

COMMITTEE REPORT

APPLICATION DETAILS

APPLICATION No:	DM/20/02018/FPA
FULL APPLICATION DESCRIPTION:	Conversion of existing garage buildings (or demolished and replaced with) to a single dwelling covering the existing footprint and an extension to the east
NAME OF APPLICANT:	Mr Alan Gray
ADDRESS:	Land east of Saanen Lodge Haswell DH6 2EE
ELECTORAL DIVISION:	Shotton and South Hetton
CASE OFFICER:	Jennifer Jennings Planning Officer Telephone: 03000 261057 jennifer.jennings@durham.gov.uk

DESCRIPTION OF THE SITE AND PROPOSALS

The Site

1. The application site is located amongst a dispersed grouping of five dwellings within the open countryside between the settlements of Haswell Plough to the south east and Haswell to the north east. The site currently contains a detached garage building located next to and associated with the dwelling 'Saanen Lodge'. The garage is a relatively large, single storey, double gabled frontage stone and slate building, providing large garage space and workshop with one side of the building providing upper floor access within the roof space. To its east is a dense area of woodland protected under a Tree Preservation Order, with open fields to the north and south, and Saanen Lodge to the west.
2. Two tracks lead to the site, both accessed off the main link road, Durham Lane North, between Haswell Plough and Haswell. The eastern track is gravelled and forms part of a Public Right of Way and provides access to five different properties, including Saanen Lodge, associated with the application site. The western track provides access to Saanen Lodge and the garage site and a grouping of agricultural buildings.

The Proposal

3. The application seeks permission to convert the existing garage (or alternatively demolish and replace) to create a new detached 5-bed dwelling house over two storeys. The property would have double gable frontage, but details on materials have been unspecified apart from reference to plain style roof tiles. The garden curtilage for the proposed property would extend north and east to one of the access tracks leading to the site and would encompass the TPO woodland area. A parking area has been annotated to the south of the dwelling.
4. The application is being reported to Planning Committee at the request of the local ward member, on the grounds of sustainability.

PLANNING HISTORY

5. Planning history:

No relevant planning history at the application site:

PLANNING POLICY

NATIONAL POLICY

6. 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.
7. 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.
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 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.
12. *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.
13. *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.
14. *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.
15. *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.
16. *NPPF Part 15 - Conserving and Enhancing the Natural Environment* - Conserving and enhancing the natural environment. The Planning System should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes, geological conservation interests, recognising the wider benefits of ecosystems, minimising the impacts on biodiversity, preventing both new and existing development from contributing to or being put at unacceptable risk from pollution and land stability and remediating contaminated or other degraded land where appropriate.

17. 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)

18. *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.
19. *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.
20. *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.
21. *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.
22. *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.
23. *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).
24. *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.
25. *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

26. 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 17th 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:
27. 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
28. 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.
29. 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.
30. 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.

31. 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.
32. 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
33. 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.
34. 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:

35. *Highway Authority* – comments that sufficient parking is provided for the dwelling. They note that the access to the north follows a PROW and will be used as a means of access to the dwelling. The access at the point of the highway is in very poor condition and needs to be upgraded or re surfaced to highway standards. It has been requested that a condition be applied to ensure these works are done prior to occupation. They also request a shared bin storage area, conveniently located for refuse collection purposes no further than 25 metres from the public highway. They also request an informative to ensure works appropriate undertaken in line with Section 184 of the Highways Act. Subject to condition no objection from a highways perspective.

36. *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:

37. *Spatial Policy* – comments the development should be considered in light of the policies associated with the emerging County Durham Plan.
38. *Trees Section* - comment that there is some proposed tree removal, but providing the tree protection measures are applied and followed for the duration of any construction, there will be minimal arboricultural conflict.
39. *Ecology* – confirm that the supplied Ecological report by JBA Consulting is sufficient to inform the application and no further survey is required. Should the application be approved it has been recommended that Section 4 (Recommendations) of the report be conditioned.

The Bat report by JBA Consulting details the results of bat activity surveys undertaken on the site. Three bat roosts used by common Pipistrelle and Brown long-eared bats were recorded therefore a European Protected Species Licence is required for the development to proceed. Section 5 of the Bat Report would need to be conditioned should approval be granted.

40. *Environment, Health and Consumer Protection (Contaminated Land)* – No requirement for a land contamination condition. They recommend an informative relating to unforeseen contamination.
41. *Environment, Health and Consumer Protection (Nuisance Action Team)* – comment that the proposed development is noise and odour sensitive. It is located in a rural/residential area where there are no significant sources of noise or odour. The information submitted demonstrates that the application complies with the thresholds stated within the TANS. This would indicate that the development will not lead to an adverse impact and it is not expected to cause a statutory nuisance.
42. *Archaeology* – comment that the proposed development is unlikely to have a significant impact on any below-ground heritage assets therefore there is no objection on archaeological grounds.
43. *Public Rights of Way* – comment that the access road to the application site is partly via Public Right of Way Haswell Fp10, further stating that the Rights of Way team will only provide maintenance for the surface of the footpath up to the standard necessary for pedestrians only. Maintenance for any vehicular use lies with those with vehicular rights. PROW section support Highway's request that part of the access track is upgraded to adoptable standard.

PUBLIC RESPONSES:

44. The application has been advertised by way of a site notice and individual notification letters to neighbouring residents. Four letters of support have been received, commenting as follows:
- Notes that development is well planned and will add to the small community of dwellings in this location. Property is well presented with stylish design.

- Owner of pharmacist welcomes any new developments in area from business viewpoint.
- Welcomes development bringing legitimate building and investment back into the village rather than backdoor methods of caravans on land between Haswell and Shotton.
- Considers although away from centre of the village, site is close to community centre, public transport access and full street lighting to the property.
- Haswell needs some development and investment. Village is central to commuting on public transport to Durham, Sunderland etc. Sufficient services within walking distance. Development is key to the village's future.

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:

45. The application seeks planning permission for one bungalow, which covers the footprint of the redundant existing garages on the site plus an extension to the east. The existing structures are substantial in size as they contain two double garages with steep pitched roofs; making them comparable in terms of mass and height to the adjacent host bungalow. Site photographs are presented in the Planning Statement supporting the application. These and the statement clearly demonstrate that the site is not isolated from surrounding dwellings and forms part of a grouping of residential buildings.

There is a range of services and facilities in Haswell to meet the daily needs of future occupants of the new home and are a relatively short walking and cycling distance from the site at approximately 0.5 km over comparatively flat terrain. Safe and convenient access on foot and by bike to services and facilities is possible not only due to the lit and tarmacked footpaths connecting the site to Haswell, but also the fact that Church Lane is not heavily trafficked. Accessibility to a wider range of services and facilities in larger towns such as Peterlee, Hartlepool and Durham City are also made possible by the no. 24 Arriva North East Bus services which stop within 0.2 km of the application site. Sustainable transport options are therefore available and so accessibility of the site to local services and facilities would not be solely dependent upon the private car. There has also been a recent appeal on a site in Esperley near Cockfield which was allowed on 22 September 2020. The Inspector recognised the convenient and easy access to the services and facilities in Cockfield from the appeal site however it must be noted that the Esperley site was 1km away from Cockfield (double the distance of this site to Haswell). In allowing the appeal, the Inspector considered that the site had access to regular services from bus stops and lit footpaths, which linked the development to the existing built form and as such the site was a sustainable location for a dwelling. The Planning Statement provides further detail of the locational sustainability of the application site which includes other relevant cases that provide support to this proposal.

It is recognised that there have been multiple new residential schemes approved within the vicinity of the site and Haswell, some of which are at a greater distance from services and facilities than the application site. Yet the planning history of these sites demonstrates that the Council approved them on the basis the new homes would be in a sustainable location.

The site benefits from two established access roads from Church Street and there is sufficient space for parking in the curtilage of the new dwelling. The application is supported by detailed ecological and arboricultural assessments. Overall, it can be demonstrated that the design of the proposed dwelling and its layout, as detailed in the supporting plans, have been informed by the key findings of these site surveys. Local residents were consulted on the proposed development and have sent letters of support to the planning department for the development. No objections have been received. It is understood that the Final Report from the Inspector on the County Durham Plan was received recently concluding the Plan is sound with proposed modifications. As such, the policies within the emerging County Durham Plan are attributed weight in the decision-making process. The provisions in Policy 10 relating to conversion of existing buildings in the countryside could therefore provide a legitimate fallback position for the applicant which has been acknowledged by the case officer. However, it is considered that the current proposal would offer a greater opportunity to create a high-quality dwelling rather than pursuing the conversion and extension of the existing garages in accordance with Policy 10.

In summary, the proposed development would not be an isolated dwelling as it would be adjacent to existing properties on the edge of Haswell. The site is also well connected to existing services and facilities in Haswell and the nearby settlements of South Hetton and Shotton Colliery, with regularly serviced bus stops also located nearby providing access to a greater range of services, facilities, employment and retail/ leisure opportunities. The proposed development provides an opportunity to create a high-quality dwelling which can be easily accommodated on the site. Overall, it is clear that the proposed development would be located within a sustainable location and it is respectfully requested approval is given by Members.

PLANNING CONSIDERATIONS AND ASSESSMENT

46. 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.
47. 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 and impact on European Protected Species.

The Principle of the Development

48. 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.
49. 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).

50. 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.
51. 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. Policy 68 of the local plan relates to housing development in the countryside and states that housing development in the countryside will not be approved. However, this policy was not saved, now considered expired and cannot be afforded weight in determination of this planning application.
52. 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 paragraph 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 beyond the settlement limits of Haswell and Haswell Plough and would therefore be classified as development in the countryside. Policy 6 considers development on unallocated sites and Policy 10 relates to development in the countryside, stating that such development will not be permitted unless it relates to a number of exceptions. Significant weight can be applied to these policies as part of the decision making process, but it must be noted that it is still not formally adopted.
53. 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.
54. 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

55. 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.

56. 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.
57. 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

58. 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 reflect this also, stating that new development in the countryside must not be solely reliant upon unsustainable modes of transport.
59. The application site is located within open countryside outside the clear defined edge of the nearest settlements of Haswell and Haswell Plough. Distances to the settlement edge are 400m and 700m respectively. Haswell scores a modest 20.9 in the 2018 Settlement Study of County Durham. This score reflects its status as a medium sized village with a small number of services, which include a small local shop with post office, doctor's surgery, pharmacy, take away, primary school, church and community centre. The settlement also has a regular half hourly bus service Monday to Saturday and hourly on Sundays connecting to Durham and Hartlepool. From the application site, there is a distance of 420m to the nearest bus stop and 720m to the local shop. Haswell Plough attains a score of 5.7 within the same study, having far less services, but benefiting from a pub/restaurant and hotel and the same bus service passing through. The restaurant is some 850 metres from the application site.
60. Based on this assessment, it is clear that Haswell is reasonably well served by services, and the distances involved to reach these from the application site are reasonable, particularly as a lit footpath exists along Durham Lane North. However the settlement could not meet all daily needs given the size of the local shop, and access to employment sites would require travel out of the settlement but access to these could be gained by alternative more sustainable modes of transport. This is a material consideration within the planning balance to which weight can be applied in line with paragraph 11 of the NPPF.

Accordance with Emerging Local Plan Policies

61. 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.

62. Policy 6 relates to development on unallocated sites, both within the built up area as well as outside the built up area, so long as it is well-related to the settlement. 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. In consideration of the current proposal, it is clear that the site is physically and visually separate from the clear defined limits of development associated with Haswell and Haswell Plough. The layout of buildings and street pattern associated with the settlement shows a clear ordered structure that ends at the junction of Windsor Terrace and Church Street, adjacent to the Hazelwell Centre at Haswell and at the north end of Hessewell Crescent at Haswell Plough. Beyond these points, the character of the area is defined by green open land, with boundary treatments consisting of long linear hedgerow and low level post and rail fencing, characteristic of countryside areas. Additionally the pattern of development is clearly focussed on the eastern side of Durham Lane North, the small number of sporadic, isolated dwellings, on the west side clearly detached and removed from the defined built up settlement areas. Based on this assessment, the development site is deemed located within the open countryside and its determination under policy 6 not applicable.
63. As a result the proposal must be evaluated against policy 10 relating to development in the countryside. This policy states that development will not be permitted unless it relates to a number of exceptions. The main exception of relevance in this case is the development of existing buildings, whereby approval would be granted for the change of use of an existing building which already makes a positive contribution to the area and is capable of conversion without complete or substantial rebuilding, disproportionate extension or unsympathetic alterations and results in an enhancement of the buildings immediate setting.
64. The application proposes to either convert or demolish and rebuild the existing garage into a substantial detached five bed dwelling. It should be noted that there is no policy support for demolition and rebuild, unless it relates to a replacement dwelling. In this case, the proposals are assessed in relation to the criteria associated with conversion of the existing garage building into a dwelling. However, the extent of the alterations to the garage would be significant, leaving no trace of how the original garage building would have originally appeared. At present the garage measures 122 sqm at ground floor level, with a further floorspace of approximately 20-30 sqm on the upper floor. The proposed house would have a ground floor footprint of 264 sqm, with a further 147 sqm on the first floor. The additional space would result in a dwelling that would be 7.27 metres to ridge height and 21 metres wide, compared to the garage building measuring 4.87 metres to ridge and 13 metres wide. The length of the proposed dwelling from front to back would also be a substantial increase from an existing 9.3 metres to a proposed maximum length of 17 metres.
65. Against this analysis it is clear that the proposed dwelling would not comply with the requirements set out in policy 10, which states that conversions should not result in substantial rebuilding or disproportionate extensions. Given that the existing garage building on site appears to be structurally sound and has some visual merit, being finished in stone and in keeping with the adjacent dwelling, there is scope for the conversion of this building to comply with the requirements of policy 10. However from assessing the proposals, it is clear that this is not achieved based on the current scale and design.
66. The proposals are therefore contrary to emerging policy 10 of the County Durham Plan and this carries significant weight in the planning balance.

Impact on character and appearance of surrounding area

67. 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.
68. Emerging CDP Policy 10 provides a number of general design principles associated with new development in the countryside, stating that by virtue of its siting, scale, design and operation, development must not give rise to unacceptable harm to the intrinsic character, beauty or tranquillity of the countryside either individually or cumulatively, which cannot be adequately mitigated against. It further states that development must not result in the merging or coalescence of neighbouring settlement or contribute to ribbon development.
69. Landscape section provided comment on the area, noting that the surrounding landscape is predominantly grazed with small pockets of woodland and scattered isolated developments. Larger arable fields extend to the east and south east across the undulating landscape of the east Durham limestone plateau. No landscape related designations exist on or around the site, but the area is an adopted DCC landscape Improvement Priority Area where the policy is to enhance.
70. Much of the site is covered in trees that contribute to the character of the local landscape, and it is observed that amongst this setting, the existing garage and adjacent house are readily visible from the main road linking Haswell and Haswell Plough. As a single storey building the garage sits unobtrusively in its location and corresponds well with the adjacent single storey house it serves.
71. In terms of impacts of the conversion works on the appearance of the area, as already discussed, the proposed alterations would be substantial, and the effect would be to completely transform the appearance of this garage building and create a building of significant dominance in this location. The extent of the alterations are such that they would no longer relate well to the adjacent dwelling, and would create a perceived increase in density of development that would be unsuitable in this countryside location.
72. It is noted that some tree removal is proposed as part of the proposals, but the majority of the tree belt is to be retained, and there are no objections from tree section in this regard, subject to a condition for suitable tree protection measures.
73. The retention of the existing protected tree belt would provide a mitigating factor to the development by providing a useful backdrop and helping to lessen the impact of the new build to a degree. However, given the size and scale of the building it would nonetheless command a presence that would not accord with criteria set out in saved policy 35, which requires that development reflect the scale and character of adjacent buildings. There would also be conflict with the general principles of development set out in emerging policy 10 of the CDP as the scale and design of the conversion would give rise to unacceptable harm to the character of this part of the countryside through an increase in density of development akin to a form of ribbon development.

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 providing guidelines on amenity distance standards. Accordingly, full weight is to be afforded to these policies. Part of emerging policy 10 also makes reference to the need for development to protect against adversely impacting upon residential or general amenity.
75. From reviewing the proposed site plan, as a conversion, the proposed dwelling would be located on the footprint of the existing garage, with extensions northwards and eastwards. This location sets it 7.8 metres from the nearest elevation of Saanen Lodge, which is noted as having a number of habitable windows on this side. With the proposed dwelling intended as two storeys, a blank side elevation would face this existing windowed elevation. The SPD requires distances of 13 metres between blank two storey gables and facing windows and it is clear that this could not be achieved. Whilst there could be some flexibility in terms of the distances, given the existing dwelling has historically had this relationship with the adjacent building, this could be better attained through provision of a single storey conversion of the garage, where distances of 11 metres are stipulated within the SPD between facing windows and blank gables.
76. As it stands however, the proposals do not accord with the requirements set out in the SPD and there is also conflict with saved policy 35 of the Local Plan and emerging policy 10 in the CDP.

Highway Safety and Access

77. Policy 36 of the ELP requires the design and layout of development to provide safe, attractive and convenient footpath and cycleway links between housing and shopping facilities, school, public transport and places of employment where appropriate. This complies with NPPF policy which also seeks to ensure that a safe and suitable access can be achieved.
78. 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.
79. As previously mentioned, two tracks lead to the site, both accessed off the main link road, Durham Lane North, between Haswell Plough and Haswell. The eastern track is gravelled and forms part of a Public Right of Way and provides access to five different properties, including Saanen Lodge, associated with the application site. The distance along this track from the adopted highways to the application site is just over 200 metres. The western track, measuring 139 metres, provides a more direct access route to Saanen Lodge and the adjacent garage, but also provides access to a small grouping of agricultural buildings to the south west of the site.

80. Highways assessed the proposals and raise no objections to the parking proposals as they are deemed sufficient for the size of dwelling proposed.
81. In terms of the access tracks, whilst no objection is raised to their use and both are deemed acceptable in terms of providing safe access onto the highway, there is concern raised that both points of access to the highway are in very poor condition and need upgrading / resurfacing to DCC highways standards. In addition, the shorter track would also require widening to 4.8 metres for the first 12 metres in length to ensure sufficient width to allow vehicles to fully pull off the highway safely, in the event of potentially meeting another vehicle seeking to exit the site. A condition can be applied requiring these details prior to occupation as part of any approval granted.
82. Public Rights of Way assessed the details and confirmed that PROW team would only provide maintenance for the footpath surface up to the necessary standard for pedestrians. Maintenance for vehicle use would lie with those with vehicular rights. They raise no objections to the proposals but comment that the PROW must not be blocked at any point and works to make good the path if damaged during construction works. An informative would be attached to any permission if granted outlining these requirements.
83. Overall, in highway terms, the proposals are considered to be broadly acceptable in accordance with ELP Policy 36 as well as Part 9 of the NPPF and emerging policy 21 of the CDP.

Ecology

84. Two surveys were submitted in support of the application, an Ecological Report and a separate Bat Report. Ecology section assessed the Ecological report and were satisfied with the findings therein, requesting a condition be applied to comply with the recommendations, should permission be granted.
85. The Bat report submitted by JBA Consulting, identified three bat roosts used by Common Pipistrelle and Brown long eared bats. LPAs have a legal duty to European Protected Species (EPS) when determining planning applications and must have regard to the Habitats Directive in the exercise of its functions. EPS, such as bats, are afforded the highest level of protection under the Habitats Directive. In assessing case law on this matter, the Supreme Court ruling associated with *R (Morge (FC)) v Hampshire County Council* [2011] UKSC 2 comments that an LPA is not expected to duplicate the licensing role of Natural England. The ruling further states that an LPA should only refuse planning permission where a criminal offence relating to EPS is likely to result from the development and where a licence from NE is unlikely to be granted. In all other cases EPS should not present a bar to planning permission.
86. DCC Ecology section assessed the details of the Bat report and agreed with the findings that the bat roosts were of low conservation value, due to not being maternity roosts, and given the conditions in the garage, were unlikely to be hibernating roosts. However roosts are protected by law, and any works to the building must be supervised with adequate mitigation in place, with an EPS Licence granted from Natural England. On this basis, and given the proposal relates to housing development, a government priority, a Bat Mitigation Class Licence (BMCL) can be issued for the works to proceed, which is Natural England's "light touch" licensing procedure for small numbers of bats of what are considered to be common species, found in roost types which Natural England considers the loss of which will not have a significant negative impact on the conservation status of the species population.

87. Under the BMCL the proposed works to the building can be carried out without a significant negative impact on bats provided that the work is carried out in a manner which minimises the risk of bats being killed or injured during the development. The Licence application must be prepared by a Registered Consultant who is able to register sites for development. The licence application will require appropriate mitigation and careful liaison with the contractor. A condition could be applied requiring adherence to the recommendations within the Bat Report.
88. In consideration of the above, the LPA in consultation with DCC Ecology Section is satisfied that a suitable assessment has been made by an appropriately experienced and licensed bat ecologist who is a Registered Consultant (RC) able to register sites for development to be covered by the EPS Licence regime. The RC has determined whether there would be a breach of article 12 of the Habitats Directive and whether a derogation from that provision should be permitted and a licence granted, deeming that it can. The Council's Ecology section assessed the Bat Report by JBA Consulting and confirmed that it was sufficient to inform the application and no further survey is required prior to approval.
89. Given that the RC has determined a licence can be granted having assessed the proposals under the derogation tests, there is therefore no reason to refuse the development on the basis that the site contains European Protected Species in this case.

Planning Balance

90. 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

91. The development would provide some limited benefit in terms of a boost to housing supply, although it is noted that this would be considered severely limited with provision of 1 dwelling in the context of the Council's ability to demonstrate in excess of a 5 year supply of housing land.
92. 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 economic uplift would be expected to result from the development and expenditure benefits to the area. Such benefits can be afforded some limited weight.
93. The site has been demonstrated to have some sustainability merits, given the level of services within the village and access to a regular bus service.

Adverse Impacts

94. Assessed against emerging policy 10 of the County Durham Plan, the proposed development directly conflicts with the criteria that allows for change of use of existing buildings. In particular the proposed change of use of the existing garage building to a dwelling would result in substantial reconstruction and disproportionate extensions that would be contrary to the policy. The effect of this would be to create a building of a scale and design, increasing the concentration of development in the area that would give rise to unacceptable harm to the intrinsic character of the countryside. The proposal would also be contrary to saved policy 35 of the local plan and paragraph 127 of the NPPF
95. Due to the close proximity of the garage to the adjacent dwelling, its conversion to create a two storey dwelling would fail to achieve adequate distancing standards, resulting in unsatisfactory levels of amenity for future occupiers, in direct conflict with policy 35 of the local plan, the Residential Amenity Standards document and NPPF policy in this regard.

CONCLUSION

96. 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 conversion of the garage building, by reason of its size, design and scale, would comprise substantial reconstruction and disproportionate extensions that would conflict with the criteria set out in emerging Policy 10 of the County Durham Plan which sets out limits to such conversions. As a result the development would be considered an excessive form of development in this location, that would be harmful to character of this countryside area. The proposal would also fail to achieve adequate distancing standards, resulting in unsatisfactory levels of amenity for existing occupiers. The proposals would be contrary to saved policy 35 of the Easington Local Plan, Residential Amenity Standards SPD and paragraph 127 of the NPPF.
97. 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 it is considered that the adverse impacts of the proposal would significantly and demonstrably outweigh any benefits. In particular, the conversion of the garage building, by reason of its size, design and scale, would comprise substantial reconstruction and disproportionate extensions that would conflict with the criteria set out in emerging Policy 10 of the County Durham Plan which sets out limits to such conversions. As a result the development would be considered an excessive form of development in this location, that would be harmful to the character and appearance of this countryside area. The proposals would be contrary to saved policy 35 of the Easington Local Plan, and paragraph 127 of the NPPF.

2. The adverse impacts of the development with regards to residential amenity are considered to significantly and demonstrably outweigh the benefits of the development when considered in the context of paragraph 11 of the NPPF. Specifically, the proposal would fail to achieve adequate distancing standards with the existing adjacent dwelling, resulting in unsatisfactory levels of amenity for existing occupiers, contrary to the aims of policy 35 of the Easington Local Plan, Residential Amenities Standards SPD (2020) and paragraphs 124 and 127 of the NPPF.

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

Conversion of existing garage buildings (or demolished and replaced with) to a single dwelling covering the existing footprint and an extension to the east

Land east of Saanen Lodge
Haswell
DH6 2EE

Ref: DM/20/02018/FPA

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Comments

Date 13 October 2020

Scale Not to Scale