance.

#### Five year Housing Land Supply

59. Paragraph 73 of the updated NPPF maintains the requirement for Local Planning Authorities (LPAs) to identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of five years' worth of housing against their housing requirement set out in adopted strategic policies, or against their local housing need where the strategic policies are more than five years old.

60. Within County Durham all of the extant development plans are more than five years old and their housing figures need revising so the starting point for calculating land supply will be local housing need using the Government's standard methodology. The 'Preferred Options' (June 2018) stage of the emerging County Durham Plan (CDP) is aligned with the standardised methodology and identifies a housing need figure of 1,368 dwellings per annum (dpa). The Council is able to demonstrate in excess of 6 years supply of deliverable housing land against this figure.
61. On this basis, the addition of 1 new dwelling to meet housing needs would not be considered a significant benefit weighing in favour of the proposal.

#### Locational Sustainability

62. Paragraph 103 of the NPPF states that the planning system should actively manage patterns of growth in support of focussing significant development on locations which are or can be made sustainable through limiting the need to travel and offering a genuine choice of transport modes. Emerging policies 6 and 10 reflects this also, stating that new development in the countryside must not be solely reliant upon unsustainable modes of transport.
63. The application site is located just beyond the clear defined edge of the nearest settlement of Grants Houses. This settlement is noted as providing no local services, such as shops, schools or medical services. Any future resident at this property would be required to travel outside the settlement to gain access to any of these services. In this case, Easington Colliery would be the closest, with nearest shops and doctors surgery located 1.3 kilometres away, although it should be noted that available shops in this location are very local in nature with limited choice, and would necessitate travelling further afield to Horden or Peterlee, 2.7 kilometres away. The nearest school to the site is Our Lady Star of the Sea Primary to the north of Horden, 1.4 kilometres from the application site.
64. A local bus service passes through the settlement linking Easington Village to Peterlee, as well as a separate service linking Sunderland to Hartlepool. Both of these services are half hourly, but finish by 6 pm and no Sunday service was evident from timetables relating to these bus routes.
65. Overall, the settlement itself does not present as a sustainable location, given the lack of services available, but the public bus service passing by the settlement does provide an alternative sustainable mode of transport, that reduces complete reliance on the private car and is reasonably regular. In this regard, the application site does have some very limited sustainability merits, which will provide some weight in the planning balance as part of the paragraph 11 assessment of the NPPF.

#### Accordance with Emerging Local Plan Policies

66. Emerging policies in the County Durham Plan must now be given significant weight in the decision making process. As they are not formally adopted, consideration of these policies forms part of the planning balance assessment associated with paragraph 11 of the NPPF.

67. As already noted, emerging Policies 6 and 10 would be of relevance. In terms of policy 6, this policy relates to development of sites not allocated in the Plan which can be either within the built-up area or outside the built up area but well related to a settlement. In determining 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. The policy seeks 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. New development is expected to not contribute to coalescence with neighbouring settlements or result in ribbon development.
68. In consideration of these details, the proposed location of the dwelling sits close to adjacent residential uses, however, visually it clearly breaks the defined hard edge associated with the settlement and reads as a direct encroachment into the countryside. Visually it would sit separate to, and at odds with, the tight ordered rows of terraces that make up the majority of this part of Grants Houses, particularly as the proposed would sit as a large detached dwelling within a notably large curtilage. It is considered that this would detract from the existing form and character of the settlement, by allowing the urban form to intrude into what is clearly an open countryside green field site, that expressly provides the rural setting for this hamlet.
69. In this regard the proposal is not considered to fall within the parameters that allows this site to be considered favourably against policy 6. In which case policy 10 can be considered in terms of whether it provides the framework for determining whether or not this development is suitable in this location. This policy states that development in the countryside 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. Provision for development of a residential dwelling as part of this policy would only be acceptable if an existing building was proposed to be converted or it related to the replacement of an existing dwelling at the site. It is clear that the proposals cannot meet either of these provisions, nor is it required as a permanent rural workers dwelling required to be located adjacent to their place of work as allowed for under policy 12. On this basis, the proposal finds no policy support in the emerging County Durham Plan. This carries significant weight in the final assessment as part of the overall planning balance.

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

70. Policy 35 of the ELP requires that development should reflect the scale and character of adjacent buildings and the area generally, particularly in terms of site coverage, height, roof style and detailed design and materials. In addition development should provide adequate open space, appropriate landscape features and screening where required. Part 12 of the NPPF also seeks to promote good design, while protecting and enhancing local environments. Paragraph 127 of the NPPF 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. Local plan policy 35 is considered to comply with NPPF requirements and as such significant weight can be afforded to this policy.
71. Emerging CDP Policy 29 Sustainable Design requires all development proposals to achieve well designed buildings and places and contribute positively to an area's character, identity, townscape and landscape features, helping to create and reinforce locally distinctive and sustainable communities.

72. The application proposes the erection of a bungalow centrally within a large 1570 square metres curtilage. The bungalow would measure 17.75 metres long in a north south direction with a maximum width of 11.6 metres and a roof height of approximately 5.8 metres. The topography of the surrounding land is such that the application site is visible in the wider locality being elevated above surrounding land to the south and west, as well as Sunderland Road to the east.
73. The dwelling would be positioned in a location detached from the existing residential framework of housing within the hamlet. Although the height of the property mirrors adjacent terraces, its separation from these terraces along with its expansive footprint would read as an intrusive form of development in the countryside. Occupying a prominent location visible in the wider locale, the proposed dwelling sitting in isolation would be viewed as an incongruous addition to the existing landscape, which would have a suburbanising effect through introduction of various householder paraphernalia within the wider garden curtilage area. The proposed dwelling in this location is therefore viewed as detrimental to visual amenity, unacceptably harming the intrinsic character of the countryside in this location. The proposal is deemed to conflict with saved policy 35, emerging policy 29 and paragraph 127 of the NPPF in this regard.

### Residential Amenity

74. ELP Policy 35 states that planning permission will be required to have no serious adverse effect on the amenity of people living and working in the vicinity of the development site and the existing use of adjacent land or buildings in terms of privacy, visual intrusion, noise, other pollutants and traffic generation. This policy is considered consistent with Parts 12 and 15 of the NPPF, which require that a high standard of amenity for existing and future users be ensured. In addition the Council has also adopted the Residential Amenity Standards supplementary planning document (SPD) providing guidelines on amenity distance standards. Accordingly, full weight is to be afforded to these policies.
75. Emerging policy 31 relating to Amenity and Pollution sets out that development will be permitted where it can be demonstrated that there will be no unacceptable impact, either individually or cumulatively, on health, living or working conditions or the natural environment and that can be integrated effectively with any existing business and community facilities.
76. The proposed bungalow would be located 16 metres directly south of nearest residential bungalow no. 13 Culloden Terrace. The south facing elevation of this dwelling contains windows serving habitable rooms. The north facing elevation of the proposed dwelling originally had two windows on this side, one serving a bathroom and the second serving one of the bedrooms. With the facing distance between these two windows falling short of requirements set out in the Residential Amenity Standards which requires an 18 metres distance between habitable windows in bungalows, the applicant was requested to remove the bedroom window, noting that this same room benefited from an additional window on the west elevation. This has now been undertaken and complies with distance standards for windows facing gable walls with no habitable windows, which requires a 10 metres distance.
77. Overall the arrangements with regard to privacy, residential amenity and amenity space are acceptable and adequate distancing standards are achieved in line with saved policy 35 of the local plan and the SPD.

78. The adjacent land use, under the control and ownership of the applicant, has the potential to raise issues of noise and odour for future residents if the property was sold on, given the use of the adjacent land for keeping of animals, albeit on a hobby basis. Any grant of approval therefore would have to be on the basis of a restrictive occupancy tying the occupation of the dwelling with adjacent use of the land in order to comply with relevant policy protecting residential amenities as detailed in saved policy 35 of the local plan and emerging policy 31 of the CDP.

#### Highway Safety and Access

79. Policy 36 of the ELP requires that new development provide safe and adequate access capable of serving the amount and nature of traffic to be generated and is considered consistent with paragraph 108 of the NPPF in respect of achieving safe and suitable site access. Therefore, significant weight can be afforded to it.
80. Emerging 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; and ensuring that any vehicular traffic generated by new development can be safely accommodated. Development is to have regard to Parking and Accessibility Supplementary Planning Document.
81. The application proposes the use of the existing access to the compound area west of the application site. This access track is well established and it is not considered that the introduction of a single dwelling would add substantially to existing traffic in this area or impact negatively on highway safety. On site, sufficient parking is available as required by parking standards. The applicant has also indicated a bin pick up point to the north of the site, on the rear lane between Culloden Terrace and Springfield Terrace. Highways have assessed the details and raise no issues or objections. The proposals accord with saved policy 36 of the local plan and emerging policy 21 of the CDP in this regard.

#### Ecology

82. As the application site is in close proximity to the Durham Coast Site of Special Scientific Interest (SSSI), and Special Area of Conservation (SAC) Natura 2000 site and the Northumbria Coast SSSI, Special Protection Area, the applicant is required to provide a financial contribution towards the upkeep and management of these designations of significant importance. The applicant has agreed to provide the contribution of £756.61 in line with the Council's 'Habitat Regulations Assessment: Developer Guidance and Requirements in County Durham. This contribution would be secured through a section 106 agreement.
83. Further to this requirement, part 15 of the NPPF seeks to ensure that developments protect and mitigate harm to biodiversity interests and where possible, improve them. Ecology officers have assessed the proposals and consider that the development is likely to result in a net loss of biodiversity as the pasture grassland habitat within the boundary of the development would be lost. Mitigation is required for the development to meet the biodiversity requirements set out in the NPPF and achieve ecological net gain.
84. A report was submitted undertaking a biodiversity calculation at the site and noted that there would be a net gain attributed to the development as a result of proposed planting. Ecology assessed the details and agreed with the findings, requesting a condition be attached, should permission be granted, for a management plan for the wildlife habitats for a minimum of 30 years and to include an element of monitoring.

## Other issues

85. Contaminated land section assessed the details submitted in support of the application. They considered that there is a potential for made ground and contamination and given the proposal is a change of use to a more sensitive receptor a full pre commencement condition in relation to land contamination should apply should planning permission be granted.
86. Archaeology section identified that there is a likelihood of remains surviving associated with a World War II camp in the area. As a result a further pre commencement condition is required seeking provision of details of a written scheme of investigation setting out a programme of archaeological works.

## Planning Balance

87. As the relevant policies of the Easington Local Plan are considered to be out of date, the presumption in favour of sustainable development as contained in paragraph 11 of the NPPF is engaged. As part of the assessment, substantial weight must also be applied to the relevant emerging policies in the County Durham Plan and the extent to which the proposal aligns or conflicts with these policies. A summary of the benefits and adverse impacts of the proposal are considered below:

### Benefits

88. The development would provide some limited benefit in terms of a boost to housing supply although this benefit is considered severely limited at one dwelling in the context of the Council's ability to demonstrate in excess of 5 years housing land supply.
89. To a limited degree the development would provide direct and indirect economic benefits within the locality and from further afield in the form of expenditure in the local economy. This would include the creation of construction jobs, as well as further indirect jobs over the lifetime of the development. A temporary minor economic uplift would be expected to result from the development and expenditure benefits to the area. Such benefits can be afforded some very limited weight in the context of one dwelling.
90. The site has been demonstrated to have some limited sustainability merits in terms of access to regular bus services from the site.

### Adverse Impacts

91. The development would have significant adverse visual and landscape effects. In particular, it is considered that the development would detract from the existing form and character of the settlement, by allowing the urban form to intrude into and erode the open space at the edge of the settlement, and would thus result in an unacceptable level of encroachment into the open countryside. The proposal would present as an incongruous form of development, given the scale of the property and curtilage, and would create a suburbanising effect in this location, unacceptably harming the intrinsic character of the countryside, to the detriment of the visual amenities of the area. The proposals would be contrary to saved policies 1 and 35 of the Easington Local Plan, emerging policy 29 of the CDP and paragraph 127 of the NPPF.
92. The erection of a dwelling in this location does not meet the policy requirements or exceptions as noted within the emerging County Durham Plan in relation to housing outside built up areas and within the countryside. The proposal therefore conflicts with emerging policies in relation to suitable location for residential development.

---

## **CONCLUSION**

---

93. On balance, in applying the requirements of paragraph 11 of the NPPF it is considered that the adverse impacts of the proposal would significantly and demonstrably outweigh any benefits. In particular, the development, by reason of its isolated position, detached from the existing form of development, would detract from the form and character of the existing settlement, whilst also eroding the open countryside area and wider landscape setting, to the detriment of visual amenity contrary to policies 3 and 35 of the Easington District Local Plan and paragraph 127 of the NPPF and emerging policies 6 and 10 of the County Durham Plan.
94. The proposal has generated some public interest with letters of support from a small number of neighbouring residents. Whilst these are noted, they do not override the material planning grounds that warrant a refusal in this case.

---

## **RECOMMENDATION**

---

That the application be REFUSED, for the following reason:

1. In applying the requirements of paragraph 11 of the NPPF the adverse impacts of the proposal to erect a dwelling at the site would significantly and demonstrably outweigh the benefits. In particular, the development, by reason of its position detached and separate from the existing form of development, would detract from the form and character of the existing settlement, whilst also eroding the open countryside area and wider landscape setting, to the detriment of visual amenity contrary to policies 3 and 35 of the Easington District Local Plan and paragraph 127 of the NPPF and emerging policies 6 and 10 of the County Durham Plan.

---

## **STATEMENT OF PROACTIVE ENGAGEMENT**

---

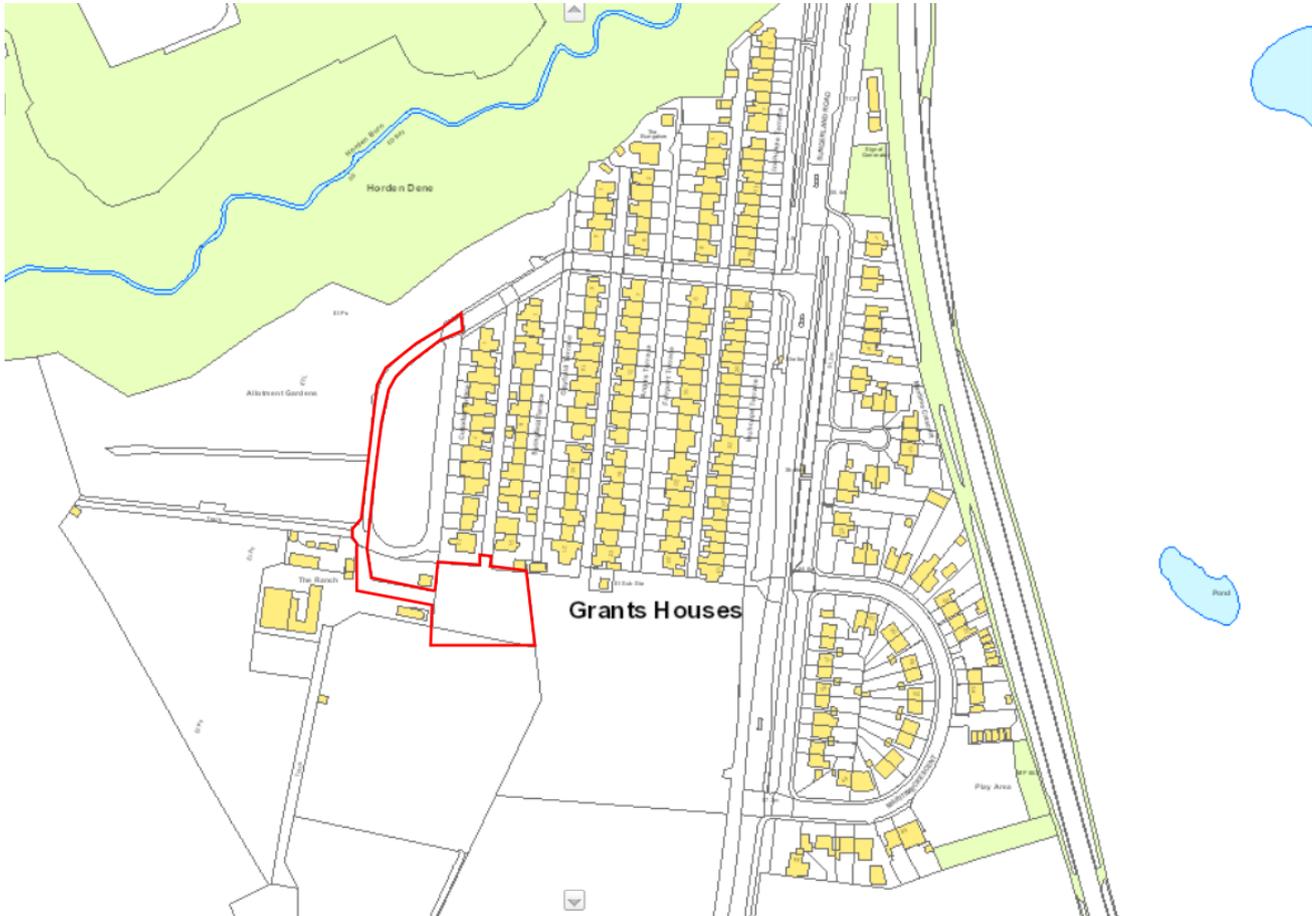
In accordance with Article 35(2) of the Town and Country Planning (Development Management Procedure) (England) Order 2015, the Local Planning Authority in arriving at its decision to recommend refusal of this application have, without prejudice to a fair and objective assessment of the proposal, considered the proposal in relation to relevant planning policies, material considerations and representations received, however, in balance of all considerations, the issues of concern could not result in a positive outcome being achieved.

---

## **BACKGROUND PAPERS**

---

- Submitted application form, plans supporting documents and subsequent information provided by the applicant.
- The National Planning Policy Framework (2019)
- National Planning Practice Guidance notes.
- Easington Local Plan
- County Durham Plan
- Residential Amenity Standards 2020
- Statutory, internal and public consultation response



**Planning Services**

Erection of one detached 3-bed bungalow (resubmission)

Land to the south of Culloden Terrace  
Grants Houses

Ref: DM/20/01580/FPA

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

**Comments**

**Date** 13 October 2020

**Scale** Not to Scale