

COMMITTEE REPORT

APPLICATION DETAILS

APPLICATION No:	DM/20/03699/FPA
FULL APPLICATION DESCRIPTION:	1no. dwelling with associated access and tree works
NAME OF APPLICANT:	Mr and Mrs Thistlethwaite
ADDRESS:	Land to the south of the Telephone Exchange, Durham Road, Chilton, Co Durham
ELECTORAL DIVISION:	Chilton
CASE OFFICER:	Mark O'Sullivan, Senior Planning Officer, 03000 261056, mark.o'sullivan@durham.gov.uk

DESCRIPTION OF THE SITE AND PROPOSALS

The Site

1. The application site relates to a parcel of undeveloped land (some 0.12Ha) located to the south of the Durham Road Telephone Exchange Building towards the southern edge of Chilton. Site levels drop gradually across the site from north to south. The southern and western perimeter of the site is heavily tree planted, screening the land from Durham Road to the west. These trees are subject to a recent Tree Preservation Order (TPO/243/2021), effective on a temporary basis until 08 August 2021. To the east lie detached properties on Meadowdale which back onto the site. To the south beyond the landscape buffer lie properties fronting Durham Road that form part of a larger recent residential development.

The Proposal

2. Planning permission is sought to construct 1no. detached, 4-bed dwelling with off street parking, served from an associated access onto Durham Road. The dwelling would be centrally placed on the site and would be of rectangular shape (approximately 17m x 7m) and 2 storey scale (8.1m to ridge), with a reduced single storey wing (6.1m to ridge) on its south side. It would be constructed externally from coursed natural stone walling with render at the upper level and would have a concrete tile roof and grey PVCu fenestration. Access to the site would be taken from Durham Road to the west via a newly created access. Works would involve the removal of a number of trees which would be affected by the proposed development, albeit mitigated by replacement planting.
3. The application has been referred to the Planning Committee by Cllr Potts who expresses concern over the number of trees which will be removed to accommodate the development, and also the suitability of the site in question for this development which would have a negative biodiversity impact. Cllr Potts also advises that the

previous application for this site caused controversy with local residents prior to its withdrawal.

PLANNING HISTORY

4. Planning application ref: DM/20/00902/FPA was submitted in April 2020 for the erection of 1no. dwelling with associated access onto Durham Road and tree works. Following lengthy discussions between the applicant and the LPA regarding the acceptability of the submitted proposals, this application was withdrawn in September 2020. A Tree Preservation Order (TPO) was made on the site in July 2020 (ref: TPO/229/2020). This TPO later lapsed with replacement TPO ref: TPO/243/2021 effective until 08 August 2021 pending final confirmation.

PLANNING POLICY

NATIONAL POLICY

5. 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. In accordance with Paragraph 213 of the National Planning Policy Framework, the following elements of the NPPF are considered relevant to this proposal.
6. *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.
7. *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.
8. *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.
9. *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.
10. *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.

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

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

NATIONAL PLANNING PRACTICE GUIDANCE:

12. 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; determining a planning application; flood risk; healthy and safe communities; land affected by contamination; housing and economic development needs assessments; housing and economic land availability assessment; natural environment; noise; public rights of way and local green space; planning obligations; use of planning conditions; and; water supply, wastewater and water quality.

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

LOCAL PLAN POLICY:

The County Durham Plan

13. Policy 6 (Development on unallocated sites) states the development on sites not allocated in the Plan or Neighbourhood Plan, but which are either within the built-up area or outside the built up area but well related to a settlement will be permitted provided it: is compatible with use on adjacent land; does not result in coalescence with neighbouring settlements; does not result in loss of land of recreational, ecological, or heritage value; is appropriate in scale, design etc to character of the settlement; it is not prejudicial to highway safety; provides access to sustainable modes of transport; retains the settlement's valued facilities; considers climate change implications; makes use of previously developed land and reflects priorities for urban regeneration.
14. Policy 19 (Type and mix of housing) advises that on new housing developments the council will seek to secure an appropriate mix of dwelling types and sizes, taking account of existing imbalances in the housing stock, site characteristics, viability, economic and market considerations and the opportunity to facilitate self build or custom build schemes.
15. Policy 21 (Delivering sustainable transport) requires all development to deliver sustainable transport by: delivering, accommodating and facilitating investment in sustainable modes of transport; providing appropriate, well designed, permeable and direct routes for all modes of transport; ensuring that any vehicular traffic generated by new development can be safely accommodated; creating new or improvements to existing routes and assessing potential increase in risk resulting from new development in vicinity of level crossings. Development should have regard to Parking and Accessibility Supplementary Planning Document.

16. Policy 29 (Sustainable Design) details general design principles for all development stating that new development should contribute positively to an areas' character, identity, heritage significance, townscape and landscape features, helping to create and reinforce locally distinctive and sustainable communities.
17. Policy 31 (Amenity and pollution) sets out that development will be permitted where it can be demonstrated that there will be no unacceptable impact, either individually or cumulatively, on health, living or working conditions or the natural environment and that they can be integrated effectively with any existing business and community facilities. Development will not be permitted where inappropriate odours, noise, vibration and other sources of pollution cannot be suitably mitigated against, as well as where light pollution is not suitably minimised. Permission will not be granted for sensitive land uses near to potentially polluting development. Similarly, potentially polluting development will not be permitted near sensitive uses unless the effects can be mitigated.
18. Policy 32 (Despoiled, degraded, derelict, contaminated and unstable land) requires that where development involves such land, any necessary mitigation measures to make the site safe for local communities and the environment are undertaken prior to the construction or occupation of the proposed development and that all necessary assessments are undertaken by a suitably qualified person.
19. Policy 35 (Water management) requires all development proposals to consider the effect of the proposed development on flood risk, both on-site and off-site, commensurate with the scale and impact of the development and taking into account the predicted impacts of climate change for the lifetime of the proposal. All new development must ensure there is no net increase in surface water runoff for the lifetime of the development. Amongst its advice, the policy advocates the use of SuDS and aims to protect the quality of water.
20. Policy 36 (Water infrastructure) advocates a hierarchy of drainage options for the disposal of foul water. Applications involving the use of non-mains methods of drainage will not be permitted in areas where public sewerage exists. New sewage and waste water infrastructure will be approved unless the adverse impacts outweigh the benefits of the infrastructure. Proposals seeking to mitigate flooding in appropriate locations will be permitted though flood defence infrastructure will only be permitted where it is demonstrated as being the most sustainable response to the flood threat.
21. Policy 39 (Landscape) states that proposals for new development will only be permitted where they would not cause unacceptable harm to the character, quality or distinctiveness of the landscape, or to important features or views. Proposals are expected to incorporate appropriate mitigation measures where adverse impacts occur. Development affecting Areas of Higher landscape Value will only be permitted where it conserves and enhances the special qualities, unless the benefits of the development clearly outweigh its impacts
22. Policy 40 (Trees, woodlands and hedges) states that proposals for new development will not be permitted that would result in the loss of, or damage to, trees, hedges or woodland of high landscape, amenity or biodiversity value unless the benefits of the scheme clearly outweigh the harm. Proposals for new development will be expected to retain existing trees and hedges or provide suitable replacement planting. The loss or deterioration of ancient woodland will require wholly exceptional reasons and appropriate compensation.

23. Policy 41 (Biodiversity and Geodiversity) states that proposal for new development will not be permitted if significant harm to biodiversity or geodiversity resulting from the development cannot be avoided, or appropriately mitigated, or as a last resort, compensated for.
24. Residential Amenity Standards SPD (2020 Adopted version) – Provides guidance on the space/amenity standards that would normally be expected where new dwellings are proposed.

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

CONSULTATION AND PUBLICITY RESPONSES

STATUTORY RESPONSES:

25. *Chilton Town Council* – A late representation has been received raising objections to the proposals on the grounds of adverse impact on trees, wildlife and ecology.
26. *Highway Authority* – No objections. The proposed development is acceptable from a highways perspective.

INTERNAL CONSULTEE RESPONSES:

27. *Spatial Policy* - This site is not allocated for housing under Policy 4 of the CDP. The proposal should therefore be assessed against Policy 6 of the CDP which now comprises the development plan. For this proposal to be acceptable, the impacts in terms of landscape, townscape and integration with settlement form would need to be within acceptable parameters.
28. *Landscape* – An Arboricultural Impact Assessment and landscape plan have been produced for the development. The conclusions of the Arboricultural Impact Assessment are acceptable and the landscape proposals provide for sufficient new tree planting to mitigate for the loss of trees subject to TPO's. Other soft landscape information provided is acceptable in terms of species and specification. The extent to which the proposals would conflict with Policies dealing with landscape and visual matters and the weight that should be attached to them is a matter for judgement.
29. *Arboriculture* – The area of trees which surround the current exchange building are subject to a recent Tree Preservation Order (TPO/243/2021). The site comprises of young, semi mature and shrub/hawthorn trees which as a group/woodland have high amenity value which help screen the site and development behind. Proposed new planting will mitigate those trees removed. Other soft landscaping has been accepted by the landscape officer. Once trees have been removed to facilitate the development, the remainder need to be protected by fencing outlined within the arboricultural report. New tree planting must be in place within the next available planting season.
30. *Environmental Health (Noise)* – 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. Based on the information submitted with the application, the development is unlikely to cause a statutory nuisance.
31. *Environmental Health (Contaminated Land)* – No adverse comments to make. There is no requirement for a contaminated land condition.

32. *Ecology* – No objections, subject to a breeding birds informative.
33. *Drainage* – The proposal is not of a classification that requires consultation with the LLFA regarding surface water management.

PUBLIC RESPONSES:

34. The application has been publicised by way of site notice and notification letters to neighbouring residents. 3no. letters of objection have been received, with a summary of the material areas of concern raised as follows:
 - Loss of trees which are subject to a TPO, contrary to County Durham Plan policies;
 - Clarification over whether the TPO remains in effect, and if not the reasons for this;
 - Loss of hedgerow;
 - Ecological impact;
 - The need for additional housing in the town;
 - Shoe-horning development into a constrained site;
 - Plans are unclear, a number of questions are asked relating to site levels, dimensions and separation distances from adjacent development;
 - Loss of daylight/sunlight to neighbouring property, especially in afternoons and evenings;
 - Insufficient time has been given for neighbours to provide comment on the scheme;
 - Further time should be given to allow Chilton Town Council to comment on the scheme with a meeting scheduled for 12 January 2021;

APPLICANTS STATEMENT:

35. The proposed development relates to the erection of a single detached dwelling on a sustainably located site within the existing settlement of Chilton, which is surrounded by built development on all sides. As such, the proposals are compliant with Policy 6 of the County Durham Plan. Furthermore, the application has demonstrated that the proposals accord with Criteria A-J of Policy 6 and all other relevant development plan policies.
36. The applicant and agent have worked positively with officers throughout the pre-application and planning application process in order to achieve an acceptable design and addressing any comments from the Council. The proposed dwelling has been reduced significantly in footprint and size which has allowed the dwelling to sit centrally in the plot in the interests of preserving the residential amenity of neighbouring dwellings to the east whilst ensuring the retention of trees and landscaping on the frontage of Durham Road. Furthermore, the submitted landscaping scheme has shown a significant landscape enhancement which ensures that the character of the site is retained and improved in the street scene from Durham Road.
37. It has further been confirmed that safe pedestrian and vehicular access can be achieved onto Durham Road.
38. In view of this, no objections from technical consultees have been received and the current proposals are demonstrably in accordance with the adopted Development Plan. Officers are satisfied that all matters previously raised have been addressed to

an acceptable level and have recommended that the application be approved on this basis. We fully support the professional view of officers in coming to this decision.

39. Furthermore, fewer public objections have been received on this current scheme compared to the previously withdrawn application, and officers have considered that the relevant material planning considerations have been addressed to an acceptable level that accords with local and national planning policy. For the above reasons, we respectfully request that members vote in favour of this development.

PLANNING CONSIDERATIONS AND ASSESSMENT

40. Having regard to the requirements of Section 38(6) of the Planning and Compulsory Purchase Act 2004 the relevant Development Plan policies, relevant guidance and all other material planning considerations, including representations received, it is considered that the main planning issues relate to the principle of development, scale/design, privacy/amenity, highways, landscape/arboricultural impact, flooding and drainage, ecology and contamination.

The Principle of the Development

41. The NPPF seeks to boost significantly the supply of housing, as well as using land that is physically well related to existing settlements. Section 11 (Making effective use of land) seeks to promote an effective use of land in meeting the need for homes and strives to make as much use as possible of previously-developed land. Paragraph 11C of the NPPF requires applications for development proposals that accord with an up to date development plan to be approved without delay.
42. The application is to be determined in accordance with relevant policies set out within the County Durham Plan (CDP). CDP Policy 6 supports the development of sites which are not allocated in the plan or a Neighbourhood Plan within a built up area which accord with all relevant development plan policies, and which:
- is compatible with, and is not prejudicial to, any existing, allocated or permitted use of adjacent land;
 - does not contribute to coalescence with neighbouring settlements, would not result in ribbon development, or inappropriate backland development;
 - does not result in the loss of open land that has recreational, ecological or heritage value, or contributes to the character of the locality which cannot be adequately mitigated or compensated for;
 - is appropriate in terms of scale, design, layout, and location to the character, function, form and setting of, the settlement;
 - will not be prejudicial to highway safety or have a severe residual cumulative impact on network capacity;
 - has good access by sustainable modes of transport to relevant services and facilities and reflects the size of the settlement and the level of service provision within that settlement;
 - where relevant, makes as much use as possible of previously developed (brownfield) land;

43. In the context of Policy 6, the application site could reasonably support new housing development, representing a sustainable and accessible infill location in an established residential setting, surrounded by neighbouring residential property. The site provides good links to local amenities and services in the town, including sustainable linkages to surrounding settlements without placing overreliance upon private vehicle use.
44. CDP Policy 19 identifies an imbalance in housing stock across the County and requires new housing development to secure an appropriate mix of dwelling types and sizes, taking account of existing imbalances in the housing stock, site characteristics, viability, economic and market considerations and the opportunity to facilitate self-build or custom build schemes.
45. With regards housing supply, Paragraph 73 of the 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. Presently the Council is able to demonstrate 6.37 years supply of deliverable housing land. Accordingly, the weight to be afforded to the boost to housing supply as a benefit of the development is clearly less than in instances where such a healthy land supply position could not be demonstrated.
46. In accordance with paragraph 11C of the NPPF, there are no policy objections to the principle of developing this site for housing subject to the following material planning considerations.

Scale/Design:

47. General design guidance is set out in Part 12 of the NPPF and CDP policies 6 and 29 which seek to ensure good design in new developments. New development should be appropriate in terms of scale, design, layout, and location to the character, function, form and setting of, the settlement. It should contribute positively to an area's character, identity, heritage significance, townscape and landscape features, helping to create and reinforce locally distinctive and sustainable communities; and also create buildings and spaces that are adaptable to changing social, technological, economic and environmental conditions and include appropriate and proportionate measures to reduce vulnerability, increase resilience and ensure public safety and security.
48. The proposed dwelling would be of 2 storey scale (maximum 8.1m ridge height) and set back into the site some 18m from the edge of the Durham Road carriageway, remaining partially screened from this direction by existing vegetation to be retained. This is a relatively large plot of land that can comfortably accommodate 1no. dwelling without it appearing shoehorned or crammed in.
49. The proposed 2 storey height of the building would reflect the adjacent 2 storey, detached development to the immediate south and east, with the telephone exchange building to the north also of notable scale.
50. Although the proposed dwelling would have a larger development footprint than the nearest 2 storey detached properties on Meadowdale to the east, it would be situated in mixed surrounds with a variety of house types of varying scale and design, including large properties beyond Durham Road to the west and more modern housing development to the south and east. The proposed dwelling would sit

within its own context, well screened within a woodland setting with limited and obscured views from the west.

51. Given the change in ground levels across the site (gradually falling from north to south), the northern elevation of the dwelling would be sunk into the ground with a retaining wall feature introduced. Submitted plan ref: GLD059 04B indicates that the building would be set 1.42m below the existing ground level at its northern end compared to No.32 Meadowdale to the east, with a reduction of 0.38m between the southern aspect and No.30 Meadowdale to the east. The partial lowering of the dwelling into the topography would serve to reduce the presence and massing of the dwelling, with a difference in floor levels ensuring opposing windows (which would be non-habitable at the first floor level) would not be directly aligned with facing windows in opposing properties to the east.
52. The proposed dwelling would be of a traditional appearance and scale, finished in coursed natural stone and render, and dark grey concrete roof tile.
53. Whilst the proposed dwelling is large, it has been reduced in scale from that withdrawn in 2020. The previous scheme incorporated an L-shaped footprint that has now been simplified to the current rectangular form and located further from the boundary with neighbouring properties to the east. Set within a woodland setting and partially screened from the adjacent roadside, it is considered that the proposed development by nature of its scale, positioning and form would not appear oppressive or out of character to its residential setting. The application is considered to satisfy the provisions of CDP Policies 6 and 29 and Part 12 of the NPPF.

Privacy/Amenity

54. CDP Policy 31 seeks to support proposals only 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. The proposal will also need to demonstrate that future occupiers of the proposed development will have acceptable living and/or working conditions. Proposals which will have an unacceptable impact such as through overlooking, visual intrusion, visual dominance or loss of light, noise or privacy will not be permitted unless satisfactory mitigation measures can be demonstrated whilst ensuring that any existing business and/or community facilities do not have any unreasonable restrictions placed upon them as a result.
55. The Councils Residential Amenity Standards SPD sets out that all new development, including new dwellings, will have some bearing on neighbouring properties, however it is important to ensure that the impact does not result in a significant loss of privacy, outlook or light for occupiers of new dwellings and existing dwellings. The design and layout of new development should therefore ensure that reasonable privacy and light is provided for surrounding residents and occupiers, particularly in relation to residential use and enjoyment of dwellings and private gardens. Spacing between the windows of buildings/dwellings should achieve suitable distances for privacy and light, whilst also preventing cramped and congested layouts. In order to achieve these objectives, the following minimum standards should be applied to new residential developments of 2 storey scale:
 - Main facing elevation to main facing elevation containing window/s serving a habitable room - 21 metres between two storey buildings

- Main facing elevation to gable wall which does not contain a window serving a habitable room - 13 metres to two storey gable, 10 metres to single storey gable
56. In addition, new developments should incorporate usable, attractively laid out and private garden space conveniently located in relation to the property or properties it serves. It should be of an appropriate size, having regard to the size of the dwelling and character of the area. The length of gardens will generally be dictated by the minimum distancing standards but should be no less than 9m unless site specific circumstances allow for a reduction in size.
 57. The proposed dwelling would be located to the south of the Telephone Exchange building which contains no habitable windows overlooking the application site. Furthermore, the proposed north facing elevation of the dwelling overlooking the telephone exchange (some 8.5m away) would be blank albeit for a utility room door opening.
 58. To the south, a separation in excess of 30m would be maintained between the primary south facing elevation and No.1 Bradbury Way, which lies beyond the intervening tree belt beyond the site boundary that is to be retained.
 59. To the west, the nearest residential properties are located some 50m+ away beyond Durham Road and intervening landscaping which would also be retained and would effectively screen the site.
 60. To the east, a minimum separation of 17.8m would be achieved between the rear elevation of the proposed dwelling and the nearest rear single storey rear extension of no.31 Meadowdale. This separation increases to 21.2m to the main 2 storey elevation of this neighbour. Meanwhile a 20m separation would be achieved between the rear facing elevation of the proposed dwelling and the habitable rear elevation of no.30 Meadowdale (not including a rear projecting garage).
 61. Some concern would be raised over the substandard separation distances to be achieved, with a minimum 21m to be expected in this situation as described in the Residential Amenity Standards SPD. In supporting documentation, the applicant acknowledges this substandard separation but considers that a flexible approach should be taken citing the Residential Amenity Standards SPD as follows:

“3.5 It is not intended to apply the standards rigidly. For example, distances may be relaxed where the impacts on privacy can be reduced. This may occasionally be achieved, using obscure glazing, boundary treatments, restricted openings and directional windows. There may also be scope to relax distances between public facing elevations within housing schemes to allow for a variation in layout where this will add interest and help create a sense of place. Such a relaxation will normally only be allowed if it can be demonstrated that future residents will still enjoy a satisfactory level of privacy and outlook.”

“3.6 Distances may also be relaxed having regard to the character of an area. Shorter distances than those stated above could be considered in those urban areas typified by higher densities. It will however be important to ensure that the amenity of existing residents is not significantly impacted upon. Similarly, greater distances may be required in some suburban and rural areas where the predominant character of the area exhibits greater separation distances.”

“Furthermore, paragraph 3.2 of the SPD only requires 21m between two storey buildings where the main facing elevation to main facing elevation contains window/s serving habitable rooms”.

62. It is noted that none of the windows to serve the rear, east facing elevation of the dwelling would be habitable and that an existing 1.8m high close boarded boundary fence would be maintained along the common boundary with properties to the east, effectively screening views at the ground floor levels. At first floor level the proposed east facing windows would only serve a bathroom and en-suite (with windows to be obscure glazed – controlled by condition) and a stairwell. All habitable windows serving the proposed dwelling would be south and west facing. Given the retention of the existing enclosures along the eastern boundary (preventing low level views of neighbouring property), and the proposed use of rooms in this east facing elevation, there would be no resulting loss of privacy or amenity issues in this direction from directly overlooking windows facing opposing habitable living areas.
63. The applicant has also provided a detailed sunlight assessment (plan ref: GLD059 05B and GLD059 06) which demonstrates how at midday, when the sun is highest in the sky, the level of overshadowing of the nearest neighbouring properties by the proposed development would be kept to a minimum. The shadowing of neighbouring properties on Meadowdale to the east of the site would increase through the afternoon, albeit only notably starting to impact neighbouring gardens after 1700 and into the evening. Throughout the afternoon up until this point, this would primarily occur from the existing boundary fence and not the proposed development. Notably, this is not significantly different to the existing situation as detailed on the existing sunlight plans which effectively demonstrate that the proposed development would not lead to an unacceptable or adverse loss of daylight to neighbouring property to the east.
64. In addition, given the change in ground levels across the site, the proposed dwelling would be sunk partially into the ground, reducing its overall massing, with reduced finished floor levels, a pitched roof sloping away from the rear of Meadowdale properties and a staggered ridge height to further minimize resulting amenity impact and any potential overshadowing of neighbouring gardens.
65. It is accepted that the proposed dwelling is positioned as such within the plot so as to minimize impact on existing tree cover to the south and west, whilst also setting the development back from the roadside in line with the forward building line of the telephone exchange to the north. Should it be necessary to achieve a 21m minimum separation, this would push the development westward into the plot, closer to the trees fronting the development, thereby potentially affecting their retention and opening up views into the site. Likewise such movement would reduce the amount of hardstand parking and maneuverability to the front of the dwelling, with the current positioning considered a suitable compromise. Sufficient separation has been maintained from the rear elevation to the east (a notable change from the previously withdrawn scheme), increasing the amount of usable private garden amenity space available.
66. Details of enclosures are specified on submitted plans. Details of the proposed entrance gate into the site would be conditioned in the interests of design and highway safety.
67. Noting the presence of nearby trees and proximity to neighbouring uses, it is considered that permitted development rights for extensions and outbuildings should be removed by condition so as to protect future privacy/amenity standards and limit impact on neighbouring uses and arboricultural impact.

68. Environmental Health Officers have assessed the submitted information, raising no objections to the proposals. Whilst housing development is considered to be noise sensitive, the surrounding may be regarded as semi urban residential. There are no major roads near to the site, therefore relevant ambient noise levels should comply with the thresholds, stipulated in the TANS (Technical Advice Notes). Considering, the scale of the development, the construction phase is likely to be relatively brief and assuming works are kept within suitable hours (via an appropriate condition), it is not expected that the impact of this phase likely to lead to a breach of the levels stated in the TANS.
69. 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. Furthermore, based on the information submitted with the application, the development is unlikely to cause a statutory nuisance.
70. The proposed development can be accommodated onto the site without resulting in overdevelopment, whilst achieving satisfactory levels of private amenity space. Slightly substandard separation from neighbouring properties would unlikely result in unacceptable privacy/amenity issues with a sunlight assessment having been provided to demonstrate no significant or unacceptable levels of overshadowing to result. Subject to the above, the application is considered to satisfy the provision of CDP Policy 31 and the residential amenity standards SPD.

Highways

71. NPPF Part 9 seeks to ensure that development only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe. CDP Policy 21 seeks to ensure that any vehicular traffic generated by new development, following the implementation of sustainable transport measures, can be safely accommodated on the local and strategic highway network and does not cause an unacceptable increase in congestion or air pollution and that severe congestion can be overcome by appropriate transport improvements. New developments should provide for appropriate, well designed, permeable and direct routes for walking, cycling and bus access, so that new developments clearly link to existing services and facilities together with existing routes for the convenience of all users.
72. The application site would be served via a new, private vehicular access onto Durham Road as detailed on submitted plans. Off street parking provision would be secured within the wider curtilage on a hardstand area to the front of the dwelling, with satisfactory manoeuvrability to be achieved within the plot. Although no specific parking bays are to be created and no garage provided, highway officers consider the amount of off road hardstand to be provided would comfortably accommodate parking demand for a dwelling of this scale.
73. The proposed development is deemed to be acceptable from a highways perspective. Highways officers do however request an informative be included regarding the construction of the vehicular access within the public highway. It is also recommended that the approved development should not be brought into use until the access crossing has been constructed in accordance with the submitted plans. Subject to the above no highway objections are raised. It is not considered that the resulting traffic increase serving the site would give rise to a severe cumulative impact on the local road network. Proposals would satisfy the provisions of Part 9 of the NPPF and CDP Policy 21.

Landscape/Arboricultural impact

74. CDP Policy 39 seeks to ensure 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 will be expected to incorporate appropriate measures to mitigate adverse landscape and visual effects.
75. CDP Policy 40 advises that proposals for new development will not be permitted that would result in the loss of, or damage to, trees of high landscape, amenity or biodiversity value unless the benefits of the proposal clearly outweigh the harm. Where development would involve the loss of ancient or veteran trees it will be refused unless there are wholly exceptional reasons and a suitable compensation strategy exists. Proposals for new development will be expected to retain existing trees where they can make a positive contribution to the locality or to the development, maintain adequate stand-off distances between them and new land-uses, including root protection areas where necessary, to avoid future conflicts, and integrate them fully into the design having regard to their future management requirements and growth potential. Where trees are lost, suitable replacement planting, including appropriate provision for maintenance and management, will be required within the site or the locality.
76. The application site does not lie in an area covered by any national or local landscape designations although trees within the site are covered by a recent Tree Preservation Order (TPO). The site is not within a Conservation Area.
77. The application site comprises of young, semi mature and shrub/hawthorn trees which as a group/woodland have high amenity value which help screen the site and development behind. A TPO was first imposed upon the site following the receipt of the previously withdrawn planning application ref: DM/20/00902/FPA in the interests of ensuring future control over the retention of these trees during the application process (TPO ref: TPO/229/2020). This TPO lapsed several months later and has been replaced by an updated temporary TPO (TPO ref: TPO/243/2021). This latest TPO will lapse on 08 August 2021 after which its status will again be reviewed by the Council. Notwithstanding this, the presence of a TPO on a site does not sterilise development opportunity, nor prevent the removal of protected trees where deemed acceptable, subject to compliance with the aforementioned policies.
78. An Arboricultural Impact Assessment and landscape plan have been produced for the proposed development and landscape/arboricultural officers consulted. The proposed dwelling will remove a number of specified trees which are affected by the proposed building and access layout, with tree 27 to be removed as part of the site management due to its poor condition. Further tree removals are also outlined within section 5 of the submitted arboricultural report including hedging which borders the site to facilitate the new entrance.
79. Based on the findings of this report, it is considered that the most suitable trees would be retained as part of the development, and the removal of those less suitable will promote the future growth of retained species thereby improving the integrity of the wider tree group value. Furthermore, proposed new planting (as detailed on submitted plans) would mitigate the loss of those trees to be removed. Once trees have been removed to facilitate the development the remainder need to be protected by fencing outlined within the arboricultural report. It is also important that replacement tree planting should be in place within the next available planting season. These matters can be controlled via condition. The conclusions of the Arboricultural Impact Assessment are considered to be acceptable by landscape

officers, with sufficient new tree planting to mitigate for the loss of trees presently subject to TPO's.

80. As explained, the proposed dwelling has been positioned as such so as to balance arboricultural impact with amenity standards and separation from neighbouring plots, with the position of the proposed access identified by highways engineers as the most suitable location in highway safety terms. With no landscape/arboricultural objections raised, the extent to which the proposals would conflict with policies dealing with landscape and visual matters and the weight that should be attached to them is a matter for judgement. On this occasion it is considered that whilst the loss of some trees within the TPO group is regrettable, this would not compromise the wider amenity value of the group, with new planting in more suitable locations effectively mitigating any loss. In this sense, the proposals would therefore satisfy the provisions of CDP policies 39 and 40.

Flooding and Drainage

81. Part 14 of the NPPF seeks to resist inappropriate development in areas at risk of flooding, directing development away from areas at highest risk (whether existing or future). Where development is necessary in such areas, the development should be made safe for its lifetime without increasing flood risk elsewhere. CDP Policy 35 requires all development proposals to consider the effect of the proposed development on flood risk, both on-site and off-site, commensurate with the scale and impact of the development. Meanwhile CDP Policy 36 concerns disposal of foul water.
82. The application site is not located within a known flood zone area, with no objections raised. The proposed development would be set back into the site away from the public highway whilst maintaining separation from neighbouring plots. Large areas of grassland and woodland would be retained around the development. Details of surface water drainage and surface materials would be controlled by condition so as to avoid surface water run off onto the adjacent carriageway and/or localised flooding. Other drainage matters such as foul water disposal would be considered through building regulations. Subject to the above, proposals would be considered to satisfy the provisions of Part 14 of the NPPF and CDP Policies 35 and 36.

Ecology

83. Part 15 of the NPPF ensures that when determining planning applications, local planning authorities seek to conserve and enhance biodiversity. CDP Policy 41 seeks to ensure new development minimizes impacts on biodiversity by retaining and enhancing existing diversity assets and features. Proposals for new development should not be supported where it would result in significant harm to biodiversity or geodiversity. Clarification has been provided as to the location and quality of the trees proposed to be removed as detailed within the submitted AIA. Taking into consideration neighbouring objections, no ecological objections have been raised. Proposals are considered acceptable subject to the inclusion of a breeding birds informative, with proposals to satisfy the principles of Part 15 of the NPPF and CDP policy 41.

Contamination

84. Part 15 of the NPPF seeks to prevent unacceptable risks from pollution and land stability. Where a site is affected by contamination or where land stability issues arise, responsibility for securing a safe development rests with the developer and/or

landowner. CDP Policy 32 seeks to resist development where the developer is unable to demonstrate that:

a. any existing despoiled, degraded, derelict, contaminated or unstable land issues can be satisfactorily addressed by appropriate mitigation measures prior to the construction or occupation of the proposed development;

b. the site is suitable for the proposed use, and does not result in unacceptable risks which would adversely impact on the environment, human health and the amenity of local communities; and

c. all investigations and risk assessments have been undertaken by an appropriately qualified person.

85. EHO's have assessed historical maps and available information with respect to land contamination including the completed screening assessment form dated 01 April 2020. No objections are raised, with no requirement for a contaminated land condition. The application would be considered to satisfy the provisions of Part 15 of the NPPF.

Other matters

86. The following objections have not been covered elsewhere within the officer's report:

87. *Insufficient time has been given for neighbours to provide comment on the scheme;*
The LPA notified neighbours of the application in writing on 18 December 2020. The formal consultation period subsequently ended on 11 January 2021 taking into account the timing of the weekly list and the officers site notice which was displayed adjacent to the site on 21 December 2020. At officers discretion this deadline was extended by a further week until 18 January to take into account the days lost during the xmas break. Notwithstanding this, comments can still be submitted right up until the committee report is published (in this instance the beginning of March). Neighbours have had in excess of 12 weeks to provide comment in this case. Those neighbours stating they require further time have already commented and it would not be considered necessary to provide further time to provide additional comment on this occasion.

88. *Further time should be given to allow Chilton Town Council to comment on the scheme with a meeting scheduled for 12 January 2021;*
As above, Chilton Town Council has had the opportunity to make representation on the application, with no comments received.

CONCLUSIONS

89. Planning permission is sought for the erection of 1no. two storey dwelling on land to the south of the Chilton Telephone Exchange Building adjacent to Durham Road. This is a sustainable and accessible location within the existing settlement framework, This site is not allocated for housing under Policy 4 of the CDP and therefore the current proposals should be assessed against CDP Policy 6 and Paragraph 11C of the NPPF which requires applications which accord with an up to date development plan to be approved without delay. Consideration is given to the scale and design of the proposed works, privacy/amenity implications, landscape/arboricultural impact, ecology, highways impact and contamination. Consideration is also given to all neighbouring objections raised. Proposals are considered to satisfy the provisions of Parts 5, 9, 11, 12, 14, 15 of the NPPF and

policies 6, 19, 21, 29, 31, 32, 35, 36, 39, 40 and 41 of the CDP, and the Residential Amenity Standards SPD (2020). Subject to the following conditions, the application is recommended for approval.

RECOMMENDATION

Recommendation that the application is:

APPROVED subject to the following conditions

Time limit

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

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

Approved plans

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

GLD059 00 (Site Location Plan), received 10 December 2020

GLD059 01C (Proposed plans and elevations), received 10 December 2020

GLD059 04B (Site sections), received 10 December 2020

GLD059 05B (Sunlight study – proposed site plan), received 10 December 2020

GLD059 06A (Proposed site plan), received 10 December 2020

D247.P.001 EXT A (Landscape proposals plan), received 10 December 2020

Reason: To define the consent and ensure that a satisfactory form of development is obtained in accordance with Policies 6, 21, 29, 31, 32, 35, 36, 39 and 40, of the County Durham Plan and Parts 2, 4, 9, 11, 12, 14, and 15 of the National Planning Policy Framework

Access

3. The proposed development shall not be brought into use until the access crossing has been constructed in accordance with approved plan ref: GLD059-06A (Proposed site plan), received 10 December 2020

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

AIA/Tree protection

4. No development shall take place unless in accordance with the Arboricultural Impact Assessment and Management Plan (November 2020).

Reason: In the interests of tree protection in accordance with County Durham Plan Policy 40.

Landscape implementation

5. All planting, seeding or turfing comprised in the approved details of landscaping detailed on approved plan ref: D247.P.001 RevA shall be carried out in the first available planting season following the removal of the existing trees. Any trees or plants which within a period of 5 years from the substantial completion of the

development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

Reason: In the interests of the visual amenity of the area and to comply with County Durham Plan Policies 39 and 40.

Surface treatment

6. Prior to the commencement of the development details of surface treatment and construction of all hard surfaced areas including the new site access shall be submitted to and approved in writing by the Local Planning Authority. The development shall be undertaken in accordance with the approved details.

Reason: In the interests of highway safety and flood risk in accordance with Part 14 of the NPPF and County Durham Plan Policies 35 and 36.

Gate details

7. Prior to first occupation of the development hereby approved, details of the proposed access gates shall be submitted to and approved in writing by the Local Planning Authority. The gates shall be installed in accordance with the approved details thereafter.

Reason: In the interests of the visual amenity of the area and highways safety in accordance with County Durham Plan Policies 21 and 29.

Surface Water drainage

8. No development shall commence until a scheme for the provision of surface water drainage works has been submitted to and approved in writing by the Local planning authority. The drainage shall be completed in accordance with the details and timetable agreed

Reason: So as to avoid surface water run off onto the adjacent carriageway and/or localised flooding. In accordance with the provisions of Part 14 of the NPPF and County Durham Plan Policies 35 and 36.

Obscure glazing

9. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order), the glass to be used in east facing first floor bathroom/ensuite windows shall be obscure to level 3 or higher of the Pilkington scale of privacy or equivalent, and shall remain so.

Reason: In the interests of the privacy/amenity of the neighbouring occupiers in accordance with County Durham Plan Policy 31.

PD rights removed (extensions and outbuildings)

10. Notwithstanding the provisions of Class A, B, C, D, E, F and G of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking or re-enacting that Order) details of any enlargement, improvement or other alteration to the dwelling(s) hereby approved and any buildings, including sheds, garages and glass houses to be erected within the curtilage of the dwellinghouse(s) shall be submitted to and approved in writing by the Local planning authority.

Reason: In order that the Local planning authority may exercise further control in this locality in the interests of the privacy/amenity of the neighbouring occupiers in accordance with County Durham Plan Policy 31.

Windows

11. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or in any Statutory Instrument revoking or re-enacting that Order with or without modification) no further windows, including dormer windows, or other openings shall be formed in the east facing elevation of the dwelling hereby approved.

Reason: In the interests of the privacy/amenity of the neighbouring occupiers in accordance with County Durham Plan Policy 31.

Construction

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

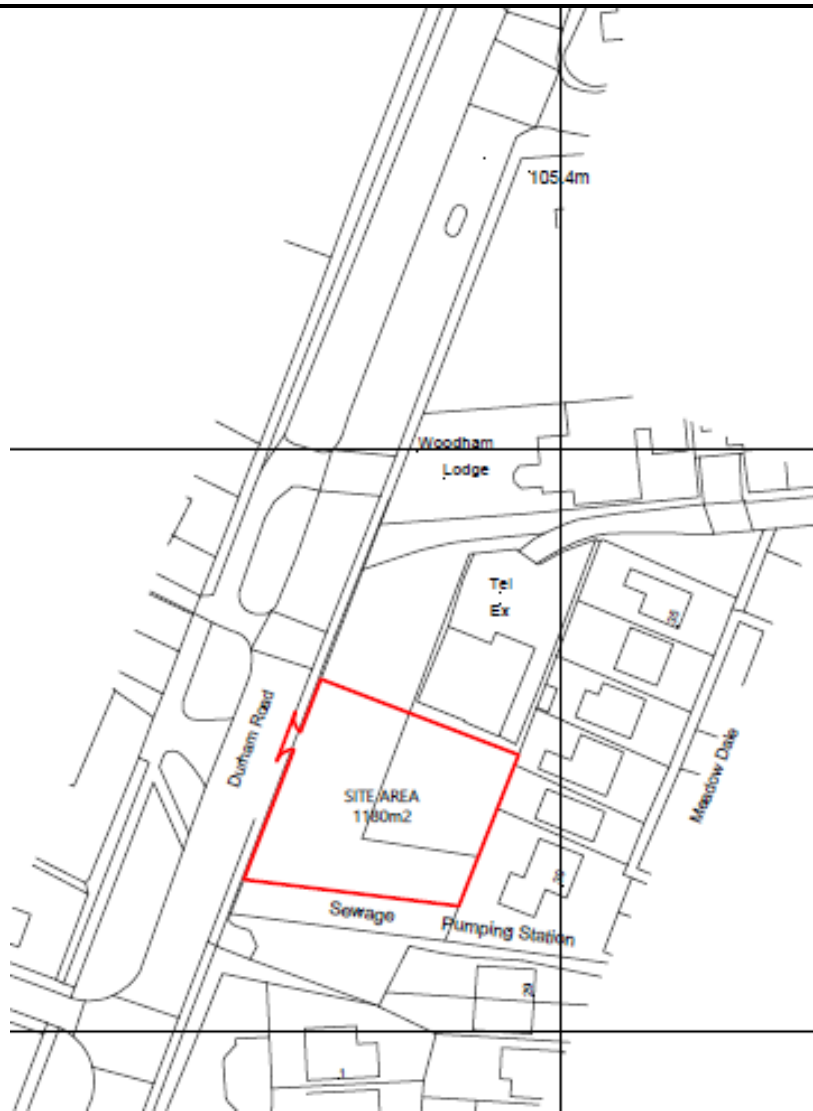
Reason: In the interests of the privacy/amenities of neighbouring occupiers and to comply with Policy 31 of the CDP

STATEMENT OF PROACTIVE ENGAGEMENT

The Local Planning Authority in arriving at its decision have, without prejudice to a fair and objective assessment of the proposals, issues raised, and representation received, sought to work with the applicant in a positive and proactive manner. The Local Planning Authority have sought to ensure that this application has been determined within a mutually agreed extended determination period. All pre-commencement conditions have been agreed in writing with the applicant.

BACKGROUND PAPERS

Submitted Application Forms, Plans and supporting documents
National Planning Policy Framework
The County Durham Plan (CDP)
Statutory consultation responses
Internal consultation responses
External consultation responses



Planning Services

1 no. dwelling with associated access and tree works

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Comments

Date 22 March 2021