

COMMITTEE REPORT

APPLICATION DETAILS

APPLICATION NO:	DM/21/00624/FPA
FULL APPLICATION DESCRIPTION:	Proposed house and detached garage
NAME OF APPLICANT:	Mr Trevor Elsdon
ADDRESS:	Land to the south west of 39 Salvin Street Croxdale DH6 5HZ
ELECTORAL DIVISION:	Coxhoe
CASE OFFICER:	Jennifer Jennings Senior Planning Officer Telephone: 03000 261057 jennifer.jennings@durham.gov.uk

DESCRIPTION OF THE SITE AND PROPOSALS

1. The application site is located at the south western edge of Croxdale and consists of a broadly triangular parcel of land currently in use as grazing land for the keeping of horses, measuring approximately 2,600 sqm. A small rectangular, rendered, dual pitched roof stable block currently sits centrally on site as part of that equestrian use. The site is bounded by a one metre high post and rail fence, with areas of established hedge planting along the north east and western edges of the site. A current gate access exists on the south west boundary of the site onto Chair Lane, with a second gated access on the eastern corner adjacent to the main road access to the terraced properties along Wood View, Salvin Street and Front Street.
2. The site is framed by terraced housing to the north east which includes Front Street terrace which is Grade II listed. Public open amenity space lies to the north associated with the terraced housing in this area. The access road bounding the north of the site that leads to the terraced houses also doubles as a public right of way and heads towards a designated Area of High Landscape Value that commences just at the north west boundary of the site. To the south and west of the site lies open countryside with large field systems laid to crop. Bounding the south of the site is Chair Lane, a minor unclassified highway, of largely single lane width that provides a secondary road to Tudhoe.
3. Nickynack Beck is culverted under the site, entering from the south east corner and emerging again at its north west end. A Northumbrian Water pumping station and compound is located at the north west corner of the site. Due to this culverted area running through the land, a portion of the site is undevelopable meaning there are constraints on where the house and garage can be located.

The Proposal

4. The application seeks planning permission to erect a two storey house with detached garage. The dwelling would be located in a similar position as the existing stable block, just south west of central on the site, and would be orientated in a south east, north west direction, relatively parallel to the Public Right of Way (PROW). The garage would be located to the north east of the site, with access taken from the existing eastern gate that links to the main access road to the terraced properties. It is proposed as a four bed dwelling, with a natural stone and slate roof finish. The detached double garage would have matching materials to the dwelling. Substantial boundary planting is proposed along all of the boundaries.
5. The application is being considered by Committee at the request of Croxdale and Hett Parish Council who raise concerns with regards to possible flooding, access and egress to the site as well as what is described as the historical planning background.

PLANNING HISTORY

6. Planning history at the site is detailed below and revolves around the use of the land for the keeping of horses, including erection of stable block and access points to the land.

4/07/00714/FPA Erection of stable block with new vehicular access Application Withdrawn 14th September 2007

4/07/01002/FPA Change of use to allow keeping of horses, erection of stable block and associated access with retention of existing fence and access gate Refused 5th December 2007

4/09/00272/FPA Change of use to allow keeping of horses, erection of stable block and associated access with retention of existing fence and access gate (revised and resubmitted) Approved 9th June 2009

4/09/00481/FPA Erection of detached stable block and hardstanding Approved 20th August 2009

PLANNING POLICY

NATIONAL POLICY

7. The following elements of the National Planning Policy Framework (NPPF) are considered relevant to this proposal:
8. *NPPF Part 2 - Achieving sustainable development.* The purpose of the planning system is to contribute to the achievement of sustainable development and therefore at the heart of the NPPF is a presumption in favour of sustainable development. It defines the role of planning in achieving sustainable development under three overarching objectives – economic, social and environmental, which are interdependent and need to be pursued in mutually supportive ways. The application of the presumption in favour of sustainable development for plan-making and decision-taking is outlined.

9. *NPPF Part 4 - Decision-making.* Local planning authorities should approach decisions on proposed development in a positive and creative way. They should use the full range of planning tools available, including brownfield registers and permission in principle, and work proactively with applicants to secure developments that will improve the economic, social and environmental conditions of the area. Decision-makers at every level should seek to approve applications for sustainable development where possible.
10. *NPPF Part 5 – Delivering a 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.
11. *NPPF Part 8 – Promoting healthy and safe communities.* The planning system can play an important role in facilitating social interaction and creating healthy, inclusive communities. Developments should be safe and accessible; Local Planning Authorities should plan positively for the provision and use of shared space and community facilities. An integrated approach to considering the location of housing, economic uses and services should be adopted.
12. *NPPF Part 9 – Promoting sustainable transport.* Encouragement should be given to solutions which support reductions in greenhouse gas emissions and reduce congestion. Developments that generate significant movement should be located where the need to travel will be minimised and the use of sustainable transport modes maximised.
13. *NPPF Part 11 - Making Effective Use of Land.* Planning policies and decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions. Strategic policies should set out a clear strategy for accommodating objectively assessed needs, in a way that makes as much use as possible of previously-developed or 'brownfield' land.
14. *NPPF Part 12 - Achieving Well-Designed Places.* The Government attaches great importance to the design of the built environment, with good design a key aspect of sustainable development, indivisible from good planning.
15. *NPPF Part 14– Meeting the challenge of climate change, flooding and coastal change.* The planning system should support the transition to a low carbon future in a changing climate, taking full account of flood risk and coastal change. It should help to: shape places in ways that contribute to radical reductions in greenhouse gas emissions, minimise vulnerability and improve resilience; encourage the reuse of existing resources, including the conversion of existing buildings; and support renewable and low carbon energy and associated infrastructure.
16. *NPPF Part 15 - Conserving and enhancing the natural environment.* Planning policies and decisions should contribute to and enhance the natural and local environment.
17. *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

NATIONAL PLANNING PRACTICE GUIDANCE:

18. 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.

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

LOCAL PLAN POLICY:

The County Durham Plan

19. 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.
20. 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.
21. Policy 26 (Green Infrastructure) states that development will be expected to maintain and protect, and where appropriate improve, the County's green infrastructure network. Advice is provided on the circumstances in which existing green infrastructure may be lost to development, the requirements of new provision within development proposals and advice in regard to public rights of way
22. 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.
23. 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.
24. 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.

25. 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.
26. Policy 35 (Water Management) requires all development proposals to consider the effect of the proposed development on flood risk, both on-site and off-site, commensurate with the scale and impact of the development and taking into account the predicted impacts of climate change for the lifetime of the proposal. All new development must ensure there is no net increase in surface water runoff for the lifetime of the development. Amongst its advice, the policy advocates the use of SuDS and aims to protect the quality of water.
27. 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.
28. Policy 39 (Landscape) states that proposals for new development will only be permitted where they would not cause unacceptable harm to the character, quality or distinctiveness of the landscape, or to important features or views. Proposals are expected to incorporate appropriate mitigation measures where adverse impacts occur. Development affecting Areas of Higher landscape Value will only be permitted where it conserves and enhances the special qualities, unless the benefits of the development clearly outweigh its impacts
29. Policy 40 (Trees, Woodlands and Hedges) states that proposals for new development will not be permitted that would result in the loss of, or damage to, trees, hedges or woodland of high landscape, amenity or biodiversity value unless the benefits of the scheme clearly outweigh the harm. Proposals for new development will be expected to retain existing trees and hedges or provide suitable replacement planting.
30. Policy 41 (Biodiversity and Geodiversity) restricts development that would result in significant harm to biodiversity or geodiversity and cannot be mitigated or compensated. The retention and enhancement of existing biodiversity assets and features is required as are biodiversity net gains. Proposals must protect geological features, have regard to Geodiversity Action Plans and the Durham Geodiversity Audit and where appropriate promote public access, appreciation and interpretation of geodiversity.
31. Policy 44 (Historic Environment) seeks to ensure that developments should contribute positively to the built and historic environment and seek opportunities to enhance and, where appropriate, better reveal the significance and understanding of heritage assets. The policy advises on when harm or total loss of the significance of heritage assets can be accepted and the circumstances/levels of public benefit which must apply in those instances.

Neighbourhood Plan

32. There is no neighbourhood plan currently in force in this area.

CONSULTATION AND PUBLICITY RESPONSES

STATUTORY RESPONSES:

33. *Croxdale and Hett Parish Council* raised concerns with regards to flooding, access and egress to and from the site, as well as stating that there is a historical planning background to the site, although no specific details of this are provided in the comments.
34. Upon receipt of amended plans they raised further concern over the new layout and state that the new access represents an arrangement less acceptable than that previously proposed.
35. *The Highway Authority* offer no objections to the proposal based on amended drawings showing a new means of access to east of the site.
36. *Local Lead Flood Authority (LLFA)* – they note the presence of a culvert on site along with surface water flood risk across the site, however, raise no objection. As an advisory flood resilient measures should be built into the development, including raised thresholds and flood doors.

EXTERNAL CONSULTEE RESPONSES:

37. *Environment Agency* – no response or comments received.
38. *Northumbrian Water* – note that a sewerage rising main and pumping station lies just beyond the boundary of the development site but that it is unlikely that their assets will be affected. However, their Asset Protection team intend to contact the applicant direct. They further comment that the pumping station operates 24 hours a day, 7 days a week and that noise and odour can be a by-product of that activity, including staff and vehicles attending site for maintenance purposes. They also provide details of expected stand off distances between dwellings and the pumping station.

INTERNAL CONSULTEE RESPONSES:

39. *Design and Conservation Section* – raised concerns over the scale and design of the dwelling as originally proposed and its impact on the adjacent listed terrace. Updated drawings were received taking into account concerns raised and as such are deemed appropriate.
40. *Landscape Section* – based on the original submission the proposals were considered to cause harm to the character and quality of the landscape and that given the location of the access onto Chair Lane (and the associated requirement for suitable visibility splays), any planting to help screen the property would be limited.
41. Upon submission of amended plans the Landscape Section required the submission of full hard and soft landscape details by means of condition prior to commencement of development.
42. *Environment, Health and Consumer Protection (Contaminated Land)* – advised there is no requirement for a contaminated land condition but that an informative should be included advising of the steps required in the event that unforeseen contamination is uncovered.

43. *Environment, Health and Consumer Protection (Nuisance Action Team)* – note that there is an NWL pumping station within the vicinity of the site, but based on information provided, the operation of the pump should not produce significant amount of noise or odour and no noise or odour impact assessment would be required. A condition is requested to ensure the proposed dwelling includes appropriate noise mitigation measures to meet standard noise levels to protect amenity of future occupiers.
44. *Ecology Section* - raise no objection to the application but require an integrated bat box to be included within the house to be secured through planning condition. The additional hedgerow provision is acceptable and in line with required ecological enhancements.
45. *Public Rights of Way* – raise no objections but highlight general points in relation to the PROW, which would be included as an informative to any approval granted.

PUBLIC RESPONSES:

46. Four letters of objection and one representation were received in relation to the original submitted scheme, raising the following concerns:
- Concerns that development will have adverse effect on listed buildings, will not fit in and look out of place.
 - Concerns over highway safety on Chair lane which is single track route.
 - House will cause loss of light and overshadowing in winter months.
 - House will cause overlooking and loss of privacy.
 - Poor access to the site and sharp bend on road, visibility obscured by screen hedge.
 - Concerns regarding flooding.
 - Land used for keeping sheep and has rubbish on it.
 - Concerns over impact on wildlife.
 - Chair lane used by pedestrians and cyclists. Development will increase risk of accidents. Lane has no lights or footpath.
 - Note that flooding does occur at the site and further flooding still a potential.
 - Parking an issue in the area
47. Upon receipt of amended scheme 3 further objections were received stating:
- The new access is considered to be in a worse location, being close to the junction and on a bend. Cars known to slide into this kerb area during winter months. Back road also used as a 'rat run'.
 - New access will cause accidents and will impact on housing opposite trying to get out of their drive.
 - New access on a 3-way junction.
 - House will look out of place in a conservation area and area is in a flood plain.

APPLICANT'S STATEMENT:

48. Notwithstanding the engineering constraints imposed on the site the design demonstrates compliance with the LPA's specific advice and guidance. Full cognisance has been taken of the historic context. The development is compatible with neighbouring uses and will create a clear boundary edge to the settlement and a high quality introduction to the village from the west. The case for the application is compelling and we would welcome the support of the planning authority in the realisation of the project.

PLANNING CONSIDERATIONS AND ASSESSMENT

49. 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, ecology and flooding risk.

Principle of the Development

50. 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.

51. 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.

52. The application site is located directly adjacent to the settlement of Croxdale. 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 or adjacent to it 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.

53. The site is located just beyond the settlement limit of Croxdale but there is no Neighbourhood Plan in force that provides a defined boundary in this regard. As such the proposed development should be considered against the requirements of policy 6 of the CDP noting the fact that it is within close proximity to the built-up area and relatively well related to it. It is noted that, apart from the stable building, the application site is undeveloped and to a degree, reads as being part of the open countryside, providing the rural setting for the village. Whilst the aerial views of the site show the existing stable building to be quite disconnected from the built area, the stable building is located such that, it is not further west or south of the existing limit of development at this part of the village and Chair Lane would help to provide a clear boundary edge, providing a level of containment to prevent unchecked sprawl. In this respect the proposals are considered well related to the existing settlement and considered acceptable in principle, subject to assessment against the various criteria in a) – j) detailed above, which are considered in more detail elsewhere in this report.

54. In relation to criteria a) and b), a proposed residential dwelling in this location is considered compatible with adjoining residential uses and there is no concern that it would result in inappropriate ribbon development, nor that it would be considered inappropriate backland development as the site can achieve ready independent highway access and can meet distance standards. In line with criteria f), the site is noted as being sustainable and located within walking distance to a small number of facilities, including a public house and a primary school and with ready access to sustainable modes of transport.

55. The development of this land to erect a single residential dwelling in a sustainable location would therefore be deemed acceptable in principle, subject to other considerations below.

Impact on the character and appearance of the area and designated heritage assets

56. 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) of the same policy that development should be appropriate in terms of scale, design, layout and location to the character, function, form and setting of the settlement.

57. 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.
58. The proposed development site lies to the west and within the setting of Front Street (numbers 1-20 and 21-38) which are Grade II listed although it is noted that the site and wider settlement are not located within a Conservation Area. Policy 44 of the CDP relates to the Historic Environment and states that development will be expected to sustain the significance of designated heritage assets, including any contribution made by their setting. Development proposals should contribute positively to the built and historic environment and should seek opportunities to enhance and where appropriate better reveal the significance and understanding of heritage assets.
59. The site is currently in use as open paddock and the Council's landscape section in assessing the details of the proposal noted that the site forms part of a complex of open spaces that relate to the settlement of Croxdale and is an approach by PROW to the Area of High Landscape Value (AHLV) that lies adjacent to the site. In their view, they consider that the site currently reads as open field/pasture with an associated blockwork stable and that a dwelling on site would intensify the use leading to a negative effect on landscape character of the site, local area, and approach to the AHLV. They further stated in relation to the original highways access point onto Chair Lane, that due to highways requirements to have suitable visibility splays, it would not be possible to incorporate any meaningful planting to mitigate against any impacts of a new dwelling in this location. They considered there to be conflict with policy 39 as a result, which requires that development proposals affecting AHLV will only be permitted where it conserves and where appropriate enhances, the special qualities of the landscape.
60. In design terms, Design and Conservation section commented on the original proposals raising significant concern over the design and scale of the dwelling, considering it to be inappropriate to the context and setting of the listed terraces. Amendments were sought as a consequence, to better reflect and respond to the proportions and material palette of the site context, noting current conflict with policy 44 of the CDP.
61. The applicant subsequently amended the scheme which reflected significant reductions in the size and scale of the dwelling, with natural stone and slate materials proposed in keeping with the listed terrace. In response to landscape section concerns, the highway access was repositioned to an existing access point to the east of the site, removing the requirement for a considerable visibility splay along the Chair Lane boundary that would in turn facilitate more robust screen planting along this boundary edge providing some landscape and visual amenity mitigation.
62. In assessing the site and proposals, it is noted that the proposed dwelling would be located just south of the centre of the site in a similar position to the existing stable building which would be removed. As such the existence of built form on the site is established and is readily noted when turning off the B6288 onto the access road leading to the wider residential area. At two storeys high, the dwelling would be more prominent, but there is a drop in levels and the dwelling would have the narrower gable end facing this entrance point.

It's height and scale, along with the use of natural stone to the walls and hipped slate roof would assimilate the building with the design and scale of surrounding terraced houses and relate well to the existing built form. Whilst the design of the property varies from the regulated terraced lines of surrounding properties given it relates to a detached dwelling, the individuality of its appearance and detailed design is considered acceptable and proportionate in its approach, taking all necessary cues from surrounding properties in terms of materials and scale in order to ensure it does not detract from the character of the listed terraces. A condition can be applied requiring the submission and agreement of details of all proposed walling and roofing materials, along with details of boundary treatments.

63. The single storey double garage would be finished in similar materials to the dwelling with a pyramid hipped roof, measuring 4.3 metre to tip and 2.2 metres to eaves. Located to the north east of the site, it would be set adjacent to the boundary planting. Given its height and size with matching materials to the dwelling it is not considered to create any significant visual impacts in the area and is suitably located in this position adjacent to the settlement edge. Design and conservation section assessed the updated proposals, welcoming the use of natural stone and slate materials.
64. Comments from the Council's Landscape Section are noted, and it is accepted that the site currently reads as open green space which links to the countryside setting. However, the location and presence of a rendered building with dual pitched roof located towards the centre of the site allows the site to have strong visual links with the urban residential space to the north, east and south. Whilst reference is made to it contributing to the setting to the AHLV, it should be noted that it does not fall within this landscape designation. That aside, a new dwelling and garage building would effect a change to the character of the site, but with its close proximity to the urban edge, further reinforced by its south boundary aligning with the garden boundary line of no. 38 Front Street East, this change is not considered to create significant harm, as it would comfortably read with the adjacent residential properties. With the proposed highway access repositioned during the course of the application to a point in the eastern boundary, this would allow for a more robust planting scheme along the north and south boundaries, which would allow continued ties with the surrounding countryside, more effectively screening the site, and helping reduce any perceived incursion or impacts on the surrounding countryside character. It is considered that a robust planting solution along these boundaries would provide a defensible boundary to the area of existing residential framework to the north.
65. As such the proposal is considered to align with policy 6c and policy 39 of the CDP, which both require mitigation for loss of open land that contributes to the character of a locality or any adverse visual or landscape impacts resulting from development. Through changes to the layout allowing for a more robust planting schedule along the boundaries of the site, it is considered the impacts have been reduced. Subject to a full detailed landscape condition the proposals are considered to accord with relevant planning policies.
66. In consideration of the various details above, and subject to relevant conditions, the proposals are considered to accord with policy 29 and 6d of the CDP. In relation to the listed terrace, this is considered suitably protected in line with policy 44 of the CDP, paragraph 195 of the NPPF and Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990, in respect of protecting listed buildings by having special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

Impact on amenities of neighbouring residents

67. 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).
68. 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.
69. The proposed residential property is set well within the site with the majority of windows facing north east and south west. The nearest residential property to the site is located at no. 39 Salvin Street and is located approximately 30 metres to the east. Due to the location of the proposed dwelling and its orientation, there would be no direct overlooking between it and no. 39 Salvin Street. Although some concerns were raised as part of an objection that there would be a loss of privacy and overlooking, along with a loss of light and overshadowing, given the 30 metres separation distance there are no concerns with regards overlooking and the proposals accord with relevant distance standards set out in the SPD. In terms of loss of light and overshadowing, the dwelling would be 30 metres west/south west at its closest point to the nearest dwelling. As such any overshadowing would potentially happen at dusk/sunset. However, given the distance it would be expected that any shadow cast would for the most part be contained within the curtilage. Whilst there may be some impact in this regard at certain times of the year, this would be limited and not expected to result in significant impacts.
70. The proposed residential dwelling would meet internal space standards in compliance with the nationally described space standards, referenced within policy 29.
71. 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 property or works to increase the height of the dwelling, 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 the area and nearby residents.
72. Environmental Health assessed the details of the proposals as a noise sensitive development, noting that the main source of potential noise relates to an NWL compound north of the development used as a sewage pumping station. However, upon receipt of further information from NWL with regards the pumping station, Environmental Health did not consider that the dwelling would be negatively impacted by noise or odour from it. In addition NWL refers to a required 15 metres stand-off between the pumping station and any residential properties and it is noted from the site plan that this stand-off distance is comfortably met. As such Environmental Health raise no objections to the proposal but request a condition to ensure that the property meets appropriate internal noise level standards. Subject to a suitably worded condition to this effect, it is considered that the proposals meet the requirements set out in policy 31 of the CDP in this regard.

73. 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 property and its 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. Space standards are met 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

74. 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.

75. Originally access to the site was proposed to be taken through the existing access off Chair Lane. As already noted, there were concerns over the impact on the amenities of the area in creating a wide visibility splay to allow safe access and egress from the site. In addition, numerous objections and concerns were raised with regards safety of access at this point and the impact on pedestrians and cyclists that use Chair Lane which was noted as a single track with no lights or footways.

76. The applicant revisited the proposed layout, taking into account safety concerns and the requirement for planting mitigation. An existing gate access was noted at the east of the site and put forward for consideration. Highways section assessed the details of the use of the access point and commented that the revised location of the access to the eastern end of the site would offer better visibility. However, they note that vehicles heading east then north onto Wood View from Chair Lane would have poor view at the junction but vehicles coming from this direction would likely be travelling at very low speed due to the tight left turn.

77. It is noted that the existing fence line is to be removed and a new stone wall built approximately 5.5 metres back along the centre of the new access from the existing kerb line. This should enable an average vehicle to pull off the road before having to stop to allow the gates to be opened. It is noted that the gates are shown correctly opening inwards.

78. Due to the layout of the site and the position of the access the visibility splay is complex. As mentioned above, vehicles from Chair Lane should be approaching slowly however the maximum height of the wall should be 1 metre to afford good visibility to the right when exiting the site. The condition to be attached for boundary enclosures as mentioned above will allow an assessment of this to ensure it is kept at one metre for highway safety reasons.

79. A suitable quantity of parking is available within the site to serve the proposed dwelling as well as any potential visitors to the site. Although a public objection was raised with regards existing parking in the area, the introduction of the new proposed dwelling will not impact on this or make the situation worse.
80. Public rights of way assessed the details of the application including the new access to the site. Although a registered PROW runs directly passed the new access point, they raise no objection to the scheme.
81. On this basis the proposals are considered to be compliant with the relevant parts of policies 6 and 21 in terms of highway safety and policy 26 in relation to protection of PROWs.

Ecology

82. Policy 41 Biodiversity and Geodiversity of the CDP has a range of requirements, including for new development to minimise impacts on biodiversity by retaining and enhancing existing biodiversity assets and features and providing net gains for biodiversity including by establishing coherent ecological networks. Ecology raised no objections to the scheme but required that some biodiversity net gain be provided as part of the proposals. They note the proposals for enhanced landscaping which they deem to be acceptable but also request that an integrated bat box be included on the western elevation of the dwelling. A condition will be applied requesting these details. Subject to this condition, the proposals are considered to accord with policy 41 of the CDP.

Flood Risk

83. Policy 35 of the CDP relating to water management requires all development proposals to consider the effect of the proposed development on flood risk, both on-site and off-site, commensurate with the scale and impact of the development and taking into account the predicted impacts of climate change for the lifetime of the proposal. All new development must ensure there is no net increase in surface water runoff for the lifetime of the development.
84. The policy further states at part g) that where sites may be susceptible to over land flood flows (as shown in the Strategic Flood Risk Assessment) or lie within a Surface Water Risk Area (as shown in the Surface Water Management Plan) then developers must put adequate protection in place. In relation to culverts at part i) it states: all new development with culverts running through the site must seek to de-culvert watercourses for flood risk management and environmental benefit, unless it can be clearly demonstrated that this is not practical.
85. A Flood Risk Assessment (FRA) was submitted with the proposals which clarified that the site is not within the Environment Agency Flood Risk Zones 2 or 3. On this basis there is no requirement to undertake a sequential or exceptions test in relation to the development site. However, given the location of the dwelling house close to the Nickynack Beck and over a culvert, a consultation was sent to the Environment Agency but no comments were received.
86. The scheme for a single dwelling on site is below the threshold where the Councils' drainage officers or Northumbrian Water would comment in relation to surface water drainage or foul drainage. However, from assessing the submitted Flood Risk Assessment and the Council's own records on surface water overland flood routes it has been identified that a large part of the site is considered to be at risk to surface water flooding, with the southern part of the site presenting as high risk, just south and east of the proposed location of the property – high risk meaning that the area has a chance of flooding of greater than 1 in 30 (3.3%) each year.

87. The FRA went on to assess and model expected flow rates and the capacity of the culvert under the site. They identified that the culvert would potentially not be able to accommodate the worst case 1 in 100 year or 1 in 100 year plus climate change event. During these extreme events the culvert would likely become overwhelmed and the resultant flows would be conveyed above ground and through the proposed development site. Further modelling was undertaken to establish extent of overground flooding and movement across the land. Based on this, a series of mitigation measures were put forward to protect the new dwelling from flood risk, including setting all new floor levels 300 mm above adjacent existing topographic levels to ensure flood water cannot enter the proposed dwelling; shape site levels to accommodate flood flow path; and use of on-site landscaping to ensure surface water falls away from the building and towards positive on-site drainage systems.
88. The FRA also notes that anyone wishing to carry out work in, over or adjacent to an ordinary watercourse (as Nickynack Beck would be classed) must apply to DCC for consent, in line with the Land Drainage Act 1991. As part of the mitigation measures provided within the FRA it is stated that the proposed easement between the dwelling and the culvert centre line would need to be agreed by DCC.
89. Given the noted flood risk on site and the presence of a culvert, a request was made to Drainage section for comment. They responded that whilst it is advised not to build within surface water risk area, there would be no objection. If the development were to proceed the property would be advised to be resilient to potential risk from flood such as through elevated thresholds and floor levels.
90. Whilst no objections are raised by drainage section, in line with policy 35g) it would be considered appropriate to condition the mitigation measures proposed as part of paragraph 5.04 of the FRA. In terms of policy 35i) and the requirement to remove the culvert, given the size and location of the development, it would not appear practical to undertake this extent of engineering works and drainage section made no comment that this would be required. Separate to the planning process, the developer would need to secure permission from DCC for any works in and around the culvert and it is therefore considered that this aspect of the development is addressed. In terms of foul drainage from the development, this element would be regulated as part of the Building Control process to ensure appropriate standards.

Other issues

91. 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. 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.
92. Contaminated land raise no objection requiring an informative to be included as part of any approval should land contamination be found as part of any on site ground works.

CONCLUSION

93. 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.

94. 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.

95. The objections received have been noted and considered as part of the assessment of the proposals but are not considered to outweigh the merits of the scheme in this case.

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(ies) 6 29 and 44 of the County Durham Plan and Parts 12 and 16 of the National Planning Policy Framework.

Plan	Drawing No.	Date Received
Site plan	TE.06 (Rev A)	29/06/21
Ground & first floor layout plans	TE.07 (Rev A)	29/06/21
Roof plan & SW elevation	TE.08 (Rev A)	29/06/21
NE elevation	TE.09 (Rev A)	29/06/21
Section A-A, SE & NW elevations	TE.10 (Rev A)	29/06/21
Garage plans	TE.11 (Rev A)	29/06/21
Site location plan		29/06/21

3. 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.

4. No development shall commence until precise details of the integrated bat box along with an elevation plan indicating its precise location on the dwelling here by approved, 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.

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

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

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

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

Trees, hedges and shrubs scheduled for retention.

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

Details of planting procedures or specification.

Finished topsoil levels and depths.

Details of temporary topsoil and subsoil storage provision.

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

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

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

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

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

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

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

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

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

Replacements will be subject to the same conditions.

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

7. Prior to the first occupation of the development hereby approved, details of all means of enclosure of the site shall be submitted to and approved in writing by the Local Planning Authority. The enclosures shall be constructed in accordance with the approved details thereafter.

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

8. No development shall be occupied 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.

9. 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 0730 to 1800 on Monday to Friday and 0730 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.

10. The dwelling hereby approved shall not be occupied until such time as the mitigation measures detailed in paragraph 5.04 of the Flood Risk Assessment Report received 25 March 2021 (comprising of, but not limited to, ensuring finished floor levels are 300mm above existing topographical levels and landscaping site levels in order to direct drainage away from the property and towards positive onsite drainage systems) have been installed. Thereafter, the mitigation measures shall be retained in perpetuity.

Reason: To protect against flood risk on site and outside the site in compliance with policy 35 of the County Durham Plan and Part 14 of the NPPF.

11. The development shall ensure that the dwelling hereby approved achieves the following noise levels, and should be permanently retained thereafter:

- 35dB LAeq 16hr bedrooms and living room during the day-time (0700 - 2300)
- 30 dB LAeq 8hr in all bedrooms during the night time (2300 - 0700)
- 45 dB LAmax in bedrooms during the night-time
- 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. On written request by the planning authority the applicant shall, within 28 days, produce a verification report to demonstrate the above rating levels have been achieved.

Reason: In the interest of the amenity of existing and future occupants in accordance with Policy 31 of the County Durham Plan and Part 15 of the National Planning Policy Framework.

12. 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.

STATEMENT OF PROACTIVE ENGAGEMENT

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.)

BACKGROUND PAPERS

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

Statutory, internal and public consultation responses

The National Planning Policy Framework (2021)

National Planning Practice Guidance Notes

County Durham Plan

Residential Amenity Standards SPD (2020)



<p>Planning Services</p>	<p>DM/21/00624/FPA Proposed house and detached garage at land west of 39 Salvin Street, Croxdale, Durham, DH6 5HZ.</p>	
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	<p>Date 9 November 2021</p>	<p>Scale NTS</p>