

# COMMITTEE REPORT

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### APPLICATION DETAILS

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| <b>APPLICATION No:</b>               | DM/20/03802/FPA   |
| <b>FULL APPLICATION DESCRIPTION:</b> | 4 Bedroom brick built house with associated amenities   |
| <b>NAME OF APPLICANT:</b>            | Mr Clark  |
| <b>ADDRESS:</b>                      | Land to South West of Osborne Court, Newfield.  |
| <b>ELECTORAL DIVISION:</b>           | Pelton<br>Louisa Ollivere<br>Planning Officer   |
| <b>CASE OFFICER:</b>                 | Telephone: 03000 264878<br><a href="mailto:louisa.ollivere@durham.gov.uk">louisa.ollivere@durham.gov.uk</a> |

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### DESCRIPTION OF THE SITE AND PROPOSALS

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#### The Site

1. The site is a 1200sqm area of pasture land located to the south west of three dwellings, 1 and 2 Osborne Court and a modern dwelling (1b Front Street) which lie to the rear of older residential properties of Front Street, Newfield. Allotment gardens lie to the south west of the site and there is a paddock to the north west of the site. An unclassified roadway lies and pasture land lie south of the site. The site drops gently down from this roadside on the south east boundary into the site by approximately 4-5m before levelling off to the north western boundary.
2. The site is on the edge of the settlement with a school and some limited services located a short distance away. Bus stops are located approximately 150m to the east of the site on Front Street, with regular hourly day time services to Chester-le-Street.
3. There are constraints on site as it falls within a risk of high risk of coal mining legacy issues and there is an overland flow route that runs north east to south west through the site and an area of the site is as low risk of surface water flooding.

#### The Proposal

4. Permission is sought for the erection of a detached two storey dwelling with integral triple garage. The property would broadly be constructed of red brick with some off white rendered features within the facades. The roof would incorporate smooth grey roof tiles. The window openings would incorporate heads and cills. All glazing would be aluminium and anthracite grey and doors would be composite doors also in anthracite grey. A substantial garden area would be provided at the rear. To the front there would be hard landscaping in the form of gravel and permeable slabs for parking areas. The property would be enclosed with 2m high timber fencing on the south boundary, 1.2m high ranch fencing on the rear

boundary and a brickwork wall with black metal railings above (1m in height) to the front and for part of the south side. Landscaping is proposed in the form of native species hedging and Beech hedging adjacent to the boundary enclosures. Two parking spaces are proposed at the front of the property. A Sycamore tree at the front of the site is proposed to be removed to facilitate the site access. There are a few other trees on the site none of which are to be retained.

5. This application is being reported to Committee upon the request of Pelton Parish Council on the grounds that the proposal will increase flooding, result in a loss of light to inhabitants of 2 Osborne Court, the lack of detail over drainage and the loss of land for wildlife and food production.

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## **PLANNING HISTORY**

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6. 2/04/00595/FUL Erection of 5 no. stables, 2 no. cart lock ups and 1 no. tack room (Refused).

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## **PLANNING POLICY**

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### **NATIONAL POLICY**

7. The Government has consolidated all planning policy statements, guidance notes and many circulars into a single policy statement, the National Planning Policy Framework (NPPF), although the majority of supporting Annexes to the planning policy statements are retained. The overriding message is that new development that is sustainable should go ahead without delay. It defines the role of planning in achieving sustainable development under three topic headings – economic, social and environmental, each mutually dependant.
8. The NPPF requires local planning authorities to guide development towards sustainable solutions whilst taking local circumstances into account, to reflect the character, needs and opportunities of each area.
9. In accordance with paragraph 213 of the National Planning Policy Framework, the weight to be attached to relevant saved local plan policy will depend upon the degree of consistency with the NPPF. The greater the consistency, the greater the weight. The relevance of this issue is discussed, where appropriate, in the assessment section of the report below.
10. The following elements of the NPPF are considered relevant to this proposal;
11. *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.

12. *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.
13. *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.
14. *NPPF Part 6 - Building a strong, competitive economy.* The Government is committed to securing economic growth in order to create jobs and prosperity, building on the country's inherent strengths, and to meeting the twin challenges of global competition and a low carbon future.
15. *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.
16. *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.
17. *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.
18. *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. Amongst other aims decisions should ensure that new development is appropriate for its location taking into account the likely effects of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site to impacts that could arise from the development. Noise should be mitigated and reduced to a minimum potential adverse impact to avoid noise giving rise to significant adverse impacts on health and quality of life. Decisions should ensure that new development can be integrated effectively with existing businesses. Existing businesses should not have unreasonable restrictions placed on them as a result of development permitted after they were established. Where the operation of an existing business could have a significant adverse effect on new development the applicant should be required to provide suitable mitigation.

## NATIONAL PLANNING PRACTICE GUIDANCE:

19. The newly introduced National Planning Practice Guidance (NPPG) both supports the core government guidance set out in the NPPF, and represents detailed advice, both technical and procedural, having material weight in its own right. The advice is set out in a number of topic headings and is subject to change to reflect the up to date advice of Ministers and Government.
20. Design: process and tools – sets out guidance for well-designed places, advises how to make decisions about design, details tools for assessing and improving design quality and promotes effective community engagement on design.
21. Climate change - Addressing climate change is one of the core land use planning principles which the National Planning Policy Framework expects to underpin both plan-making and decision-taking. Planning can also help increase resilience to climate change impact through the location, mix and design of development. Reflecting the 'golden thread' of the NPPF, sustainable development is key.
22. Flood Risk and Coastal Change - The general approach is designed to ensure that areas at little or no risk of flooding from any source are developed in preference to areas at higher risk. Application of the sequential approach in the plan-making process, in particular application of the Sequential Test, will help ensure that development can be safely and sustainably delivered, and developers do not waste their time promoting proposals which are inappropriate on flood risk grounds.

## LOCAL PLAN POLICY:

23. The following policies in the County Durham Plan are relevant to the consideration of this application.
24. *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
25. *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.
26. *Policy 26 (Green Infrastructure)* states that development will be expected to maintain and protect, and where appropriate improve, the County's green infrastructure network. Advice is provided on the circumstances in which existing

green infrastructure may be lost to development, the requirements of new provision within development proposals and advice in regard to public rights of way.

27. *Policy 29 (Sustainable Design)* requires all development proposals to achieve well designed buildings and places having regard to SPD advice and sets out 18 elements for development to be considered acceptable, including: making positive contribution to areas character, identity etc.; adaptable buildings; minimising greenhouse gas emissions and use of non-renewable resources; providing high standards of amenity and privacy; contributing to healthy neighbourhoods; and suitable landscape proposals. Provision for all new residential development to comply with Nationally Described Space Standards, subject to transition period.
28. *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.
29. *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.
30. *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.
31. *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.
32. *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.

33. *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.
34. *Policy 41 (Biodiversity and Geodiversity)* restricts development that would result in significant harm to biodiversity or geodiversity and cannot be mitigated or compensated. The retention and enhancement of existing biodiversity assets and features is required as are biodiversity net gains. Proposals must protect geological features, have regard to Geodiversity Action Plans and the Durham Geodiversity Audit and where appropriate promote public access, appreciation and interpretation of geodiversity.
35. *Policy 43 (Protected Species and Nationally and Locally Protected Sites)* development proposals that would adversely impact upon nationally protected sites will only be permitted where the benefits clearly outweigh the impacts whilst adverse impacts upon locally designated sites will only be permitted where the benefits outweigh the adverse impacts. Appropriate mitigation or, as a last resort, compensation must be provided where adverse impacts are expected. In relation to protected species and their habitats, all development likely to have an adverse impact on the species' abilities to survive and maintain their distribution will not be permitted unless appropriate mitigation is provided or the proposal meets licensing criteria in relation to European protected species.

*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:*

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

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## **CONSULTATION AND PUBLICITY RESPONSES**

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### **STATUTORY RESPONSES:**

36. Highways Officer– Considers the proposal acceptable subject to a suitable footway link being provided to connect the site to the existing public footway to the rear of number 1 Front Street and that any boundary treatments at the site adjacent to the highway be under 1m in height and subject to informatives in relation to requirement of The Highways Act 1980.
37. Northumbrian Water – Advise that there may be assets that are the responsibility of Northumbrian Water that are not yet included on their records and that care should therefore be taken prior and during any construction work with consideration to the presence of sewers on site.
38. It is noted that the submitted plans make reference to a combined sewer which crosses the site and may be affected by the proposed development. They advise that they do not permit a building over or close to their apparatus. NWL advise that they will work with the developer to establish the exact location of our assets and ensure any necessary diversion, relocation or protection measures required prior to the commencement of the development.

39. The Coal Authority – Have no objection subject to the imposition of conditions to secure a scheme of intrusive site investigations be carried out and necessary remediation works be undertaken prior to the commencement of the development.

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

40. Drainage Team - Advise that the Councils current flood data identifies an overland flow route across the rear of the site which could occur during storm conditions. The Officer advises that this should not be restricted to cause increased flooding to adjacent land / property.
41. Environmental Health (Contaminated Land) - Request a screening assessment be undertaken prior to the decision.
42. Environmental Health (Nuisance) - Advise that consideration be given to imposing conditions to restrict working hours during the construction phase of the development covering demolition, construction and deliveries to site. The Officer is satisfied, based on the information submitted with the application, that the development is unlikely to cause a statutory nuisance as a result.
43. Environmental Health (Air quality) - Have no air quality concerns.
44. Spatial Policy - Advise that the main issues in assessing this proposal is whether the proposed dwelling is an appropriate type and form of housing for the location in line with Policy 6 of the County Durham Plan, and whether it will be compatible with its surroundings in terms of privacy and amenity and the character of the local area.
45. The Officer advises that a key issue is whether the proposed dwelling is appropriate in terms of location to the character and function of this part of Newfield, and design policies. Taking into account the size of Newfield, the Officer considers that 1 dwelling would be of a scale commensurate with its role and function and the facilities which are available. The Officer notes that the site lies to the rear of an established main street, central to the village and within walking distance of all local amenities. The Officer considers that the site has reasonably good access to community services and facilities (including bus stops).
46. In terms of design, reference is made to the need to comply with the criteria laid out within Policy 29 and the Residential Amenity Standards SPD. The Officer notes that the proposal will have some bearing on adjacent properties, particularly number 2 and potentially 1b Osborne Court. It is advised that the design and layout of the dwelling should ensure that reasonable privacy and light is provided for surrounding residents and occupiers, particularly in relation to residential use and enjoyment of dwellings and private gardens. It is advised that the amenity that existing residents of Osborne Court can reasonably expect to enjoy should not be significantly compromised.
47. Ecology - Advise that the ecological information is sound and request a condition that a total of 2 bat roosting opportunities will be provided associated with the south west facing roof pitch.
48. Trees Officer - Has requested an assessment of the trees proposed to be removed and has requested full landscaping details.

49. Landscape - Note that the site doesn't lie in an area covered by any national or local landscape designations such as an Area of Higher Landscape Value (AHLV) and that the Trees within the site are not covered by a Tree Preservation Order (TPO). It is pointed out that the site lies within an area identified in the County Durham Landscape Strategy (2008) as developed.
50. The Officer noted that the site is within an area of urban character and forms part of a strip of privately owned green space between existing housing and allotment gardens. It is noted that the frontage of the proposed dwelling would face south-east and the footprint of the dwelling, would broadly align in plan with adjacent dwellings Valley View (1b) and numbers 1 and 2 Osborne Court to the north. The Officer considers that the building would change the character of the site from a green space to residential development, extending the settlement to the south-west. It is considered that the proposed building and access would bring about adverse landscape effects however that these have the potential to improve through the submitted landscape planting scheme.
51. The Officer notes that site would be visible from the rear of nearby properties, with a mix of direct and oblique views. It is considered that there would be adverse visual effects on receptors close to the site which have the potential to improve through the proposed boundary hedge planting. It is advised that the development is otherwise not visible from locations within the wider landscape due to buildings, trees and woodland. Visual effects are therefore considered local to the site.
52. It is advised that it would be preferable for the entire boundary tree planting to be made up of native hedge species however the Officer accepts the partial use of Beech in this urban character location and as Beech trees retain their leaves during winter months. The Officer advises that as the proposal involves the removal of a semi-mature Sycamore tree that this should be considered in the planning balance.
53. Pelton Parish Council: object on the following grounds:
  - That the proposal will conflict the County Durham Plan sustainability objectives to discourage inappropriate development in areas at risk of flooding and to ensure that new development does not give rise to flood risk elsewhere as the site is prone to flooding and neighbouring land is lower.
  - The application boundaries may reduce the natural light into Osborne Court.
  - Lack of information in relation to drainage
  - That the land is required for wildlife and flood risk mitigation and the proposal is contrary to NPPF policy 118b.

#### **PUBLIC RESPONSES:**

54. A total of 22 letters of consultation were sent out to surrounding residents and a site notice posted. This has resulted in 8 letters of objection from 9 local residents and the Newfield South View Allotment Association.
55. The concerns are summarised as follows:
  - The development could set a precedent for further development in the paddock at the rear.
  - Development has previously been refused on the site for stables and this could lead to a further applications for stables.

- If the applicants are to keep horses then more adequate fencing is required.
- Ground stability concerns and stability for neighbouring properties.
- Drainage concerns.
- Wastewater drainage is under pressure and struggling to cope this will cause more problems with instances of sewage blockages and overflowing.
- Impacts to allotment water supply/pressure.
- The wastewater pipeline may run beneath the dwelling any may need to be relocated.
- The site is outside of the village boundary.
- Council has stipulated that this area will be strictly controlled, and any new dwelling will only be granted for agricultural or forestry activities.
- The proximity of the boundary fence to neighbouring wall will prevent access for maintenance.
- The development will obstruct light into the garden of no2 (Osborne Court) and restrict light towards the property due to the closeness and position.
- The deeds of the land restrict it to grazing and that there be no erection of fixed buildings.
- The plans may alter from that proposed.
- This is not previously developed land, contrary to the County Durham Plan.
- There may be impacts to newts as there are ponds in close proximity.
- The scale is not in keeping with the local area.
- As the site is not level this may result in flooding of allotments.
- The area has poor drainage.
- A vehicle cannot pass the tree next to the access road without damaging it.
- There will need to be a new field access.
- There is a public right of way across the proposed site.
- Our boundary hedge/fence will be replaced by a new fence.
- The dwelling has an excessive number of garages and rooms.
- Impacts to wildlife and biodiversity
- Surface water flood maps show part of the site is at risk of flooding
- SUDS may not be suitable as may increase the frequency and severity to which the neighbouring allotments are flooded.
- Every development should demonstrate at least 10% biodiversity net gain, this application demonstrates biodiversity net loss contrary to the government's 25 Year Environment Plan and Durham County Councils development plan.

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

<https://publicaccess.durham.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=QLSIMOGDL3X00>

## **APPLICANTS STATEMENT**

56. The design brief was to create an impactful 4 bedroom house with a traditional brickwork elevation and roofs, that sits well within the site and is sympathetic to the constraints of the site, notably to avoid an invasion of privacy or over massing/shadowing of number 1 Osbourne Court and the easement around the 225mm drainage pipe cutting across the site. We have provided a building that suits these needs and sits almost exactly between the constraints highlighted above, this design is client-led and will provide a bespoke home that fits their family needs for many years to come.
57. The site is well located within an urban area with good connections to the various transport networks that service Newfield to Durham, Newcastle and beyond. The

building, although substantial, is rather modest in footprint given the overall site area of the plot, this allows good space for the client and their family to use recreationally and avoids the site being overdeveloped.

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## **PLANNING CONSIDERATIONS AND ASSESSMENT**

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### The Principle of the Development

58. Having regard to the requirements of Section 38(6) of the Planning and Compulsory Purchase Act 2004 the relevant Development Plan policies, relevant guidance and all other material planning considerations, including representations received, it is considered that the main planning issues in this instance relate to the principle of development in this location, locational sustainability credentials, housing land supply, economic impacts, amenity impacts, design considerations, resilience to flooding and sustainable drainage, impacts to ecology, trees and landscape and whether then site is suitable for development in terms of stability and contamination and highway safety.

### The Principle Issues

59. The lead County Durham Plan policy in relation to this development is Policy 6 (Development on Unallocated Sites). This essentially permits development on unallocated sites but within the built-up area or outside the built-up area but well related to a settlement provided certain criteria are met. The most relevant criteria in this instance relate to the need for development to be compatible with surrounding uses, the need for the development to be appropriate in terms of scale, design, layout and location to the surroundings, the need for the development to have good access by sustainable modes of transport to relevant services and facilities and to reflect the size of the settlement and level of services within the settlement .
60. Newfield is a settlement with the site adjacent to the built-up area. The acceptability of the proposal rests on the above criteria being met and each of these will be considered in turn in the following section of the report alongside other relevant policy considerations.

### Locational sustainability credentials

61. Criteria f) of Policy 6 of the CDP requires development to have good access by sustainable modes of transport to relevant services and facilities and to reflect the size of the settlement and the level of service provision within the settlement. Paragraph 108 of the NPPF advises that appropriate opportunities to promote sustainable transport modes can be-or have been- taken up, given the type of development and its location.
62. The site lies just outside the built-up residential area. The dwelling is considered to be of a scale commensurate with its role and function and the facilities which are available. The site lies to the rear of an established main street, central to the village and within walking distance of all local amenities. The site has reasonably good access to community services and facilities (including bus stops).
63. Against this background, it appears that jobs, shops, services, and education are likely to be reasonably accessible from the site by modes of transport other than

the private car. This weighs in favour of this development, in accordance with Policy 6 of the CDP and Paragraph 108 of the NPPF.

#### Housing Land Supply

64. The Council is now able to demonstrate in excess of 6 years supply of deliverable housing land as established in the recently adopted County Durham Plan, 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.

#### Building a strong, competitive economy

65. Paragraph 80 of the NPPF advises that significant weight should be placed on the need to support economic growth and productivity. The proposal would have some short term economic benefits to the construction sector. These would be very limited benefits and would not weigh heavily in favour of this proposal.

#### Amenity considerations and impacts to surrounding uses

66. Policy 29 of the CDP requires proposals to provide high standards of amenity and privacy, and minimise the impact of development upon the occupants of existing adjacent and nearby properties. Policy 31 of the CDP requires development to have no unacceptable impact on living conditions and to ensure that future occupiers of proposed developments have acceptable living conditions. It advises that 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. Paragraph 127 (f) of the NPPF requires developments to have a high standard of amenity for existing and future users.
67. The site is adjacent to two residential properties in close proximity to the north east. This being the case the proposed amenity of existing and future residents is a material consideration, with the occupier of No. 2 Osborne Court particularly concerned about light to their property and garden.
68. The Council's Residential Amenity Standards SPD does not provide guidance in relation to distances between gable to gable. Nonetheless the layout of the proposed dwelling has been designed to reduce impacts to levels of light and outlook for the main impacted property (2 Osborne Court). In order to avoid easements on site the building line of the dwelling conflicts slightly with the well used 45-degree rule in respect of rear neighbouring windows as the corner of the dwelling extends past this line by 0.6m. This minor infringement would not cause an undue adverse impact to light and outlook. It has also been borne in mind that land levels submitted indicate that the land levels would not alter significantly and the site is at a lower level than surrounding properties therefore this reduces the impact in terms of light. In respect of privacy the proposed dwelling has been designed to prevent overlooking into neighbouring properties. The only window which overlooks the garden area for 2 Osborne Court is from the storage area of the garage, which is considered acceptable.
69. The proposed levels of light, outlook and privacy for the proposed dwelling are also considered acceptable as windows do not overlook neighbouring development and are not impacted by neighbouring built form. The 26m long garden to the rear well exceeds the minimum garden depth requirements set out within the standards.

70. To guard against noise impacts to neighbours during construction it is considered appropriate to attach a condition restricting timing of construction, demolition, deliveries and running of plant and equipment.
71. On this basis it is considered that the proposed development is compatible with the existing residential use of adjacent land and there is policy compatibility with CDP Policy 6 criteria (a) and Policy 31 and Section 12, Paragraph 127 of the NPPF in that respect.
72. In respect of the neighbouring allotments, Policy 26 of the CDP requires the County's green infrastructure such as this to be protected. In this respect it is noted that care must be taken to ensure that the development does not worsen the potential for flooding of the allotments. This is considered in more detail later in the report.

#### Design, layout, location and impacts upon the character of the area

73. Policy 29 of the CDP requires all development proposals to achieve well designed buildings and places having regard to supplementary planning documents and other local guidance documents where relevant, and: contribute positively to an area's character, identity and landscape features, helping to create and reinforce locally distinctive communities.
74. Section 12, Paragraph 127 of the NPPF requires developments to add to the overall quality of an area, be visually attractive, be sympathetic to the local character, maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live.
75. The settlement of Newfield is characterised by 2 storey terraced and semi-detached red brick and render properties, with traditional properties along the primary roadsides of Front Street with more modern properties located to the rear. Immediately adjacent the site is a large detached modern red brick property (1b Front Street) built in recent years.
76. Concerns have been raised by local residents over the size and scale of the dwelling and the number of garages in comparison to neighbouring development.
77. In terms of design the set back of the development is necessary to reduce overshadowing to neighbouring properties and gardens and is therefore accepted despite being at odds with the adjacent building line. In respect of size and scale, the detached property is large in comparison to Osborne Court properties, however it is not dissimilar in width and depth to the adjacent modern detached property which has an integral double garage. Furthermore, it is proportionate to the plot size. The design of the dwelling has evolved positively from the original plans with the garages being given less dominance and lowering of the garage roofline above to reduce the scale. The large front and rear facade have now been broken up with differing materials and the large blank gable end presented to the allotments has also been broken up with a brick course. The proposed gravel and permeable grey slabs for the driveway are new materials to the area, nonetheless it is accepted that they are required for drainage purposes, and, it is considered that once the landscaping is established that they will not be highly visible from outside of the site. The overall result is an interesting modern design which is in keeping with this part of Newfield given the modern development already in the

area. The quality of the design and materials specification can be ensured via condition.

## Resilience to Flooding

78. Policy 35 of the CDP requires there to be no net increase in surface water run-off and that run-off must be managed at source wherever possible and follow the SUDS hierarchy. Where sites are susceptible to overland flows or lie within a Surface Water Risk area the policy advises that developers must put adequate protection in place. Section 14 of the NPPF requires Local Planning Authorities to ensure that developments do not result in an increase in flood risk off site. Paragraph 118b of the NPPF recognises that undeveloped land can perform functions such as flood risk mitigation.
79. The rear garden part of the proposed site plan is an overland flow route and also an area at low risk of flooding. Local residents have raised concerns over flooding in the general area and to the allotments on lower ground. The surface water is proposed to drain to a soakaway and permeable materials are proposed within the hard landscaping. This would be in accordance with the requirements of the County Durham Surface Water Management Plan and is considered acceptable for the built part of the development. Whilst the allotment site is downslope of the development the submitted land levels do not indicate a significant change in topography therefore additional attenuation in term of accommodating further SUDS to slow the run off rates onsite is not necessary.
80. In respect of the overland flow route to Blindy Burn that runs from the site to the allotments, drainage engineers have advised that this must not be restricted by the development. None of the built form of the development would obstruct the flow, only fencing is proposed which would allow permeability. Plans detail that the land levels in this part of the development would not be altered and therefore there should be no restrictions to the overland flow route. As the area of low risk of flooding in the garden is close to the proposed dwelling it is necessary to require the building to be flood resilient, this can be done by raising floors, flood doors, etc this detail can be required by condition.
81. Subject to the imposition of relevant conditions as discussed above, the proposal is considered to accord with Policy 35 of the CDP and Section 14 of the NPPF.

## Water Infrastructure

82. Policy 36 of the CDP requires foul water to drain to a hierarchy with connection to the public sewer being the most suitable option. The drainage is proposed to a main sewer. Whilst residents have concerns over capacity and detail recent issues with sewage blockages etc. NWL have not raised concerns that the system does not have the capacity to accommodate a further dwelling.
83. There are concerns from local residents that the development would impact upon NWL equipment and drainage easements. The plans indicate that whilst close to such equipment they would not be built over. Nonetheless NWL will work with the developer to establish the exact location of the drain and easement and ensure any necessary diversion, relocation or protection measures are undertaken prior to the commencement of the development under their statutory powers. Similarly, Building Control Inspections will insure the protection of any other drains. The developer has also undertaken a drainage survey to better understand the position of drains on site in preparation.

84. The development is considered to accord with Policy 36 of the CDP as a result.

## Ecology

85. Policy 41 requires development to not significantly harm biodiversity and to minimise impacts to biodiversity and provide net gains for biodiversity. Policy 43 of the CDP advises that all development likely to have an adverse impact on protected species to not be permitted unless there is appropriate mitigation or compensation and the legal tests are met if a licence is required. Section 15 of the NPPF requires the safeguarding of protected species. Paragraph 118 of the NPPF requires consideration to be given to the wildlife function that undeveloped land can perform. Whilst it is noted that residents have concerns over potential impacts to newts in nearby ponds and wildlife and biodiversity generally and the need for net gains, the applicant has submitted an ecological survey which details the grassland to be of low ecological value and that the trees on site offer limited nesting and no bat roosting provision. The survey concludes that with mitigation no habitat or species will be significantly affected. The Council's Ecologist is satisfied with the results and recommends bat roosting opportunities be provided in terms of gains; this can be ensured via condition. Significant landscaping is proposed on site which should provide new biodiversity to the site. As a result, the proposals are considered to accord with Policy 43 of the CDP and Section 15 of the NPPF.

## Trees and Landscaping

86. Policy 39 of the CDP requires there to be no unacceptable harm to the landscape or to important features and views and to incorporate appropriate measures to mitigate adverse landscape or visual effects. Policy 40 of the CDP 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. The policy requires new development to retain existing trees where they make a positive contribution to the locality or the development and that any trees that are lost are replaced.
87. Policy 29 requires landscaping proposals to respond to topography, existing features and wildlife habitats. It requires consideration of views of and from the site and that the design reflects any features characteristic of the locality such as boundaries, paving materials and plant species. It welcomes opportunities for wildlife and in the case of edge of settlement development requires an appropriate level of structural landscaping to screen or assimilate the development into its surroundings and provide an attractive new settlement boundary.
88. The application proposes the removal of a Sycamore tree near to the front of the site and few other trees/hedges that are on the site. The loss of the Sycamore is regrettable but necessary for access purposes. While no arboricultural justification has been provided for the removal of the other trees on site, these are required to enable the development to go ahead; however, without this justification their removal must be weighed in the planning balance as a minor negative.
89. The site would be visible from the rear of nearby properties, with a mix of direct and oblique views. There would be adverse visual effects on receptors close to the site which have the potential to improve through the proposed boundary hedge planting. The development is otherwise not visible from locations within the wider landscape due to buildings, trees, and woodland. Visual effects are therefore local to the site.

90. As this is an edge of settlement development the hard and soft landscaping is particularly important. The Landscape Officer advises that the adverse landscape impacts presented by the new built form and access can be mitigated through a suitable landscaping scheme. Structural landscaping is proposed in the form of native rich hedgerows along the southern and northern boundary. Closer to the roadway on the southern boundary and eastern boundary a Beech tree line is proposed. Landscape Officers advise that it would be preferable for the entire boundary tree planting to be made up of native hedge species however Officers accept the use of Beech given the species retains leaves during the winter and bearing in mind the location on the edge of the wider countryside.
91. Outside of this landscaping, a 2m high timber fenceline would be proposed along the greater part of the northern and southern boundaries. This reflects the 2m high timber fencelines in the vicinity of the site to other rear gardens. The brickwork wall with black metal railings above proposed at the front (eastern boundary) and along a section of the southern boundary near to the road would reflect the height, design and materials of the adjacent dwelling boundary to the street frontage.
92. Overall, the visual and landscape impact of the proposals would be one that is transformative to the immediate area; however subject to the installation of an appropriate landscaping scheme around the property its impact would be greatly reduced and offset the loss of existing trees at the site to a degree. As a result of the above the proposed development is considered to accord with Policies 29, 39 and 40 of the CDP

#### Land stability

93. Policy 32 of the CDP restricts development on despoiled, degraded, derelict, contaminated or unstable land unless it can be demonstrated that such issues can be addressed by mitigation measures, the risks are not unacceptable, and all investigations and risk assessments have been undertaken. Section 15 of the NPPF requires Local Planning Authorities to prevent new development from being put at unacceptable risk from land stability. In terms of land stability, it is noted that residents have concerns over the stability of the land and impact upon the stability of neighbouring land however the Coal Authority have no objections and have requested a condition in relation to addressing the coal mining legacy issues, adhering to the requirements of Policy 32 and Section 15 of the NPPF. The view of the Contamination Officer in relation to any requirements to address contamination will be updated at Committee, with the option of conditions being available to address any contamination.

#### Highway safety and capacity considerations

94. Policy 21 of the CDP requires all development to deliver sustainable transport by amongst other less relevant criteria ensuring that any vehicular traffic generated by new development can be safely accommodated and ensuring development has regard to Parking and Accessibility Supplementary Planning Documents. Paragraph 108 of the NPPF advises that it should be ensured that safe and suitable access to the site can be achieved for all users.
95. The scheme has been amended to incorporate the requirements of the Highways Officer for the footway specification immediately outside of the site to width of 1.8 metres and it also has acceptable levels of parking. The proposed front boundary treatments have been amended for highways visibility purposes and a condition

can ensure that landscaping to the front of the proposed property is maintained at a suitable height for visibility.

96. Subject to the above, the proposed dwelling would be considered to meet the requirements of Policy 21 of the CDP and Paragraph 108 of the NPPF.

#### Other issues

97. It is noted that residents are concerned that the development could set a precedent for further development in the paddock at the rear for housing/stables however each application needs to be considered on its own merits.
98. Comments have been made that the applicant may keep horses on the site and that the fencing is not suitable for such purposes. There is no proposal for this within this application therefore the fencing is considered suitable. If permission is approved this would be for residential only.
99. The concerns raised in relation to poor water supply and water pressure to neighbouring allotments are noted. Water supply is not a consideration for most planning applications of this nature being a private matter for the parties involved and NWL.
100. It is noted that in the past the site was considered outside of the settlement and therefore subject to tighter planning controls, however that view was based on planning policy which has been replaced by the CDP and the NPPF which have a greater degree of flexibility in this respect where locations are sustainable amongst other policy considerations. Equally concerns are raised that the site is not previously developed land, where again the CDP and NPPF carry a greater degree of flexibility where locations are considered to be sustainably located.
101. In respect of access to neighbouring land for maintenance of fence purposes, this is a civil matter covered by separate legislation.
102. With regards to any covenants on the land, this is a civil matter and not a material planning consideration.
103. Concerns that the plans may alter if approved are noted, however any changes would require the further consideration of the LPA through a further application that will be consulted upon depending upon the significance of the changes proposed.
104. It is noted that the current access into the paddock beyond will be closed off, however there will be a strip of land retained to the south of the site that would allow for access to the paddock beyond.
105. Comments are noted in relation to a public right of way however there is not a registered Public Right of Way over the site, although there may be private rights of way/easements which are civil matters.
106. Concerns over impacts to boundary fences /hedges are noted however any boundaries would be built up against such features rather than replacing current boundaries.

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## CONCLUSION

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107. The proposed new dwelling is considered to be well related to the existing settlement and has good access by sustainable modes of transport to relevant services and facilities and reflects the size of the settlement and level of services within the settlement. There are limited benefits accrued in the form of housing land supply and the construction economy.
108. The amended proposal is appropriate in terms of scale, design, layout, and location to the surroundings.
109. Subject to conditions controlling the potential impacts from the construction phase, drainage and flood resilience, ecological mitigation and ground stability remediation the proposals are considered acceptable.
110. The proposal is therefore in general accordance with the Policies of the County Durham Plan and the National Planning Policy Framework in respect to this development. There are no material consideration in this case that indicate that the plan should not be followed therefore the proposal should be approved.

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## RECOMMENDATION

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

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

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

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

Reason: To define the consent and ensure that a satisfactory form of development is obtained in accordance with Policies 6,21,26,29,31,32,35,36,39,40,41 and 43 of the CDP.

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

Reason: In the interests of the appearance of the area and to comply with Policy 29 of the County Durham Plan and Part 12 of the National Planning Policy Framework. Required pre-commencement to ensure that the quality of materials are suitable to the area before construction commences.

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

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

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

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

Trees, hedges and shrubs scheduled for retention.

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

Details of planting procedures or specification.

Finished topsoil levels and depths.

Details of temporary topsoil and subsoil storage provision.

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

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

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

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

Reason: In the interests of the visual amenity of the area and to comply with Policy 29 of the County Durham Plan and Part 12 of the National Planning Policy Framework. Required pre-commencement to ensure that the visual impacts of the proposal are understood before development commences.

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

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

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

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

Replacements will be subject to the same conditions.

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

6. Prior to occupation of the dwellinghouse a total of 2 bat roosting opportunities will be provided associated with the southwest facing roof pitch either through the inclusion

of 2 bat slates or through careful pointing to ridge tiles to allow an entrance to a retained space beneath the roof tile. These features will be retained in perpetuity.

Reason: In the interests of mitigation for protected species in accordance with Policy 43 of the County Durham Plan.

7. No external construction works, works of demolition, deliveries, external running of plant and equipment shall take place other than between the hours of 0800 to 1800 on Monday to Friday and 0800 to 1400 on Saturday.

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

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

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

Reason: In the interests of protecting residential amenity in accordance with Policy 31 of the County Durham Plan.

8. No development shall commence until a land contamination scheme has been submitted to and approved in writing by the Local Planning Authority. The submitted scheme shall be compliant with the YALPAG guidance and include a Phase 1 preliminary risk assessment (desk top study).

If the Phase 1 assessment identifies that further investigation is required a Phase 2 site investigation shall be carried out, which shall include a sampling and analysis plan. If the Phase 2 identifies any unacceptable risks, a Phase 3 remediation strategy shall be produced and where necessary include gas protection measures and method of verification.

Reason: To ensure that the presence of contamination is identified, risk assessed, and proposed remediation works are agreed in order to ensure the site suitable for use, in accordance with Policy 32 of the County Durham Plan and Part 15 of the National Planning Policy Framework. Required to be pre-commencement to ensure that the development can be carried out safely.

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

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

10. No development shall commence until;

- a) a scheme of intrusive site investigations has been carried out on site to establish the risks posed to the development by past coal mining activity, and;

b) any remediation works and/or mitigation measures to address land instability arising from coal mining legacy, as may be necessary, have been completed on site in full in order to ensure that the site is made safe and stable for the development proposed.

The intrusive site investigations and remedial works shall be carried out in accordance with authoritative UK guidance.

Reason: The undertaking of intrusive site investigations, prior to the commencement of development, is considered to be necessary to ensure that adequate information pertaining to ground conditions and coal mining legacy is available to enable appropriate remedial and mitigatory measures to be identified and carried out before building works commence on site. This is in order to ensure the safety and stability of the development, in accordance with paragraphs 178 and 179 of the National Planning Policy Framework.

11. Prior to the occupation of the development, or it being taken into beneficial use, a signed statement or declaration prepared by a suitably competent person confirming that the site is, or has been made, safe and stable for the approved development shall be submitted to the Local Planning Authority for approval in writing. This document shall confirm the methods and findings of the intrusive site investigations and the completion of any remedial works and/or mitigation necessary to address the risks posed by past coal mining activity.

Reason: The undertaking of intrusive site investigations, prior to the commencement of development, is considered to be necessary to ensure that adequate information pertaining to ground conditions and coal mining legacy is available to enable appropriate remedial and mitigatory measures to be identified and carried out before building works commence on site. This is in order to ensure the safety and stability of the development, in accordance with paragraphs 178 and 179 of the National Planning Policy Framework.

12. No buildings, structures or changes in land levels shall restrict the overland flow route across the rear of the site.

Reason: To ensure that the development does not increase impacts from flooding in the area in accordance with Policy 35 of the County Durham Plan.

13. No development shall commence until measures such as raised floor levels and flood doors have been submitted to and approved in writing by the Local Planning Authority to ensure that the dwelling is flood resilient and the approved details shall be incorporated into the approved design and retained in perpetuity.

Reason: To ensure that the development is flood resilient in accordance with Policy 35 of the County Durham Plan. Required pre-commencement to ensure that these measures are incorporated at build stage.

14. No boundary treatment to the front elevation of the dwelling hereby approved facing south east onto the adopted highway shall exceed a height of 1 metre, with no obstruction to visibility greater than 1 metre in height within 1 metre of the boundary adjacent to the adopted highway.

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

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## **STATEMENT OF PROACTIVE ENGAGEMENT**

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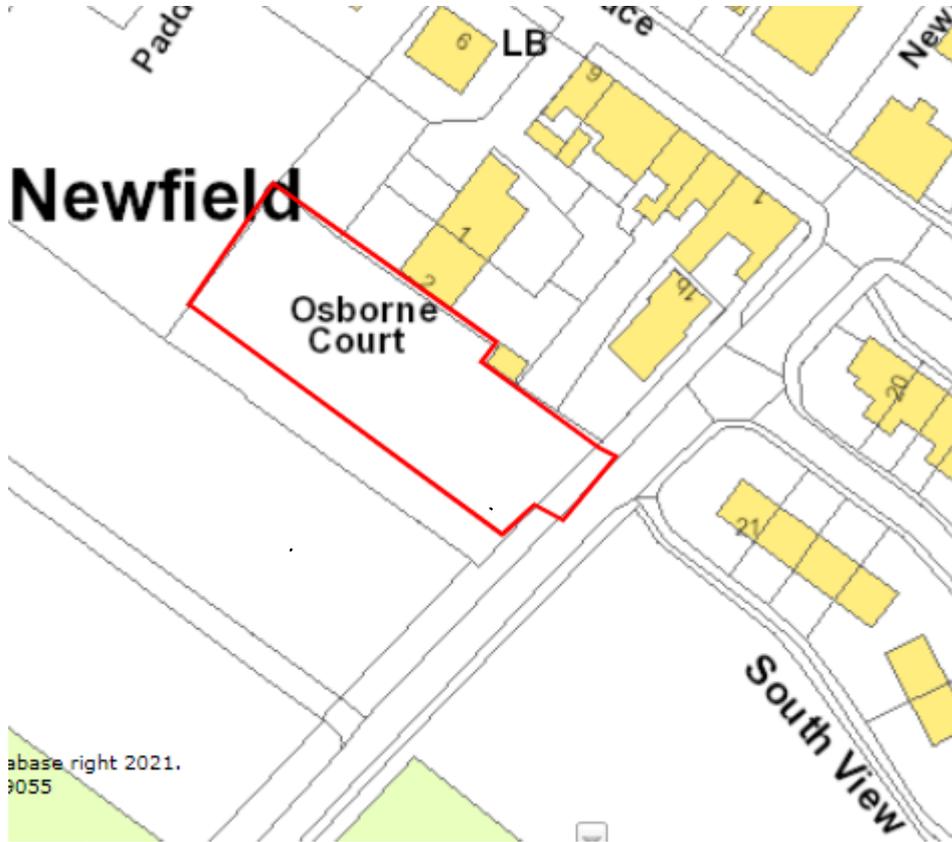
The Local Planning Authority in arriving at its decision to approve the application has, without prejudice to a fair and objective assessment of the proposals, issues raised, and representations received, sought to work with the applicant in a positive and proactive manner with the objective of delivering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

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## **BACKGROUND PAPERS**

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The National Planning Policy Framework (2019)  
National Planning Practice Guidance Notes  
The County Durham Plan 2020  
Residential Amenity Standards SPD 2020  
Statutory, internal, and public consultation responses  
Submitted forms, plans and supporting documents



**Planning Services**

DM/20/03802/FPA

4 Bedroom brick built house with associated amenities

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**Comments**

**Date** 15.06.2021

**Scale** 1:1250