

# COMMITTEE REPORT

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## APPLICATION DETAILS

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<b>APPLICATION NO:</b>	DM/21/00911/FPA
<b>FULL APPLICATION DESCRIPTION:</b>	Proposed development of 5 dwellings and associated parking
<b>NAME OF APPLICANT:</b>	Mr A Blair
<b>ADDRESS:</b>	Allotments to the west of 5 to 10 Front Street Framwellgate Moor DH1 5EJ
<b>ELECTORAL DIVISION:</b>	Framwellgate and Newton Hall
<b>CASE OFFICER:</b>	Jennifer Jennings Senior Planning Officer Telephone: 03000 261057 <a href="mailto:jennifer.jennings@durham.gov.uk">jennifer.jennings@durham.gov.uk</a>

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## DESCRIPTION OF THE SITE AND PROPOSALS

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### The Site

1. The application site is an allotment site located to the rear of a line of terraces along Front Street within the settlement of Framwellgate Moor. To the north of the site lies Tindale Avenue which consists of a line of 11 two storey terraced dwellings that face the application site. These dwellings have their main gardens to the rear (northside) of the dwellings as well as a small garden area to the south of Tindale Avenue abutting the application site and many of the dwellings have small sheds or ancillary buildings on this area of land. To the west of the site is a residential nursing home that is screened by a mature tall hedge and accessed from a separate road, Camsall Drive.
2. To the south lies an industrial building that currently operates as a carpet factory and store. This business has a right of access over the southern part of the application site to access the service yard to the back of the business premises and adjacent to the south of the application site. A further line of 6 residential terraced properties lies to the east of the site that front Front Street, with their rear elevation and yard area facing the application site.
3. The application site itself is predominantly flat and was last in use as a private allotment site of nine plots. An informal hardstanding access road runs along the south, allowing access to the business premises, and along the east end of the allotments, which provides access to the rear of the garden areas of properties 5a to 10 Front Street.

## The Proposal

4. The application seeks planning permission to erect 5 dwellings on the site, consisting of a semi-detached pair and a terrace of three. All properties would have three bedrooms, with downstairs lounge / diner and separate kitchen area. In curtilage parking is provided for three of the dwellings, with parking spaces designated for the remaining two dwellings close by. The dwellings would be finished in red brick with red double pantile roof tiles. Each property would have access to a rear garden space and small front garden area.
5. The application is being considered by Committee at the request of a Councillor Mark Wilkes who raises concerns with regards to highway safety and parking, the appearance and massing of the dwellings and that no bin stores are indicated.

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## PLANNING HISTORY

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6. Outline planning permission was approved in 2019 for 6 terraced dwellings with details relating to layout and access approved with details relating to scale, design and landscaping reserved.
7. A reserved Matters application was submitted to provide details relating to access, appearance, landscaping, layout and scale on the 17 February 2021 but this was withdrawn due to not being in accordance with the approved layout associated with the outline permission.

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## PLANNING POLICY

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### NATIONAL POLICY

8. The following elements of the National Planning Policy Framework (NPPF) are considered relevant to this proposal:
9. *NPPF Part 2 - Achieving sustainable development.* The purpose of the planning system is to contribute to the achievement of sustainable development and therefore at the heart of the NPPF is a presumption in favour of sustainable development. It defines the role of planning in achieving sustainable development under three overarching objectives – economic, social and environmental, which are interdependent and need to be pursued in mutually supportive ways. The application of the presumption in favour of sustainable development for plan-making and decision-taking is outlined.
10. *NPPF Part 4 - Decision-making.* Local planning authorities should approach decisions on proposed development in a positive and creative way. They should use the full range of planning tools available, including brownfield registers and permission in principle, and work proactively with applicants to secure developments that will improve the economic, social and environmental conditions of the area. Decision-makers at every level should seek to approve applications for sustainable development where possible.
11. *NPPF Part 5 – Delivering a wide choice of high quality homes.* The Government advises Local Planning Authority's to deliver a wide choice of high quality homes, widen opportunities for home ownership and create sustainable, inclusive and mixed communities.

12. *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.
13. *NPPF Part 8 – Promoting healthy and safe communities*. The planning system can play an important role in facilitating social interaction and creating healthy, inclusive communities. Developments should be safe and accessible; Local Planning Authorities should plan positively for the provision and use of shared space and community facilities. An integrated approach to considering the location of housing, economic uses and services should be adopted.
14. *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.
15. *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.
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*. Planning policies and decisions should contribute to and enhance the natural and local environment.

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

#### **NATIONAL PLANNING PRACTICE GUIDANCE:**

19. The Government has consolidated a number of planning practice guidance notes, circulars and other guidance documents into a single Planning Practice Guidance Suite. This document provides planning guidance on a wide range of matters. Of particular relevance to this application is the practice guidance with regards to; air quality; historic environment; design process and tools; determining a planning application; flood risk; healthy and safe communities; land affected by contamination; housing and economic development needs assessments; housing and economic land availability assessment; light pollution; natural environment; neighbourhood planning; noise; open space, sports and recreation facilities, public rights of way and local green space; planning obligations; travel plans, transport assessments and statements; use of planning conditions; and; water supply, wastewater and water quality.

## LOCAL PLAN POLICY:

### The County Durham Plan

20. *Policy 6 - Development on Unallocated Sites* states that the development of sites within the built up area that are not allocated in the plan or in a neighbourhood plan will be permitted provided they accord with all relevant development plan policies and meet specific criteria in relation to existing permitted uses, coalescence of settlements, loss of land with identified value such as in relation to ecology or recreation, is appropriate, is not prejudicial to highway safety, has good access to sustainable modes of transport to relevant services and facilities, does not result in the loss of the settlements last community building, minimises vulnerability and provides resilience to impacts resulting from climate change, maximises the effective of previously developed land and where appropriate reflects priorities for urban regeneration.
21. *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.
22. *Policy 21 - Delivering Sustainable Transport* states that all development shall deliver sustainable transport by (in part) ensuring that any vehicular traffic generated by new development, following the implementation of sustainable transport measures, can be safely accommodated on the local and strategic highway network and does not cause an unacceptable increase in congestions or air pollution and that severe congestion can be overcome by appropriate transport improvements.
23. *Policy 25 - Developer Contributions* states that new development will be approved where any mitigation necessary to make the development acceptable in planning terms is secured through appropriate planning conditions or planning obligations. Such mitigation will relate to the provision, and/or improvement, of physical, social and environmental infrastructure taking into account the nature of the proposal and identified local or strategic needs.
24. *Policy 27 - Utilities, Telecommunications and Other Broadband Infrastructure* states new residential development should be served by a high speed broadband connection that will need to be directly accessed from the nearest exchange and threaded through resistant tubing to enable easy access to the cable for future repair, replacement and upgrading. Where it can be demonstrated that this is not appropriate, practical or economically viable, developers will be encouraged to provide appropriate infrastructure to enable future installation.
25. *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.
26. *Policy 31 - Amenity and Pollution* states that new 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 should be integrated effectively with any existing business and community facilities.

27. *Policy 32 - Despoiled, Degraded, Derelict, Contaminated and Unstable Land* states [in part] that development will not be permitted unless the developer can demonstrate that the site is suitable for the proposed use, and does not result in unacceptable risks which would adversely impact on the environment, human health and the amenity of local communities.
28. *Policy 35 - Water Management* states that all new development should adopt the hierarchy of preference in relation to surface water disposal.
29. *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.

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## **CONSULTATION AND PUBLICITY RESPONSES**

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### **STATUTORY RESPONSES:**

30. *Framwellgate Moor Parish Council* raised concerns with regards the changes to the proposed application which no longer followed the layout and form of the originally approved outline permission. They requested it be refused for the following reasons:
- Highways concerns due to the highway no longer being adopted with no footpaths leading into the site. Concerns that the bin truck would not enter the site resulting in 10-15 bins being left on Front Street blocking the pavement.
  - Concerns as to whether drainage and contaminated land issues have been addressed
  - Concerns that the outline permission was for 2-bed starter homes and were in keeping with the area. The current application does not meet this and is out of keeping.
  - Insufficient parking is being provided for visitors and existing properties along Front Street.
  - Not sufficient turning space for trucks attending to the carpet business site. Access is therefore a problem.
  - Concerns that the properties are too close to existing houses and no details on room sizes are provided
  - Concerns that bin storage not provided.
  - Requests that condition be applied to ensure they remain in family use and not for HMO use
  - Requires that the originally agreed Section 106 is carried forward for this development.
31. The Parish was advised of the updated plans which sought to address the issues raised. However no further comments were received at the time of writing.
32. *The Highway Authority* raised a number of issues and requested amendments to the scheme, including details indicating a bin collection point and visitor parking. They noted that the development would not prevent existing users from accessing the site as they do at present.
33. Upon receipt of amendments to the scheme, highways removed their objections to the proposals. Further details are discussed within the main body of the report.

## INTERNAL CONSULTEE RESPONSES:

34. *Environment, Health and Consumer Protection (Contaminated Land)* considered the details and note that because the development constitutes a change of use to a sensitive receptor a pre commencement condition is required for Phase 1, 2 and 3 reports and a Phase 4 verification report prior to occupation of the development.
35. *Environment, Health and Consumer Protection (Nuisance Action Team)* raise no objection to the proposals, noting that although a commercial use exists close to the site, residential uses are well established within the area and no concerns are raised. A condition is requested to be applied limiting hours of construction works.
36. *Ecology section* raise no objection to the principle of the development, however, they request that the dwellings include ecological enhancement to secure biodiversity net gain in accordance with the NPPF and that this include provision of a bat ridge tile per property and an integrated bird breeding box per property.

## PUBLIC RESPONSES:

37. Four objections received in relation to the original submitted scheme, raising the following concerns:
  - Concern that the proposal would leave garage unusable and it is essential for parking at their house.
  - Concern that the proposal does not even show an existing garage on site and would not allow enough space for a car to turn into garage.
  - Issues raised that parking for existing residents is scarce, meaning land to the rear is used and has been for over 60 years.
  - Concerns raised over safety for cars pulling out and that insufficient room is available for a turning circle
  - Concern over construction works given the extent of traffic to the carpet factory.
  - Application bears no resemblance to the outline permission which was for affordable housing and the current scheme goes against the spirit of policy 15
  - Layout provides insufficient parking and does not take into account that residents along Front Street use this area for parking.
  - The application is over development of the site
  - Request that section 106 be agreed with this current scheme due to loss of allotments
  - Proposals are not in keeping with the character and appearance of surrounding properties.
  - Houses would breach privacy distance standards
  - Proposals have adverse impacts that outweigh benefits and should be refused.
38. Upon receipt of amended scheme 3 further objections received stating:
  - The visitor parking bay will block access to back gardens of Front Street. The plans take away parking on unadopted road.
  - Concerns that residential amenity not being considered in terms of protecting parking to rear of the properties along Front Street
  - Concerns that oversupply of parking within housing curtilage contrary to sustainable travel policies in CDP21.
  - As resident, have used parking in excess of 22 years to the rear. Parking on Front street not always available as used by people visiting shops.
  - Concerns over losing access to the rear yard for parking
39. The local ward member was concerned that the updated scheme appeared worse. The annotated visitor parking bays block parking for existing residents. Parking for

cars back to back is not suitable on the driveways. If the road is not to be adopted, there would be no support for the proposed scheme as it is considered unacceptable to allow roads to be put in without pavements, particularly where lorries use access for deliveries.

#### **APPLICANT'S STATEMENT:**

40. We believe that the scheme proposed is superior to the one already granted planning permission.

The latest proposal is more desirable on a number of grounds, including a lower housing density with less visual mass and a much preferable parking arrangement. The 3 bedroom homes proposed are more suitable for the market and would suit a larger variety of potential occupiers than the previous scheme.

As a small local developer we pride ourselves on building quality housing that will stand the test of time and enhance the local area. As such we are confident we would deliver an excellent development that represents a welcome addition to Framwellgate Moor.

We respectfully believe the committee should grant planning permission

*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=P8X9C0GDL8J00>*

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## **PLANNING CONSIDERATIONS AND ASSESSMENT**

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

### Principle of the Development

42. The County Durham Plan (CDP) was adopted in October 2020 and as such represents the up to date local plan for the area and the starting point for the determination of this planning application. Consequently, the application is to be determined in accordance with relevant policies set out within the CDP.

43. The NPPF is a material planning consideration. Paragraph 11 of the NPPF establishes a presumption in favour of sustainable development. For decision taking this means

approving development proposals that accord with an up to date development plan without delay.

44. The application site is located within the settlement of Framwellgate Moor. It is not allocated for housing within Policy 4 of the County Durham Plan (CDP). Development of housing on unallocated sites within the built-up area should be assessed and determined against Policy 6. This policy sets out the following criteria:

The development of sites which are not allocated in the Plan or in a Neighbourhood Plan which are either (i) within the built-up area; or (ii) outside the built-up area (except where a settlement boundary has been defined in a neighbourhood plan) but well-related to a settlement, will be permitted provided the proposal accords with all relevant development plan policies and:

- a. is compatible with, and is not prejudicial to, any existing, allocated or permitted use of adjacent land;
- b. does not contribute to coalescence with neighbouring settlements, would not result in ribbon development, or inappropriate backland development;
- c. does not result in the loss of open land that has recreational, ecological or heritage value, or contributes to the character of the locality which cannot be adequately mitigated or compensated for;
- d. is appropriate in terms of scale, design, layout, and location to the character, function, form and setting of, the settlement;
- e. will not be prejudicial to highway safety or have a severe residual cumulative impact on network capacity;
- f. has good access by sustainable modes of transport to relevant services and facilities and reflects the size of the settlement and the level of service provision within that settlement;
- g. does not result in the loss of a settlement's or neighbourhood's valued facilities or services unless it has been demonstrated that they are no longer viable;
- h. minimises vulnerability and provides resilience to impacts arising from climate change, including but not limited to, flooding;
- i. where relevant, makes as much use as possible of previously developed (brownfield) land; and
- j. where appropriate, it reflects priorities for urban regeneration.

45. The proposal is within the built up area and therefore is acceptable in principle, subject to assessment against the various criteria in a) – j) above, which will be detailed in the following relevant sections.

46. In relation to criteria a) and b), proposed residential dwellings in this location are considered compatible with adjoining residential uses. There is no concern that it would result in inappropriate ribbon development, nor that it would be considered inappropriate backland development, as the site has ready independent highway access and can meet distance standards, which will be discussed further in the section below. In line with criteria f), the site is noted as being highly sustainable, being located within walking distance to a range of facilities and with ready access to sustainable modes of transport.

47. The development of this land to erect five residential dwellings in a highly sustainable location would therefore be deemed acceptable in principle, subject to other considerations below.

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

48. Policy 6c) of the CDP states that development should not be approved where it would 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. It also states under criteria d) that development should be appropriate in terms of scale, design, layout and location to the character, function, form and setting of the settlement.

49. Policy 29 relating to sustainable design states that all proposals will be required to achieve well designed buildings and places having regard to supplementary planning documents and contribute positively to an area's character, identity, heritage significance, townscape and landscape features, helping to create and reinforce locally distinctive and sustainable communities; and create buildings and spaces that are adaptable to changing social, technological, economic and environmental conditions and include appropriate and proportionate measures to reduce vulnerability, increase resilience and ensure public safety and security.

50. The site is a private allotment site and must be considered under policy 6c) as open land with recreational value, the loss of which would need to be mitigated or compensated for. At the time of the original 2018 outline application for six terraced properties, the occupiers of the nine private allotments were all given notice to quit. Whilst it is noted that the allotment holders raised no objections, local ward members indicated that there was a demand for allotments in the area and a request was made for a financial contribution to pay for replacement allotments. As a result, the outline application was approved subject to a section 106 agreement for a financial contribution of £3564.00 towards further allotment provision within the local area.

51. As the outline application has not been implemented, the Council has not received any of the agreed commuted sums to date. As such, the requirements for a financial contribution still apply for this new submission. Policy 6c) is clear in its requirement for compensation for loss of open land and the latest evidence base within the Open Space Needs Assessment identifies an undersupply of allotment space within the Durham City area. However, with a reduced number of dwellings now being applied for, the required financial contribution would equate to £2970.00. Subject to the applicant agreeing to the terms of a section 106 agreement to secure this financial contribution the proposals are considered to accord with the requirements set out in policy 6c).

52. As previously noted, outline permission exists for the erection of six 2-bed dwellings on the site. The current proposals seek full planning permission for five 3-bed dwellings on site, consisting of a semi-detached pair and a terrace of three, all two storey in height. The linear layout proposed would be similar to the outline permission, with dwellings facing south towards the business premises, and rear gardens on the north side facing Tindale Avenue. The dwellings are simple in appearance, with a proposed red brick (Mardale Antique) finish and pantile roof tile. The detailed design would consist of brick soldier coursing, with brick lintels and cement cills on window surrounds and a small triangular canopy for the front door. Boundary treatments to the rear would consist of 1.8 metres high close boarded timber fencing, with open plan front garden spaces and in curtilage parking spaces for three of the properties. The site plan has also been updated to indicate the provision of bin stores for each of the

properties. Full details of the materials and boundary treatments have been provided with the application and they would be marked as approved details should planning permission be granted. A condition would also be applied requiring the submission and agreement of precise details in relation to all hardsurfaced areas.

53. In light of the above the proposals are considered to be in keeping with the general form of development in the local area, which is noted as largely consisting of two storey terraced properties laid out in traditional linear format, finished in a mix of brick and render materials. On this basis, the proposals are deemed to accord with requirements set out in policies 6d) and 29 of the CDP as the dwellings would be appropriate in terms of scale, design and layout to the character, function, form and setting of the settlement.

#### Impact on amenities of neighbouring residents

54. Policy 29 requires that all development achieves well designed buildings and places having regard to supplementary planning documents and: e) provide high standards of amenity and privacy and minimises the impact of development upon the occupants or existing adjacent and nearby properties. Distance standards are outlined within the Residential Amenity Standards Supplementary Planning Document (SPD).

55. Policy 31 states that development will be permitted where it can be demonstrated that there will be no unacceptable impact, either individually or cumulatively, on health, living or working conditions or the natural environment and that can be integrated effectively with any existing business and community facilities. The proposal will also need to demonstrate that future occupiers of the proposed development will have acceptable living 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.

56. Residential properties surround the site on three sides. Tindale Avenue fronts the application site to the north, whilst to the east, the rear elevation and rear garden area of properties along Front Street face toward the proposed off-site residential parking and turning head and the end gable of the 3-terrace block. To the west lies an established high hedge beyond which lies the side elevation of the nursing home at Camsell Court.

57. In assessing the layout of the site, it is noted that distance standards are suitably met, with 21 metres maintained between facing windows of Tindale Avenue and the proposed development in line with SPD guidance. Similarly, windows on the rear elevation of Front Street properties are 16 metres from the blank gable end of the proposed terrace block which is in excess of the required 13 metres advised by the SPD. With regards to the development at Camsall Court, the nearest building to the application site is 7 metres away and has windows at ground floor level adjacent to and overlooking the existing boundary. However there is an established 3 metres high maintained evergreen planting on their side. No concerns are therefore raised with regards impacts of overlooking for existing or future occupiers on this side of the development.

58. Based on this assessment the proposed development is considered to suitably protect residential amenities of existing neighbouring properties, and with proposed dwellings

considered to be appropriate in scale and height, there are no concerns that the development would result in issues of loss of light, overshadowing or overbearing impacts.

59. To the south of the application site there is a carpet factory premises, with an industrial unit and service yard abutting the south of the application site adjacent to the access road leading to the properties. The properties would all face towards the service yard area of this site at a distance of 10 metres from its boundary, with the end terrace to the east fronting a part of the industrial unit at a distance just short of 13 metres away. As an established business on site, surrounded by existing residential uses, further residential development in this area is not considered inappropriate. Environmental Health commented that they had no concerns with regards the existing commercial site, given the existence of nearby residents and raised no issues with new housing in this location. They did however request that a condition be applied to control noise and activities associated with construction works for the benefit of all existing occupiers surrounding the site.
60. In terms of internal space standards, the proposed residential units show a level of compliance with the nationally described space standards, although it should be noted that these standards are not in force at present, due to a clause within Policy 29 of the adopted CDP which provides a transition period for one year after adoption of the plan. Nonetheless, it is noted that each of the dwellings measures 83.66 square metres, just short of the 84 square metres as recommended for two storey 3-bed dwellings for four persons. All of the double bedrooms and at least one of the single bedrooms in each property meet the space standards, with the second single bedroom in three of the dwellings falling short by one square metre. Notwithstanding these minor shortfalls it is noted that an adequate level of amenity would nevertheless be provided for residents. Noting that the requirement of policy 29 to meet the nationally prescribed standards does not take effect until October 2021, it is considered that any refusal of the application on these grounds could not be sustained.
61. The proposals have also been designed to meet the needs of older people and people with disabilities by ensuring that 3 of the 5 properties can meet M(4)2 Building Regulation standards as set out in policy 15.
62. A condition would need to be included with any permission granted requiring removal of permitted development rights associated with any works to the rear of the properties or works to increase the height of the dwellings, as outlined within Part 1, class A, AA and B of the Town and Country Planning (General Permitted Development) Order 2015 as amended, in order to protect amenities of residents along Tindale Avenue.
63. In summary, the proposals have been assessed against SPD guidance and are considered to meet amenity distance standards and mutual privacy is considered to be suitably protected. The proposed design and scale of the properties and their location and relationship to nearest properties is considered sufficiently appropriate to ensure that the proposal would not be visually dominant or intrusive on nearest residents. Spaces standards and accessibility standards have also been largely complied with to ensure suitable amenity standards for future occupiers. Subject to a condition removing permitted development rights, the proposals are considered to accord with policy 29 and 31 of the County Durham Plan and the SPD in this regard.

#### Highway Safety and Access

64. Policy 6 of the CDP requires that development will not be prejudicial to highway safety or have a severe residual cumulative impact on network capacity. Policy 21 states that development should: c) 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. In relation to parking the policy states that car parking at residential developments should ensure that a sufficient level is provided for both occupants and visitors, to minimise potential harm to amenity from footway parking.

65. The approved layout associated with the outline permission indicated that it would be possible to provide a public highway to adoptable standards. The original layout submitted for the current application proposed a private drive access for the 5 dwellings with retention of access to neighbouring properties. Whilst there were no highways objections to this arrangement, subject to amendments to the layout to cater for bin storage and visitor parking, significant concern was raised by the Parish and Local Ward members. Their concerns related to the fact that no footpaths would be provided as part of the private drive arrangement which was deemed unacceptable given the existing access by large trucks to the commercial premises.
66. The applicant was notified of these concerns and updated the layout for the scheme to include a public highway that would be to adoptable standards, noted as Proposed Site Plan revision I. The Principal Highways Engineer assessed the details and confirmed that there would be no highways objection to the proposed layout as amended. Footpaths measuring one metre width have been annotated on the plan, linking with main footpaths along Front Street. The updated layout also annotates an autotrack that illustrates the manoeuvrability of a refuse service vehicle on the proposed roads and shows that it could suitably enter and leave the development in a forward direction. Parking provision meets with the County Council requirement for 3-bed properties, and although some concern was raised that they were in tandem on the driveway, this was not raised as an issue by the Highway Authority, as each property would only require a single space to meet current parking requirements. Two visitor parking spaces have been provided as required and this is adequate for the number of dwellings proposed. Use of shared surfaces without footways is noted to the west of the site, but this is not considered inappropriate and is advocated in the Department for Transport manual for streets and included in the DCC residential design guide as an acceptable highway solution for access to residential development. Any permission granted would be subject to an informative detailing requirements for the applicant to enter a Section 38 Agreement with the Council to submit precise details of highway layout for Highways Authority approval.
67. Further objections have been raised with regards to the amended plan, largely relating to the location of visitor parking which is proposed to be located where existing residents park their cars. It is noted from comments received that these residents have had access to this parking for a number of years. However, as private land now in the ownership of the applicant, any dispute between the parties involved about car parking rights would be a civil matter and one falling outside of the planning process. However, it is noted within the amended site plan (Revision I) that a metre wide footway has been annotated between the rear garden boundary fences and the visitor parking bays, meaning that sufficient space is provided to allow continued access to the existing rear gardens. The amended site plan also indicates that ready access can be gained to existing garages that open out onto the newly adopted highway, and the two required visitor parking bays shown are suitably laid out on site to ensure they do not block access to an existing garage.
68. From assessing the details, it is considered that the amendments suitably address the various issues raised by the highway authority and although there are continued objections for interested parties, the layout has sought to address these concerns. In

planning terms, it is therefore considered that there is insufficient reason to refuse the application based on highway safety concerns. On this basis the proposals are considered to be compliant with the relevant parts of policies 6 and 21 of the County Durham Plan.

#### Contaminated Land

69. Contaminated land section assessed the site and historical maps and considered that a full contaminated land condition should apply requiring reports for phase 1, 2 and 3 analysis of potential ground contamination on site in line with NPPF part 15 and CDP policy 32.

#### Ecology

70. Ecology assessed the details of the scheme and confirmed that no standalone surveys would be required. However, in order to ensure net biodiversity gain is achieved in accordance with paragraph 170, it was requested that the properties include provision for bat and bird nesting. The updated site plan has indicated the installation of bat and bird boxes into the fabric of each of the properties. Whilst this is accepted, Ecology require the imposition of a condition requiring details of the design and exact location of each of these features. A condition would therefore need to be included in the event that planning permission was granted.

71. Policy 27 of the CDP requires new residential development to be served by a high-speed broadband connection unless it can be demonstrated that this is not appropriate. The development would be located in an edge of city centre location characterised by both residential and commercial development. Similar, requirement in terms of broadband connectivity and broadband connectivity would be delivered in this wider context. As such it does not appear that there any significant constraints to delivering the connectivity in accordance with the requirements of policy 27 although the submission and agreement of precise detail in this regard could be secured through planning condition noting the outline nature of the application. Subject to the inclusion of a planning condition in this regard the development is considered to accord with the aims of policy 27 of the CDP.

#### Objections received

72. As noted, a number of objections and concerns have been received. Some of the issues raised have been suitably addressed through submission of the updated layout and house designs, which now remove concerns regarding internal space standards, overlooking and a perceived overdevelopment of the site. The outstanding concerns raised with regards car parking are noted, but cannot be resolved through the planning system as discussed above. In any case, the latest amended site plan has taken into consideration access to the rear gardens and garage plots, upgrading what was originally intended as a private drive, an acceptable standard for up to five dwellings, to provide a road access to adoptable standards, over and above the Highway Authority requirements. Based on this, there would not be sufficient grounds for refusal, and the proposals are therefore deemed acceptable in this regard.

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## **CONCLUSION**

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

74. In summary, policy 6 of the CDP sets out a number of criteria for development of unallocated sites within the CDP. In this instance, and for reasons set out in this report, it is considered that on balance the proposed development complies with the criteria of policy 6. Paragraph 11 of the NPPF states that development proposals which accord with an up to date development plan should be approved without delay and as such the development is recommended for approval.

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## RECOMMENDATION

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That the application be **APPROVED**, subject to the completion of a Section 106 Legal Agreement to secure the following:

- Financial contribution of £2970.00 for provision of alternative allotments within the local area

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 Policy(ies) 6 and 29 of the County Durham Plan and Parts 12 of the National Planning Policy Framework.

Plan	Drawing No.	Date Received
Site Location Plan	020/055/LP	16/03/21
Type A 3 Bedroom Block Terrace Elevations and Floor Plans	021/035/1 Rev A	18/05/21
Type A 3 Bedroom Semi Elevations and Floor Plans	021/035/1 Rev A	14/05/21
Proposed Site Plan	02/055/SP Rev I	28/06/21
Wienerberger Mardale Antique 65mm Brick		
Redland Grovebury Farm House Red Roof Tile		

3. No development shall take place until verification identifying which dwellings will be built to Buildings Regulations M4(2) standard, from a suitably competent person, has been submitted to and approved in writing by the Local Planning Authority. The development shall then be implemented fully in accordance with the approved details.

Reason: To ensure development is capable of meeting needs of older people and people with disabilities in compliance with policy 15 of the County Durham Plan and Part 12 of the NPPF.

3. 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.

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

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

5. No development shall be occupied until details of the surface treatment and construction of all hardsurfaced areas has been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be undertaken in accordance with the approved details prior to first occupation.

Reason: In the interests of the visual amenity of the surrounding areas in accordance with Policy 29 of the County Durham Plan and Parts 12 and 15 of the National Planning Policy Framework.

6. No development shall commence until such time as a scheme detailing the precise means of broadband connection to the site has been submitted to and agreed in writing by the local planning. Thereafter, the development shall be carried out in accordance with the agreed detail.

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

7. No development shall be occupied until details of the propriety bat and bird boxes, annotated on approved plan 'Proposed Site Plan Revision I', have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be undertaken in accordance with the approved details prior to first occupation.

Reason: In the interests of ensuring the delivery of Biodiversity Net Gain enhancement in accordance with Policy 41 of the County Durham Plan and Part 15 of the National Planning Policy Framework.

8. In undertaking the development that is hereby approved:

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

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

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

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

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

9. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and/or re-enacting that Order), no development under Part 1 Classes A, AA and B of the GDPO shall take place without the grant of further specific planning permission from the Local Planning Authority.

Reason: In the interests of the amenity of the surrounding area in accordance of Policies 29 and 31 of the County Durham Plan and Parts 12 and 15 of the National Planning Policy Framework.

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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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Submitted application form, plans, supporting documents and subsequent information provided by the applicant  
Statutory, internal and public consultation responses  
The National Planning Policy Framework (2019)  
National Planning Practice Guidance Notes  
County Durham Plan  
Residential Amenity Standards SPD (2020)



<p><b>Planning Services</b></p>	<p>DM/21/00911/FPA  Proposed development of 5 dwellings and associated parking at allotment site to the west of 5-10 Front Street, Framwellgate Moor, DH1 5EJ.</p>	
<p>This map is based upon Ordnance Survey material with the permission of Ordnance Survey on behalf of Her Majesty's Stationary Office © Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceeding.  Durham County Council Licence No. 100022202  2005</p>	<p><b>Date</b> 29 July 2021</p>	<p><b>Scale</b> NTS</p>