



Planning Services

COMMITTEE REPORT

APPLICATION DETAILS

Application No:	DM/21/02896/FPA
Full Application Description:	Redevelopment of stables to provide 1 no 4 bed dwelling
Name of Applicant:	Mr and Mrs Bracewell
Address:	Fernhill, Newcastle Road, Crossgate Moor, Durham, DH1 4JZ
Electoral Division:	Neville's Cross
Case Officer:	George Spurgeon (Planning Officer) Tel: 03000 261 959 Email: george.spurgeon@durham.gov.uk

DESCRIPTION OF THE SITE AND PROPOSAL

The Site

1. Fernhill is a large detached house lying in extensive grounds on the north western edge of the Crossgate Moor area of Durham. To the west is open countryside, to the east the north-south running A167 road lies beyond The Lodge at the entrance to the site, with detached residential properties and Flass Vale further beyond. To the north lie residential properties in Whitesmocks Avenue, separated from the application site by the unsurfaced Club Lane extending in an east-west direction. Immediately to the south is further open countryside, with residential properties in Crossgate Moor Gardens beyond. The site is located within the Durham City Green Belt.
2. The existing building sits in a large area predominantly given over to lawns and substantial structural planting that screens much of the site from public views. It is set on a hill with the main house at the highest point and unequal falls to each side. The greatest change in level is to the north where the slope of the property falls to Club Lane and this difference in height wraps round the contours to the main road. The road rises as it heads south, however even at the highest point of the surrounding land the house still stands clear of its surroundings.

3. Close by to the site there are bus stops with services travelling into the city centre and northbound towards the Arnison Centre and Newcastle. Durham Johnson School is close to the south along with a general retailer and a vet's practice.

The Proposal

4. The application seeks planning permission for the demolition of the existing stables and the erection of a new 4 bed dwelling. The property known as Fernhill would be retained as a family dwelling.
5. The dwelling is proposed to be of an 'L' shape similar to the form and siting of the existing stables, with an upper floor footprint of 89m² and a lower floor footprint of 115m², compared to the approximate 100.7m² footprint of the existing stable building. The dwelling would consist of a lounge, dining area, kitchen, study and utility room to the first floor with four bedrooms and a bathroom to the lower floor. Whilst the dwelling would feature two storeys, it has been designed to be built into the landscape, resulting in the property appearing as a single storey dwelling from the north, east and west, and as a two-storey dwelling from the south. The red dashed line shown on the proposed elevation drawing indicates the height of the existing stables, of which the roof of the proposed dwelling would be comparable.
6. The dwelling has been designed to utilise traditional materials of stone to the base, complemented by timber cladding to the north, east and west external walls, stone to the southern elevation with glazing framed by stone quoins, and standing seam metal for the hipped roof. An external stone chimney is proposed to the east elevation.
7. Access to the site is currently from the A167 via two positions on the eastern boundary, with the main access to be taken from the southern gated unadopted private drive leading past The Lodge cottage and the northern entrance remaining to serve Fernhill. Two car parking spaces would be provided immediately to the south of the dwelling.
8. The application is reported to the Planning Committee at the request of the City of Durham Parish Council who consider the proposals to amount to inappropriate development within the Green Belt, as well as raising concerns over the impact on the Area of Higher Landscape Value.

PLANNING HISTORY

95/00371/FPA - Erection of three stall stable block erection of 2.1m stone wall and raising of pitched roof over private garage – Approved

03/00009/FPA - Erection of two storey pitched roof extension to side, single storey pitched roof extension to rear and extension of detached garage, to include demolition of existing garage and conservatory – Approved

03/00880/FPA - Change of use and conversion of existing garage to self-contained residential bedsit – Approved

08/00523/FPA - Proposed demolition of existing lodge and erection of replacement together with an additional 12 no. two storey detached dwellings with associated garaging, parking, access and landscaping – Withdrawn

09/00134/FPA - Demolition of existing flat roof extension and erection of replacement single storey pitched roof extension, erection of two storey pitched roof extension to east side elevation, erection of replacement porch to north elevation, removal of chimney and erection of replacement and demolition of existing outbuildings and erection of detached double garage – Withdrawn

09/00693/FPA - Demolition of existing flat roof extension and erection of replacement two storey pitched roof extension to east elevation, erection of single storey pitched roof extension to north elevation – Approved

11/00535/FPA - Erection of 3 no. dwellinghouses – Refused and dismissed at appeal

DM/14/03327/FPA – Erection of four detached dwellings with attached garages, demolition of the stable block conservatory extension on Fernhill and erection of a car port / covered area for parking a horse box - Refused

PLANNING POLICY

National Policy

9. 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 dependent.
10. The presumption in favour of sustainable development set out in the NPPF requires local planning authorities to approach development management decisions positively, utilising twelve 'core planning principles'. The following elements of the NPPF are considered relevant to this proposal;
11. *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.

12. *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.
13. *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.
14. *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.
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 13 Protecting Green Belt Land*: The Government attaches great importance to Green Belts. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence.
18. *NPPF Part 15 Conserving and Enhancing the Natural Environment* - Conserving and enhancing the natural environment. The Planning System should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes, geological conservation interests, recognising the wider benefits of ecosystems, minimising the impacts on biodiversity, preventing both new and existing development from contributing to or being put at unacceptable risk from pollution and land stability and remediating contaminated or other degraded land where appropriate.
19. *NPPF Part 16 Conserving and Enhancing the Historic Environment* - Heritage assets range from sites and buildings of local historic value to those of the highest significance, such as World Heritage Sites which are internationally recognised to be of Outstanding Universal Value. These assets are an irreplaceable resource, and should be conserved in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of existing and future generations.

Local Plan Policy:

20. The following policies of the County Durham Plan are considered relevant to the determination of this planning application:
21. 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.
22. *Policy 20 Green Belt* states that development within the Green Belt will be determined in accordance with national planning policy.
23. *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.
24. *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.
25. *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.
26. *Policy 32 Despoiled, Degraded, Derelict, Contaminated and Unstable Land* states 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 and all investigations and risk assessments have been undertaken by an appropriately qualified person.
27. *Policy 35 Water Management* states that all new development should adopt the hierarchy of preference in relation to surface water disposal.

28. *Policy 36 Disposal of Foul Water* states that all new development should adopt the hierarchy of preference.
29. *Policy 39 Landscape* states that proposals for new development will be permitted where they would not cause unacceptable harm to the character, quality or distinctiveness of the landscape, or to important features or views and that development affecting valued landscapes will only be permitted where it conserves, and where appropriate enhances, the special qualities of the landscape, unless the benefits of the development in that location clearly outweigh the harm.
30. *Policy 40 Trees, Woodlands and Hedges* states that proposals will be expected to retain existing trees where they can make a positive contribution to the locality or to the development, maintain adequate standoff distances between them and new land-uses, including root protection areas where necessary, to avoid future conflicts, and integrate them fully into the design having regard to their future management requirements and growth potential.
31. *Policy 41 Biodiversity and Geodiversity* states that proposal for new development will not be permitted if significant harm to biodiversity or geodiversity resulting from the development cannot be avoided, or appropriately mitigated, or as a last resort, compensated for.

Neighbourhood Plan

32. The following policies of the Durham City Neighbourhood Plan are relevant;
33. *Policy S1: Sustainable Development Requirements of all Development and Redevelopment Sites Including all New Building, Renovations and Extensions* provides a general list of criteria to which all new development must adhere where relevant and appropriate.
34. *Policy H3: Our Neighbourhood Outside the Conservation Areas* which seeks to ensure that new development in these areas demonstrates an understanding of the area of the proposed development and its relationship to Our Neighbourhood as a whole.
35. *Policy D4: Building Housing to the Highest Standards* states that all new residential development should be of high quality design and meet building for life 12 standards.
36. *Policy T1 Sustainable Transport Accessibility and Design* seeks to ensure that development proposals will be required to demonstrate best practice in respect of sustainable transport accessibility and design.

CONSULTATION AND PUBLICITY RESPONSES

Statutory Consultee Responses:

37. The Coal Authority: considers that the content and conclusions of the Phase I Geo-Environmental Site Assessment are sufficient for the purposes of the planning system and meet the requirements of the NPPF in demonstrating that the application site is, or can be made, safe and stable for the proposed development, and as such offers no objection.
38. The City of Durham Parish Council object to the application on the grounds that the scale and massing of the proposed dwelling would have a greater impact upon the openness of the Green Belt than the existing stables so would constitute inappropriate development in the Green Belt with no very special circumstances; that the proposed dwelling would harm the surrounding Area of Higher Landscape Value (AHLV); and over concerns that the applicant would seek to erect new stables in the future as the existing stables are currently in use. Considers the proposal to be contrary to County Durham Plan Policies 20 and 39, Durham City Neighbourhood Plan Policies H3 and G4, and NPPF Parts 13 and 15.

Internal Consultee Responses:

39. *Highways*: comment that they are satisfied that the development could be accessed from the existing provision and as such offer no objections to the application.
40. *Landscape*: comment that the site is relatively well contained visually by a combination of topography, mature trees and garden vegetation and seek to ensure the retention of vegetation along the site boundaries.
41. *Arboricultural Officer*: notes that the proposal would result in the removal of T34 and T35 to facilitate the construction of the driveway and comments that their loss would not have a significant impact. The application is supported by a comprehensive Arboricultural Impact Assessment (AIA), Tree Protection Plan (TPP) and Arboricultural Method Statement (AMS) which are considered to be acceptable.
42. *Design and Conservation*: comments that the level of impact within the setting of the non-Designated Heritage Asset would be considered negligible and not harmful.
43. *Nuisance Action*: recommend a condition requiring the dwelling to be designed to ensure noise audible within the specified rooms and areas do not exceed specified noise levels.
44. *Contaminated Land*: consider that a Phase 2 site investigation report, Phase 3 remediation strategy and Phase 4 verification report should be secured by condition. Recommend a suitably worded informative in relation to unforeseen contamination.

45. *Archaeology*: notes that previous applications at this site have been commented on by the Archaeology Section, based on the findings of a desk based assessment (DBA) carried out in 2008 and submitted in support of application 4/11/00535/FPA. Consider that this is still relevant for this application and archaeological work should be carried out, to be secured by condition.

Public Responses:

46. The application has been publicised by way notification letters sent out to neighbouring land owners, and a site and press notice. 7 objections have been received, including one from the City of Durham Trust, raising the following concerns:

- The proposal is contrary to Green Belt policy as the proposal would impact negatively on the site openness and therefore the quality and value of the site as green belt, and expands the developed area within the green wedge linking to Flass Vale, with no exceptional circumstances to outweigh this harm
- Approving the application could set a precedent for replacing stables with dwellings, and would make it difficult to refuse the erection of a new garage on the site in the future
- Questions whether the stables and associated grazing land could be considered to form part of the garden of Fernhill, as the proposal takes in substantial areas of the site landscaping in addition to the current stable block
- The proposed dwelling would have a greater impact on the openness on the Green Belt than the existing stables
- The proposal would result in the loss of green space which is important for residents health and wellbeing, considers that the Fernhill site is far too large to be considered as only private residential garden space and is a landscaped estate forming a key component of the greenspace surrounding Durham City.
- The Fernhill highway access enters from a very busy section of the A167 with poor sightlines between the crest of a hill and a curve.
- Considers the proposal to be contrary to CDP Policy 10, 20 and 29, DCNP Policy S1, H3 and G1 and NPPF Part 13

47. Two letters of support have also been received, considering the proposed development to be positive for the city

Applicants Statement:

48. The site was purchased in 1994. The land was not within the designated Green Belt. In 1995 the applicant started to develop the land and successfully applied for and obtained planning permission to build stables on the land and convert one of the outhouses into a cottage, which is now rented privately. The requisite planning permissions were obtained and no reference was made to Fernhill being in the Green Belt. This changed in 2004 when the site was erroneously added to the Green Belt. It was land to the south of Fernhill (a Persimmon Homes site) that was considered during the City of Durham Local Plan Inquiry.

49. Since then, the development of this site has a long history of support from the Council, including acknowledgement in 2010 that there was “no rationale or justification as to why” the site was included in the Green Belt in 2004. In 2016 Officers of DCC signed a Statement of Common Ground that stated that the land exhibited none of the five purposes of Green Belt and should be removed from the Green Belt. In 2019 Officers of DCC signed a further Statement of Common Ground which repeated the opinion held for the previous 10 year.
50. Notwithstanding the above, we have continued to work with the local authority to reach an appropriate way forward which is both sensitive to the landscape in which it sits and provides unique design in line with the new aims of the NPPF. We have engaged in a pre-application enquiry to understand the position of officers in relation to the impact on openness of the Green Belt. It was recognised within this response that there were several merits of the proposal such as the Council’s Landscape Officer who notes that visually, the impact of the development upon openness would not be widely appreciated outside of the site in views from public vantage points. Following the pre-application response, further detailed design stages were explored to consider the best way forward.
51. The proposed home is within the footprint of the existing stable building. The scale of the building is to reflect the existing stable buildings and appear as low level single storey from the west, north and east. It is only from the south that the two storey element can be perceived.
52. The proposal now includes a singular home which utilises the topography of the site to propose a high-quality design which has carefully considered the character of the locality, introduced sustainable features with limited harm to the landscape. As acknowledged by both planning officers and landscape officers, there is significant existing screening which limits views into the site. The proposal includes locally sourced stonework with areas of timber cladding amongst other materials which provide a unique and beautiful home.
53. This proposal remedies past errors and the existing site does not contribute to a Green Belt function in terms of its openness as it has an urban character associated with residential dwellings and associated activities. The development will therefore not impact on the openness of the Green Belt as recognised by officers.

PLANNING CONSIDERATION AND ASSESSMENT

Section 38(6) of the Planning and Compulsory Purchase Act 2004 sets out that if regard is to be had to the development plan, decisions should be made in accordance with the development plan unless material considerations indicate otherwise. In accordance with Paragraph 212 of the National Planning Policy Framework (NPPF), the policies contained therein are material considerations that should be taken into account in decision-making. Other material considerations include representations received. In this context, it is considered that the main planning issues in this instance relate to the principle of development, the impact on the openness of the Green Belt, surrounding landscape, heritage assets, residential amenity, highway issues, land contamination and stability, ecology and drainage.

Principle of Development

54. Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise with the NPPF representing a material planning consideration in this regard. 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. Paragraph 11c of the NPPF requires applications for development proposals that accord with an up to date development plan to be approved without delay.
55. This proposal seeks to develop land at Fernhill for one detached dwelling. The site is within the Green Belt and regarded as an area of high landscape value.
56. There is relevant planning history on this site, as it is noted that a previous planning application (4/11/00535/FPA) to develop three houses at the site was refused in September 2011, and a subsequent appeal (APP/X1355/A/11/2162513) dismissed in January 2012. More recently, application DM/14/03327/FPA for the erection of four detached dwellings with attached garages, and the erection of a car port / covered area for parking a horse box was refused by the planning committee in January of this year. The refusal and dismissal reasons centred around Green Belt implications, including the adverse effect on openness.
57. Consideration to remove the Fernhill site from the Green Belt took place through the plan making process, and the evolution and development of the County Durham Plan (CDP). The version of the CDP which was submitted for examination contained a Policy relating to 'non-strategic Green Belt amendments' which earmarked Fernhill for removal from the Green Belt (it was Policy 21 within the submission version). The Examination in Public (EiP) of the CDP commenced in November 2019 and the programmed hearing sessions closed on 6th February 2020. The Inspector issued his post hearing advice on 20th February 2020, and an amended CDP was prepared to take account of the specific instructions from the Inspector, and also to take account of all the minor/main modifications which the Council proposed following the hearing sessions and in response to the action points issued by the Inspector. This updated Plan was subject to consultation (26th May until 21st July 2020), with all comments sent to the Inspector to inform his final report, which was issued on 17th September 2020. The report confirmed that the CDP was sound and could progress to adoption.
58. The report dealt with the proposed removal of Fernhill from the Green Belt within paragraphs 334 to 337, and these are set out below:
59. 334. Fernhill is a detached house standing within a large garden surrounded by mature vegetation. It is separate from the main built up area of Durham city which is largely on the other side of the A167, and is bordered by an historic green lane to the north and open countryside to the west and south. The site is mainly open, and appears as part of the attractive rural area forming the setting of the historic city in this particular location.

- 60.335. Neither of the above two sites are required to meet identified development needs, and I am not persuaded that there are exceptional circumstances to justify the removal of either of them from the Green Belt.
- 61.336. I concluded earlier in this report that there are exceptional circumstances to justify removing land at the former police skid pan at Aykley Heads from the Green Belt and that it is suitable for residential development. The allocation of the site and its exclusion from the Green Belt are clearly shown on the Policies Map, and development requirements are set out in policy 4. Policy 21 therefore serves no material purpose with regard to the site.
- 62.337. In light of the above I conclude that policy 21 and paragraphs 5.198 to 5.201 inclusive be deleted from the Plan [MM102 and MM103]. The Policies Map should be amended to retain Fernhill and the former Lumley Boys School site in the Green Belt.
63. The finalised CDP was subsequently adopted by the Council on 21st October 2020 and is the development plan which covers the whole of County Durham. Within the CDP, Fernhill remains within the Green Belt.
64. This proposal will be assessed against the relevant local planning policies from the CDP, as well as national planning policy. As the application site remains within the Green Belt, Policy 20 (Green Belt) of the CDP is applicable. This states that development proposals within the Green Belt will be determined in accordance with national planning policy. The supporting text confirms that there is a presumption against inappropriate development in the Green Belt unless very special circumstances can be demonstrated.
65. The NPPF should therefore be used to assess this proposal. The NPPF attaches great importance to Green Belts, and identifies, at Paragraph 138 that the Green Belt serves five purposes. Paragraph 147 of the NPPF under proposals affecting the Green Belt states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.
66. Paragraph 149 of the NPPF advises that a local planning authority should regard the construction of new buildings as inappropriate in the Green Belt. Exceptions to this are:
- a. buildings for agriculture and forestry;
 - b. the provision of appropriate facilities (in connection with the existing use of land or a change of use) for outdoor sport, outdoor recreation, cemeteries and burial grounds and allotments; as long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it;

- c. the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building;
- d. the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces;
- e. limited infilling in villages;
- f. limited affordable housing for local community needs under policies set out in the development plan (including policies for rural exception sites); and 43
- g. limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings), which would:
 - not have a greater impact on the openness of the Green Belt than the existing development; or
 - not cause substantial harm to the openness of the Green Belt, where the development would re-use previously developed land and contribute to meeting an identified affordable housing need within the area of the local planning authority.

67. The starting point for determination of this application in terms of the principle of development is that the construction of new buildings in the Green Belt should be considered as inappropriate development. However, it is necessary to consider whether any of the exceptions set out above and in Paragraph 149 of the NPPF are applicable to the proposed development.

68. In this regard, whilst the definition of previously developed land is clearly set out within Annex 2 (Glossary) of the NPPF, the applicant has made a submission citing case law which they consider to be relevant and which supports their assertion that the Fernhill site is previously developed land rather than a greenfield site and that the proposed development falls within the exceptions to inappropriate development set out in Paragraph 149 of the NPPF.

69. The case concerned is *Dartford Borough Council v Secretary of State for Communities and Local Government* [2017]. This case concerned the definition in the Glossary to the NPPF of "Previously Developed Land" and in particular the exclusion of "land in built-up areas such as private residential gardens, parks, recreation grounds and allotments". Dartford BC challenged a decision of one of the Secretary of State's Inspectors which had held that the site of the proposed development in that case, which was in the countryside rather than a built-up area, was previously developed land since it was within the curtilage of an existing dwelling and not caught by the above-quoted exclusion. Dartford BC's case was that to treat residential gardens in built-up areas as excluded by PDL but not to treat residential gardens in the countryside as PDL, was illogical. The Secretary of State submitted that Dartford BC's interpretation defied the clear wording of the NPPF Glossary. The Court of Appeal (Lewison LJ giving the lead judgment) agreed with the Secretary of State.

70. The applicant's submission is that as the Fernhill site is not within the settlement limits of Durham City, it can be determined that the application site is not within a built-up area. They assert that the proposal site is existing private residential garden space for Fernhill, and therefore, the proposal site is considered to comprise previously developed land and should be assessed as to whether the proposed development would have an impact on openness in the Green Belt.

71. Annexe 2 of the NPPF defines previously developed land as: 'Land which is or was occupied by a permanent structure, including the curtilage of the developed land (although it should not be assumed that the whole of the curtilage should be developed) and any associated fixed surface infrastructure.' It is noted that an objection was received considering that the Fernhill site is too large to be considered as only private residential garden space and is a landscaped estate forming a key component of the greenspace surrounding Durham City.
72. The application site comprises the existing stable building, menage to the south and the access from the A167 past The Lodge. Fernhill has existed since circa 1896 and planning permission granted for the erection of stables in 1995. Therefore, the land is clearly occupied by a permanent structure. The land surrounding Fernhill, whilst extensive, has not been sub-divided in any way and is clearly separated from the surrounding fields to the west and south by a line of mature trees. This gives credence to the view that the land surrounding Fernhill is private garden land associated with this property, with the stables sited on land within its curtilage.
73. In addition to the above, the Inspector's CDP report concluded that Fernhill "is separate from the main built up area of Durham City which is largely on the other side of the A167", and that "The site is mainly open, and appears as part of the attractive rural area forming the setting of the historic city in this particular location". Therefore, it is considered that the site is not excluded from the definition of previously developed land by virtue of it comprising garden land within the curtilage of an existing building, located outside the built up area of Durham City. Consequently, the proposal should be assessed as to whether it meets the criteria in sub-paragraph (g) of Paragraph 149 of the NPPF.
74. Sub-paragraph (g) of Paragraph 149 of the NPPF provides that development on previously developed land would not be considered to be inappropriate development where it can be demonstrated that the development would either (a) not have a greater impact on the openness of the Green Belt than the existing development or (b) not cause substantial harm to the openness of the Green Belt, where the development would re-use previously developed land and contribute to meeting an identified affordable housing need within the area of the local planning authority.
75. The proposal would not contribute to meeting an identified affordable housing need and so whether the proposed development can be considered to qualify for this exception depends upon whether the impact of the proposed dwelling upon the openness of the Green Belt would be greater than the existing stables, which will be discussed under the heading below.

Impact on the Openness of the Green Belt

76. Planning Practice Guidance advice confirms that matters to consider when assessing the impact upon openness include acknowledgement that openness can have both spatial and visual impacts, the duration of the development and its remediability (taking into account any provisions to return land to its original state or to an equivalent or improved state of openness), and the degree of activity likely to be generated. However, it remains that any assessment as to whether openness would be preserved is a matter of judgement based upon the merits of each case.
77. With regards to the spatial aspect of openness, it is noted that in dismissing an appeal against the Council's decision to refuse planning permission for 3 residential dwellings at the site in 2012, the planning inspector considered that the development was inappropriate and would result in harm to the openness of the Durham City Green Belt, acknowledging that whilst the site topography is such that views of the open countryside beyond the site would be largely unaffected, the proposed development of the site for three dwellings would nevertheless alter the openness of the site itself.
78. The current proposals are of a much-reduced scale in terms of the quantum of development, with only one dwelling now proposed. The dwelling is proposed to be sited in the same location as the existing stable building whilst maintaining its 'L' shape form, with an upper floor footprint of 89m² and a lower floor footprint of 115m², compared to the approximate 100.7m² footprint of the existing stable building. Consequently, the dwelling would have a similar form to the existing stable building and a slightly smaller footprint at upper floor level (the level of the existing stable), with the lower floor level being built into the hillside to reduce the massing of the dwelling. Thus, in terms of the height of the proposed dwelling relative to the existing stable building, and as indicated by the red line on the proposed elevations drawing, the dwelling would not exceed the eaves or ridge height of the stables.
79. With regards to the visual aspect of openness, it is noted that the site is bordered by mature trees and vegetation. A key consideration of the proposals is to ensure that these trees and vegetation can and would be maintained after the construction works to ensure the constructed dwelling would continue to benefit from effective screening from public vantages.
80. To demonstrate this, the applicant has submitted a detailed Arboricultural Impact Assessment (AIA), Arboricultural Method Statement (AMS), and Tree Protection Plan (TPP). This information demonstrates that Tree 34 and 35C (low quality Holly trees) would need to be removed to facilitate the new driveway access to the dwelling and tree 7 would need to be pruned to establish a suitable offset from the dwelling. The AMS also details protection measures to be adhered to during construction, with the installation of protective fencing as well as the use of ground protection measures for works within the root protection areas of trees 7, 11, 32, 33, 36 and 38. The submitted AIA is a detailed document which concludes that 'no significant damage should take place during the demolition or construction phase and the tree cover should flourish in the longer term.' A condition (number 10) is recommended to ensure the development is carried out in accordance with the AMS and TPP.

81. With it being demonstrable that the trees and vegetation along the southern and western boundaries can be retained, and can be secured via a condition, the development would not be widely appreciated outside of the site in views from public vantage points. Furthermore, the residential properties at Whitesmocks to the north are located on a significantly lower land level which would prevent views of the dwelling from this location, and views of the dwelling from the A167 to the east would not be possible due to the boundary vegetation, higher ground level of the site and the position of Fernhill.
82. In summary, the proposed dwelling would be built into the hillside resulting in it having a similar form, massing and height to the existing stable building and the visual impact of the dwelling would be extremely limited from outside the application site due to the retention of the boundary vegetation and topography. Therefore, the proposed dwelling is not considered to have a greater impact upon the openness of the Green Belt than the existing stables and so is in accordance with Paragraph 149 g) of the NPPF and CDP Policy 20. Accordingly, it is not inappropriate development and the policy tests in paragraphs 147 & 148 of the NPPF do not apply. A condition (number 15) is recommended to remove permitted development rights for extensions to and free-standing structures within the curtilage of the proposed dwelling to ensure the Local Planning Authority retains control over further development of the site which may impact upon the openness of the Green Belt.

Impact on the Surrounding Landscape

83. The site lies in an area formerly identified in the City of Durham Local Plan as Area of High Landscape Value and currently identified in the County Durham Plan as an Area of Higher Landscape Value (AHLV).
84. Policy 39 (Landscape) of the CDP seeks to protect the character, quality or distinctiveness of the landscape and expects new development to incorporate appropriate measures to mitigate adverse landscape and visual effect. The policy makes clear that development affecting Areas of Higher Landscape Value (as in this case) will only be permitted where it conserves, and where appropriate enhances, the special qualities of the landscape, unless the benefits of development in that location clearly outweigh the harm.
85. The AHLV in this area covers open countryside to the west of the site and the wooded common of Flass Vale to the east. The open leafy grounds of three large properties, Fernhill, Friarside and Flass Vale Hall, form a transition between the two and contribute to the AHLV in this area through a combination of their open, largely undeveloped, character and their mature vegetation.
86. The proposals would see the erection of a dwelling on the site of the existing stable building to the west of the site which is screened by a line of mature trees. As discussed above, the dwelling has been designed to be built into the landscape to minimise its scale, massing and impact on the openness of the Green Belt. Views of the proposed dwelling from distance would be limited by the nature of the topography and surrounding development and the retention of the mature garden vegetation along the boundaries of the site. Therefore, the proposed development would not have a significant impact on the character of the wider landscape.

87. As discussed under the heading above, information has been submitted with the application to demonstrate that the mature vegetation along the boundaries of the site could be retained during the construction works, ensuring that the proposals would be visually contained and consequently the impacts in terms of public views would be minimal, broadly conserving the contribution made by the site's vegetation to the AHLV. Therefore, the proposals are considered to accord with CDP Policy 39.

Design, Layout and Heritage Assets

88. Fernhill and Lodge was originally built in the late Victorian era, firstly appearing on the 1896 ordnance survey map, it was originally known as Crofton House, and is considered to be a non-designated heritage asset (NDHA). Fernhill sits on a high point and may be considered the most prominent building within the site and the application site lies within the setting of the asset.

89. NPPF Paragraph 203 advises that the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.

90. In line with this, CDP Policy 44 states that a balanced judgement will be applied where development impacts upon the significance and setting of non-designated heritage assets and that in determining applications which would affect a known or suspected non-designated heritage asset with an archaeological interest, particular regard will be given to ensuring that archaeological features are generally preserved in situ; and in cases where the balanced judgement concludes preservation in situ should not be pursued, it will be a requirement that they are appropriately excavated and recorded with the results fully analysed and made publicly available.

91. CDP Policy 29 requires development to (in part): a) 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 d) minimise the use of non-renewable and unsustainable resources during both construction and use by encouraging waste reduction and appropriate reuse and recycling of materials, including appropriate storage space and segregation facilities for recyclable and non-recyclable waste and prioritising the use of local materials.

92. In addition, Policy S1 of the DCNP seeks to promote economic well-being by contributing to a mix of uses and to preserve and enhance the neighbourhood by harmonising with its context in terms of scale, layout, density, massing, height, materials, colour, and hard and soft landscaping; and conserving the significance of the setting, character, local distinctiveness, important views, tranquillity and the contribution made to the sense of place by designated and non-designated heritage assets.

93. DCNP Policy H3 relates to development outside of the conservation areas and states that development proposals outside the Conservation Areas should take into account, and meet where appropriate and relevant to the area to which the proposal relates, the following requirements, by:
- a) sustaining and making a positive contribution to the character and distinctiveness of the area; and
 - b) avoiding the loss of open space and public realm that contributes to the character and appearance of the surrounding area; and
 - c) using high quality design which contributes to the quality and character of the area; and
 - d) having scale, density, massing, form, layout, landscaping and open spaces appropriate to the context and setting of the area; and
 - e) using materials and finishes appropriate to the context and setting of the area.
94. Policy D4 Building Housing to the Highest Standards seeks to ensure that all new housing must be of a high-quality design relating to the character and appearance of the local area, aesthetic qualities, external and internal form and layout, functionality, adaptability, resilience and the improvement of energy efficiency and the reduction of carbon dioxide emissions.
95. The dwelling would be sited in the same location as the existing stables with a similar 'L' shaped form. Design and Conservation Officers have commented that the concept of the proposal aims to create a pavilion in the landscape and utilises a material palette of stone, glass, timber and standing seam roof to positively respond to Fernhill and the landscape setting whilst introducing a contemporary approach to the architecture which takes advantage of solar gain. The applicants Planning and Heritage Statement confirms the use of stone that is locally sourced which accords with the aims and objectives of criterion d) of CDP Policy 29. A condition (number 7) is recommended to secure details of the details of the make, colour and texture of all walling and roofing materials prior to the commencement of works.
96. Whilst there will be intervisibility between the proposed development site and the non-designated heritage asset, the proposed development would be built into the hillside to reduce its bulk and massing, sitting at a lower level and reading as subservient to Fernhill, with limited impact on the setting of the non-designated heritage asset. Overall, the level of impact within the setting of the non-designated heritage asset would be considered negligible and not harmful.
97. Archaeology Officers have commented that the findings of a desk-based assessment (DBA) carried out in 2008 and submitted in support of application 4/11/00535/FPA also relating to this site are still relevant and recommend the imposition of two conditions relating to a programme of archaeological work and a post investigation assessment. With these conditions the proposal is considered to accord with CDP Policy 44 and NPPF Paragraph 203.

98. Overall, it is considered that the proposals are of high quality design utilising a material palette that would respond positively to the setting of Fernhill and the wider landscape whilst comprising an appropriate scale, massing, form and layout. The proposals are therefore considered to be in accordance with CDP Policy 29 and 44, Part 12 and 16 of the NPPF and DCNP Policy S1, H3 and D4.

Residential Amenity

99. Paragraph 130 of the NPPF advises that planning decisions should create places that have a high standard of amenity for existing and future users.
100. In line with this, CDP Policy 31 states that all new development that has the potential to lead to, or be affected by, unacceptable levels of air quality, inappropriate odours and vibration or other sources of pollution, either individually or cumulatively, will not be permitted including where any identified mitigation cannot reduce the impact on the environment, amenity of people or human health to an acceptable level.
101. In addition, criterion e) of Policy 29 requires all development proposals to provide high standards of amenity and privacy, and minimise the impact of development upon the occupants of existing adjacent and nearby properties.
102. The dwelling has been designed to incorporate a sunken patio to the north to allow light to enter the window serving the study on the ground floor. The position and crown spread of T7 and T9 are unlikely to cause future loss of light to the property as the design only includes two small windows on the west elevation, serving a w/c and a secondary window serving the dining room. The majority of windows serving habitable rooms are contained within the other elevations away from any trees to provide sufficient outlook and light for the inhabitants. The proposed layout accords with the Nationally Described Space Standards and includes a generous amount of external amenity space to the south. Overall, it is considered that residential amenity for future occupiers would be sufficient.
103. With regards to separation distances, the east elevation is proposed to contain two windows serving the lounge. These would be secondary windows, with the primary windows contained within the south elevation. The east facing windows would face onto the front of the single storey dormer annexe building 12m away, which is below the typically required 18m between habitable room windows within bungalows. Therefore, a condition is recommended to require these windows to be obscure glazed to protect the privacy of the occupants of the proposed dwelling and this annexe building. With this condition (number 13), the minimum requirements stated in the Council's Residential Design Supplementary Planning Document would be achieved, ensuring all residents on the site would benefit from sufficient levels of privacy and outlook.

104. Environmental Health Officers (EHO) have commented that the area is primarily rural/residential, with limited sources of noise in the area, with the most significant noise source in the vicinity of the site being the A167 road. To protect the amenity of future occupiers, they recommend a condition requiring the dwelling to achieve compliance with specified noise levels. EHO also comment that the information contained within the submitted Construction Management Plan is sufficient to protect the amenity of neighbouring residents, provided the working hours and strategies for noise and light nuisance mitigation are adhered to. Accordingly, conditions (number 11 and 12) are recommended to secure this.
105. Therefore, the proposals are considered to accord with CDP Policy 29(e) and 31 and Part 12 of the NPPF.

Highway Issues

106. Paragraph 111 of the NPPF advises that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.
107. CDP Policy 21 relates to the delivery of sustainable transport and states that the transport implications of development must be addressed as part of any planning application and [in part] that all development should deliver sustainable transport by ensuring that any vehicular traffic generated by the development, following the implementation of sustainable transport measures, can be safely accommodated on the local strategic highway network. This displays a broad level of accord with the aims of Paragraph 110 of the NPPF which states that planning decisions should ensure development provides safe and suitable access to the site can be achieved for all users.
108. DCNP Policy T1 seeks to avoid development that would result in adverse transport related impacts where practicable and where necessary to provide mitigation in the form of contributions to access to sustainable means of transport.
109. The Highway Authority has been consulted and advise that given the current proposal is for one dwelling only, to replace an existing private stables, they do not consider there would be a requirement to ensure access and turning are to an adoptable standard and are satisfied that the development could be accessed from the existing provision. In addition, the dwelling is proposed to be served by two in-curtilage car parking spaces which accords with the Council's Car Parking and Accessibility Standards 2019 for a four-bed dwelling. This document sets out that dedicated cycle parking is not required for dwellings with less than five bedrooms which is the case of this proposal.
110. The proposed development is in a sustainable location, would be served by a safe and suitable access, a sufficient amount of in-curtilage car parking, and would not generate a significant increase in traffic. Therefore, the proposals are not considered to adversely affect highway safety and accord with CDP Policy 21 and DCNP Policy T1

Land Contamination and Stability

111. Policy 32 of the CDP states 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 and all investigations and risk assessments have been undertaken by an appropriately qualified person. This displays a broad level of accord with Paragraph 183 of the NPPF, which requires that planning decisions should ensure that the site is suitable for its new use taking account of ground conditions and land instability, including from natural hazards or former activities such as mining, pollution arising from previous uses and any proposal for mitigation including land remediation or impacts on the natural environment arising from that remediation.
112. The EHO has assessed the available information and historical maps with respect to land contamination and reviewed the submitted ERGO Environmental Ltd. (August 2021) Phase 1 Geo-Environmental Site Assessment. The EHO has commented that they are satisfied with the information provided in the report and given that the site has been previously developed and due to the fact that this development constitutes a change of use to a more sensitive receptor, recommend the imposition of two contaminated land conditions (3 and 4). With these conditions, the proposal accords with CDP Policy 32 and NPPF Paragraph 183.

Ecology

113. Part 15 of the NPPF seeks to ensure that developments protect and mitigate harm to biodiversity interests, and where possible, improve them.
114. In line with this, Policy 41 of the CDP states that proposal for new development will not be permitted if significant harm to biodiversity or geodiversity resulting from the development cannot be avoided, or appropriately mitigated, or as a last resort, compensated for.
115. The application is supported by a Bat Survey Report dated August 2019 and an Updating Bat Survey Report dated August 2021.
116. The 2019 survey identified a bat roost within a poplar tree within the site and concluded that development of the site would result in the loss of feeding and commuting habitat of district, local or parish value to low numbers of bats, with mitigation being particularly important due to the level of foraging activity and the close proximity of roosts to the proposed new housing.
117. This application has reduced the number of dwellings proposed from four to one and the most recent report concludes that no bats were seen emerging from the poplar tree (T2074) during the dusk survey, with a daylight inspection of the tree showing that tree was in poor condition and that tree work had been undertaken according to the advice previously provided by AllAboutTrees (2021).

However, the bat transect survey showed that common pipistrelle, soprano pipistrelle and Myotis bats use the tree lines for foraging and commuting. Up to 3 bats were seen at any one point and so two bat boxes are recommended to be added to trees near to the poplar T2074 to provide alternative roosting provision, considering the poor condition of the tree. The report concludes that no further survey work is necessary but recommends a condition to secure adherence to the Method Statement included within Appendix 1. Accordingly, a condition (number 8) is recommended.

118. With the above condition, the proposed development would accord with the requirements of CDP Policy 41, and Part 15 of the NPPF.

Drainage

119. CDP Policy 35 states that surface water run-off must be managed at source wherever possible and disposed of in the following order:
1. to an infiltration or soak away system.
 2. to a watercourse open or closed.
 3. to a surface water sewer.
 4. to a combined sewer.
120. The application proposes that all surface water generated by the development would be discharged to an existing water course, although the precise detail of the proposed arrangement has not been provided.
121. It is considered that a suitably worded planning condition (number 14) requiring the submission and agreement of precise detail as to the means of disposal of surface water prior to the commencement of development, would satisfactorily mitigate any potentially adverse impact in this regard.
122. Subject to such a condition, the development is considered to accord with the aims of CDP Policy 35.

In Response to Objectors Concerns

123. The City of Durham Parish Council consider that the proposals are contrary to DCNP Policy G4, which relates to proposals within the Green Belt land in the Sidegate and Frankland Lane area of Our Neighbourhood as shown in Proposals Map 4 (Green Belt -areas for improvement). The application site is not located within one of the two areas for improvement and so this policy is not relevant in this instance.
124. Concerns have been raised that approving the application could set a precedent for replacing stables with dwellings, and would make it difficult to refuse the erection of a new garage on the site in the future. This application does not propose the erection of a garage or new stable building. Any future planning applications for the erection of a garage or a stable block would be determined on its own merits.

CONCLUSION

125. The application site comprises private garden land of the dwelling known as Fernhill, in an area outside the settlement limits of Durham City. The development of the site therefore falls outside the exclusion of previously developed land as defined by Annex 2 of the NPPF, and so can be considered to be previously developed land. Therefore, the proposal would comprise the partial redevelopment of previously developed land and so the acceptability of the principle of the proposal in the Green Belt rests upon whether the proposed dwelling would have a greater impact on the openness of the Green Belt than the existing stable building it would replace.
126. The dwelling is proposed to comprise a similar footprint to the existing stable and be built into the hillside to ensure its height would not exceed the eaves or ridge of the stables. With the retention of the mature vegetation along the southern and western boundaries demonstrated by the submitted Arboricultural reports and recommended to be conditioned, views of the proposed dwelling from outside the site would be extremely limited by the treeline, higher topography, and surrounding buildings. Therefore, the proposed dwelling is not considered to have a greater impact, spatially or visually, on the openness of the Green Belt than the existing stable building it would replace. Given the above, neither would the proposals adversely affect the character of the surrounding landscape.
127. The dwelling is considered to be of an appropriate design, massing, siting and form that utilises materials that would respond positively to Fernhill, a non-Designated Heritage Asset, and no concerns are raised over the proposals adversely affecting the amenity of neighbouring residents or highway safety.
128. Notwithstanding the above, conditions are recommended to secure details relating to land stability, archaeology, drainage, as well as conditions restricting the hours and timing of works, and ensuring the protection of trees during the works. Subject to such conditions, the proposals are considered to accord with Policy 6, 20, 21, 29, 31, 32, 35, 39, 40, 41 and 44 of the County Durham Plan, Policy S1, H3, D4 and T1 of the Durham City Neighbourhood Plan and Parts 2, 4, 5, 6, 8, 9, 12, 13, 15 and 16 of the NPPF and so approval is recommended.

RECOMMENDATION

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 Policy 6, 20, 21, 29, 31, 32, 35, 36, 39, 40, 41 and 44 of the County Durham Plan, Policy S1, H3, D4 and T1 of the Durham City Neighbourhood Plan and Parts 2, 4, 5, 6, 8, 9, 12, 13, 15 and 16 of the National Planning Policy Framework.

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 2 site investigation, 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 is suitable for use, in accordance with 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 commence until a written scheme of investigation setting out a programme of archaeological work in accordance with 'Standards for All Archaeological Work in County Durham and Darlington' has been submitted to and approved in writing by the Local Planning Authority. The programme of archaeological work will then be carried out in accordance with the approved scheme of works.

Reason: To safeguard any Archaeological Interest in the site, and to comply with Policy 44 of the County Durham Plan and Part 16 of the National Planning Policy Framework. Required to be a pre-commencement condition as the archaeological investigation/mitigation must be devised prior to the development being implemented.

6. The development shall not be occupied until the post investigation assessment has been completed in accordance with the approved Written Scheme of Investigation. The provision made for analysis, publication and dissemination of results, and archive deposition, should be confirmed in writing to, and approved by, the Local Planning Authority.

Reason: To comply with Policy 44 of the County Durham Plan and Part 16 of the National Planning Policy Framework, which requires the developer to record and advance understanding of the significance of heritage assets, and to ensure information gathered becomes publicly accessible.

7. Notwithstanding any details of materials submitted with the application no development shall commence until details 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.

8. The works hereby approved shall be undertaken in strict accordance with the Method Statement for Contractors contained within Appendix 1 of the Updating Bat Survey Report published by RH Ecological Services and dated August 2021.

Prior to the first occupation of the dwelling two bat boxes shall be installed to trees near to the poplar T2074.

Reason: In the interests of protecting bats present in the area and to provide alternative roosting provision in accordance with Policy 41 of the County Durham Plan and Part 15 of the National Planning Policy Framework.

9. No works to trees, building or demolition shall take place within the bird nesting season (March - August) unless a checking survey has been carried out by a suitably qualified ecologist and a written report prepared confirming the absence of bird nesting activity is submitted to and approved by the Local Planning Authority.

Reason: In the interests of protecting bats present in the area in accordance with Policy 41 of the County Durham Plan and Part 15 of the National Planning Policy Framework.

10. No construction work shall take place, nor any site cabins, materials or machinery be brought on site until all trees and hedges, indicated on the approved tree protection plan as to be retained, are protected by the erection of fencing, and ground protection measures where identified on the plan, placed as indicated on the plan and comprising a vertical and horizontal framework of scaffolding, well braced to resist impacts, and supporting temporary welded mesh fencing panels or similar approved in accordance with BS.5837:2010.

No operations whatsoever, no alterations of ground levels, and no storage of any materials are to take place inside the fences, and no work is to be done such as to affect any tree.

No removal of limbs of trees or other tree work shall be carried out.

No underground services trenches or service runs shall be laid out in root protection areas, as defined on the Tree Constraints Plan.

Reason: In the interests of the visual amenity of the area and to comply with Policies 20, 29, 39 and 40 of the County Durham Plan and Parts 12, 13 and 15 of the National Planning Policy Framework.

11. The dwelling shall be designed to ensure noise audible within the following specified rooms and areas will not exceed:
 - o 35dB LAeq 16hr bedrooms and living room during the day-time (0700 - 2300)
 - o 30 dB LAeq 8hr in all bedrooms during the night time (2300 - 0700)
 - o 45 dB LAmax in bedrooms during the night-time (2300 - 0700)
 - o 55dB LAeq 16hr in outdoor living areas

Any noise mitigation measures required shall be installed prior to the beneficial occupation of the development and shall be permanently retained thereafter.

Reason: To protect future occupiers from nearby noise sources in accordance with Policy 29 and 31 of the County Durham Plan and Part 12 of the National Planning Policy Framework.

12. The development shall take place in strict accordance with the submitted Draft Construction Management Plan dated August 2021, unless the Local Planning Authority gives its written consent to any variation.

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 12 of the National Planning Policy Framework.

13. 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) the two proposed east facing windows serving the lounge of the dwelling hereby approved shall be obscured to level 3 or higher of the Pilkington scale of privacy or equivalent and shall be maintained thereafter in perpetuity.

Reason: In the interests of the residential amenity of neighbouring properties in accordance with Policies 29 and 31 of the County Durham Plan and Part 12 of the National Planning Policy Framework.

14. No development shall commence until precise detail of the proposed means of the disposal of surface water have been submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall take place in accordance with the agreed details.

Reason: To ensure the appropriate discharge of surface water in accordance with Policy 35 of the County Durham Plan.

15. 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 extensions to or freestanding structures within the curtilage of the dwelling hereby approved 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 20, 29 and 31 of the County Durham Plan and Parts 12, 13 and 15 of the National Planning Policy Framework.

STATEMENT OF PROACTIVE ENGAGEMENT

In accordance with Article 35(2) of the Town and Country Planning (Development Management Procedure) (England) Order 2015, the Local Planning Authority 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.

BACKGROUND PAPERS

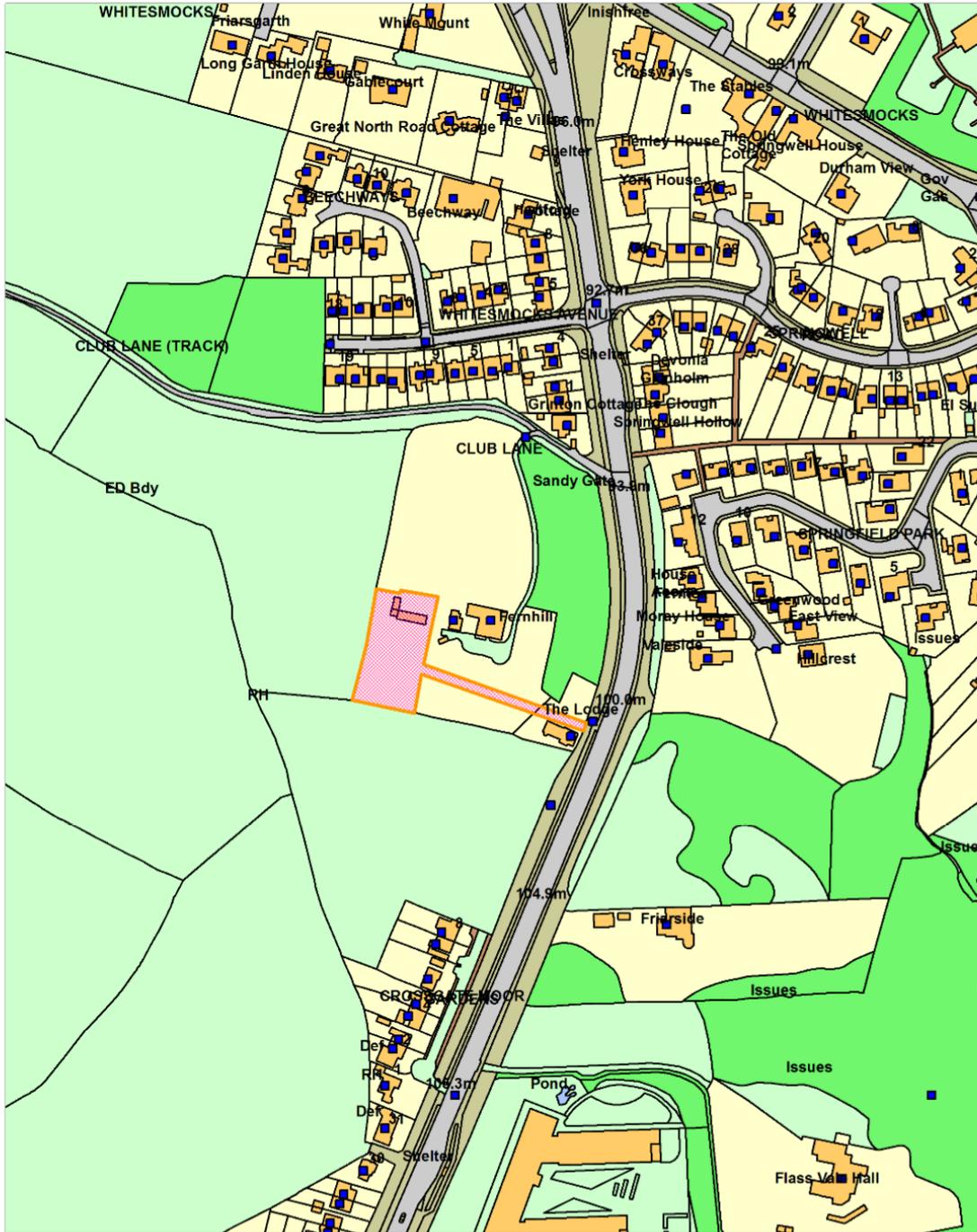
Submitted application form, plans supporting documents and subsequent information provided by the applicant.

The National Planning Policy Framework (2021)

National Planning Practice Guidance Notes

County Durham Plan (2020)

Statutory, internal and public consultation responses



 Durham County Council	Location	Fernhill, Newcastle Road, Crossgate Moor, Durham, DH1 4JZ Not Set		
	Comments	Not Set		
<small>This map is reproduced from Ordnance Survey material with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings. Durham County Council, Licence No. 100049055 (2014)</small>	Date	11 October 2021	Scale	1:2646