

COMMITTEE REPORT

APPLICATION DETAILS

APPLICATION No:	DM/22/01509/FPA
FULL APPLICATION DESCRIPTION:	Demolition of existing bungalow and replacement with dormer bungalow.
NAME OF APPLICANT:	Mr & Mrs A Carter
ADDRESS:	Silver Howe Heathways High Shincliffe Durham DH1 2PQ
ELECTORAL DIVISION:	Durham South
CASE OFFICER:	Lisa Morina Senior Planning Officer Telephone: 03000 264877 Lisa.morina@durham.gov.uk

DESCRIPTION OF THE SITE AND PROPOSALS

The Site

1. The application site is an existing detached bungalow located on Heathways within High Shincliffe and is located on the northern edge of the settlement. Residential properties are located to both sides and to the front of the site with open fields to the rear. There is a mix of properties currently within the area both of single and two-storey nature with the majority being detached properties. At present an existing detached dwelling is located on the site which is proposed to be demolished.

The Proposal:

2. Planning Permission is sought for the demolition of the existing bungalow and the erection of a new detached property at the site. A detached outbuilding is also proposed within the rear garden area.
3. The existing dwelling has a footprint of approximately 120sqm with a height of 5.1m to the ridgeline and an eaves height of 2.5m. The replacement dwelling would, in the main, occupy the majority of the footprint of the existing building but would be slightly larger at 138sqm and have a height of 7.7m to the ridgeline, 3.1m to the eaves so two storey in height as opposed to the single storey dwelling which currently occupies the site.
4. The property is proposed to be constructed in a timber frame with clay brickwork walls and natural blue slate roof. An air source heat pump and solar thermal water panels are proposed as part of the application. Soft landscaping in the form of

garden area to the front and rear are proposed along with trees indicated within the front garden area and permeable paving for the proposed driveway area.

5. The proposed outbuilding would be positioned within the north eastern part of the rear garden area and have a footprint of approximately 3.44m x 4.45m with an overall height of 3m to the ridge of a dual pitched roof and a height of 2.5 metres to the eaves.
6. Access to the site is taken from an unadopted road to the front of the site known as Heathways and as part of the proposal this would be relocated to a more central position and serve 2 in curtilage parking spaces
7. An area of land sits between the existing southern boundary of the site and the unadopted highway which is currently unregistered and is included within the planning application across which access to the existing property is presently taken and historically this is understood to have been the case.
8. The application proposes that this area be enclosed by a boundary wall which is proposed at 750mm in height with 600mm railings above and is to be used as private garden for the replacement dwelling.
9. The plans were amended to attempt to satisfy the concerns of the parish council by setting the front boundary wall back slightly however, the Parish Council concerns have remained and as such the applicant has asked for the proposal to be assessed on the original proposal. Both sets of plans have been consulted on and as such no further re-consultation is required.
10. The application is reported to planning committee at the request of Shincliffe Parish Council who raise no objection in principle to the replacement dwelling however consider the impacts of the proposal in terms of highway safety to be so significant that they should be considered by the committee.

PLANNING HISTORY

11. There is no relevant planning history on this site.

PLANNING POLICY

NATIONAL POLICY

12. A revised National Planning Policy Framework (NPPF) was published in July 2018 (with updates since). The overriding message continues to be that new development that is sustainable should go ahead without delay. It defines the role of planning in achieving sustainable development under three overarching objectives – economic, social and environmental, which are interdependent and need to be pursued in mutually supportive ways.
13. *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.

14. *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.
15. *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.
16. *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.
17. *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.
18. *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.
19. *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.
20. *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.
21. *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.
22. *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.

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

NATIONAL PLANNING PRACTICE GUIDANCE:

23. 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:

County Durham Plan

24. Policy 6 (Development on unallocated sites) states the development on sites not allocated in the Plan or Neighbourhood Plan, but which are either within the built-up area or outside the built up area but well related to a settlement will be permitted provided it: is compatible with use on adjacent land; does not result in coalescence with neighbouring settlements; does not result in loss of land of recreational, ecological, or heritage value; is appropriate in scale, design etc to character of the settlement; it is not prejudicial to highway safety; provides access to sustainable modes of transport; retains the settlement's valued facilities; considers climate change implications; makes use of previously developed land and reflects priorities for urban regeneration.
25. Policy 21 (Delivering sustainable transport) requires all development to deliver sustainable transport by: delivering, accommodating and facilitating investment in sustainable modes of transport; providing appropriate, well designed, permeable and direct routes for all modes of transport; ensuring that any vehicular traffic generated by new development can be safely accommodated; creating new or improvements to existing routes and assessing potential increase in risk resulting from new development in vicinity of level crossings. Development should have regard to Parking and Accessibility Supplementary Planning Document.
26. Policy 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.
27. Policy 31 (Amenity and pollution) sets out that development will be permitted where it can be demonstrated that there will be no unacceptable impact, either individually or cumulatively, on health, living or working conditions or the natural environment and that they can be integrated effectively with any existing business and community facilities. Development will not be permitted where inappropriate odours, noise, vibration and other sources of pollution cannot be suitably mitigated against, as well as where light pollution is not suitably minimised. Permission will not be granted for sensitive land uses near to potentially polluting development. Similarly, potentially polluting development will not be permitted near sensitive uses unless the effects can be mitigated.
28. Policy 32 (Despoiled, degraded, derelict, contaminated and unstable land) requires that where development involves such land, any necessary mitigation measures to

make the site safe for local communities and the environment are undertaken prior to the construction or occupation of the proposed development and that all necessary assessments are undertaken by a suitably qualified person.

29. 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.
30. 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 wastewater 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.
31. 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
32. Policy 40 (Trees, woodlands and hedges) states that proposals for new development will not be permitted that would result in the loss of, or damage to, trees, hedges or woodland of high landscape, amenity or biodiversity value unless the benefits of the scheme clearly outweigh the harm. Proposals for new development will be expected to retain existing trees and hedges or provide suitable replacement planting. The loss or deterioration of ancient woodland will require wholly exceptional reasons and appropriate compensation.
33. 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.
34. Residential Amenity Standards SPD (2020 Adopted version) – Provides guidance on the space/amenity standards that would normally be expected where new dwellings are proposed.

Neighbourhood Plan

35. The application site is not located within an area where there is a Neighbourhood Plan to which regard is to be had.

The above represents a summary of those policies considered most relevant in the Development Plan the full text, criteria, and justifications of each may be accessed at <http://www.cartoplus.co.uk/durham/text/00cont.htm>

CONSULTATION AND PUBLICITY RESPONSES

STATUTORY RESPONSES:

36. Highways raise no objection to the proposal.
37. Coal Authority – No objection subject to conditions regarding ground investigation works.
38. Shincliffe Parish Council objects to the application citing concerns over highway safety.

INTERNAL CONSULTEE RESPONSES:

39. Environmental Health (Contamination) - No objection.
40. Environmental Health (Noise) - Conditions advised in relation to restrictions during construction works and the submission and agreement of precise details of the ground source heat pump.
41. Ecology – The Bat report completed by Barretts is sufficient to inform the proposal and no further survey required. A condition requiring the installation of the bat roost unit detailed in section E of the report should be attached if planning permission is granted.
42. Landscape - No objection.
43. Tree Officer – AIA and method statement required and replacement planting for tree to be lost in front garden to be secured through planning condition.

PUBLIC RESPONSES:

44. The application has been advertised by means of site notice and by notifying neighbouring residents by letter.
45. To date, two letters of support has been received and 3 letters of objection from two neighbouring properties have been received with the following comments:
 - The proposed heating will be an air source heat pump. There is no indication where this will be sited. Noise concern raised
 - There are a few trees on our boundary with Silver Howe.
 - The existing old school wall which was built in 1841 separates Silver Howe and Parkwood Lawe. The plan to restore this is welcomed.
 - Highway Safety concerns
 - No details of wall heights
 - No details of garden Room.
 - Concern that land grab will occur at the front of the site.
46. Councillor Stoker has also provided the following comment in that they wish to ensure the bottom of the garden does not block the neighbours' sightline when vehicles and people are exiting. There is no pavement, and the road is heavily used, often at speed.

APPLICANT'S STATEMENT:

47. The applicants, Mr and Mrs Carter are longstanding residents of High Shincliffe and purchased Silver Howe with the intention to redevelop the property as their dream home. From the outset they have sought to consult with their neighbours on the design of the proposed dwelling and the revised access to provide reassurance that the development would not be detrimental to them.
48. The existing access to Silver Howe is poor and the applicant wishes to improve it so as that cars can enter and leave the site in a forward gear, also by moving the proposed access to the centre of the road frontage will further improve highway visibility when leaving the property.
49. The front of the property is often used as a parking place by cars and vans that are not connected to the owners, this has been regular source of anxiety for the applicant and made access to the property difficult, the proposed design would therefore stop this, and far from creating a highway safety issue actually will improve the situation in the area.
50. The neighbouring property to the west (Parkwood Lawe) has trees and shrubs up to the highway boundary, and whilst it is acknowledged they partially cut back the foliage for visibility, the proposed boundary walls are to be a maximum of 750mm high with a wrought iron railing to the top which will allow the neighbours to maintain their visibility.
51. It should also be noted that DCC Authority Highways department have been consulted twice on the proposed design and have on both occasions have stated they have no issue with the proposed access, as professionals in highway safety, greater weight should be attached to this fact.
52. To conclude the applicant feels that they have reached out to those relevant to the application and respectfully feel that the proposal will not result in any detriment or safety issues and ask that the committee support the application.

The above is not intended to list every point made and represents a summary of the comments received on this application. The full written text is available for inspection on the application file which can be viewed at <https://publicaccess.durham.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=P8X9C0GDL8J00>

PLANNING CONSIDERATIONS AND ASSESSMENT

53. 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.
54. Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The NPPF is a material planning consideration in this regard. The County Durham Plan is the statutory development plan and the starting point for determining applications as set out at Paragraph 12 of the NPPF. The NPPF advises at Paragraph 219 that the weight to be afforded to existing Local Plans depends upon the degree of consistency with the NPPF.
55. The County Durham Plan is now adopted and is considered to represent the up-to-date Local Plan for the area. Consequently, consideration of the development should be led by the plan if the decision is to be defensible.

56. In this context, it is considered that the main planning issues in this instance relate to the principle of development, scale/design, impact upon residential amenity, trees and landscape, highway safety, contaminated land/land stability and ecology:

Principle of the Development

57. The application site is located within the settlement of High Shincliffe. 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 states that development will be permitted subject to the following criteria:

- 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.

58. In relation to criteria a) and b), a proposed residential dwelling in this location is considered compatible with adjoining residential uses given an existing dwelling is currently on site and the site is surrounded by other residential dwellings.

59. There is no concern that the development would result in inappropriate ribbon development, nor that it would be considered inappropriate backland development given the existing dwelling is to be replaced and the site already has an independent highway access. In addition, it is not considered that the site would result in the loss of any valued facilities in connection with criteria g. In line with criteria f), the site is noted as being sustainable being well served by local services and public transport links. It is not considered that criteria j) is relevant in this instance.

60. Given the above, the principle of residential development on the site is well established given there is an existing dwelling currently in place and therefore, the proposal is considered to be acceptable in principle, subject to full assessment against the various criteria in a) – j) of policy 6, some of which have been considered in this section.

Scale/Design

61. 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.
62. The proposed development comprises a replacement dwelling which would broadly align with the location of the existing dwelling and is considered to be of an appropriate scale and proportion that could be accommodated within the site. A mix of dwellings are present within the wider area of differing scales and designs therefore, the proposed design would be acceptable in this context. The retained garden space would be in keeping with the surrounding character of the village. Therefore, subject to specific materials being agreed through planning condition, the proposal is considered acceptable in respect of policy 29 of the CDP and Part 12 of the NPPF.
63. In addition, policy 29 also states that all new development should minimise greenhouse gas emissions, by seeking to achieve zero carbon buildings and providing renewable and low carbon energy generation, and include connections to an existing or approved district energy scheme where viable opportunities exist. Where connection to the gas network is not viable, development should utilise renewable and low carbon technologies as the main heating source.
64. The agent has confirmed that the proposed dwelling is to be 'A' rated in terms of thermal performance and is to be constructed in a timber frame which is a recognised low carbon form of construction. Other proposed external materials include clay brickwork walls and natural blue slate to the roof. The new dwelling is confirmed to be highly insulated and air-tight and will be heated with an air source heat pump in conjunction with solar thermal water panels located on the roof. Overall, the agent confirms that the building will be significantly more efficient than the existing building and over its lifetime emit much less carbon.
65. Given the above, the development is considered to accord with this element of policy 29 of the CDP.
66. Policy 27 of the CDP states that new residential and commercial development should be served by a high-speed broadband connection. The existing property already benefits from broadband and the proposed dwelling will be able to connect to existing broadband connections and as such accords with the requirements of policy 27 in this regard.

Residential Amenity

67. CDP Policies 6 and 31 seek to prevent development that would have an unacceptable impact upon the amenity of existing neighbouring residents and only allow development where adequate amenity for future occupiers is provided. Section 11 Paragraph 119 of the NPPF requires planning decisions to ensure healthy living conditions and paragraph 124 emphasises the importance of securing healthy places. Paragraph 174 of section 15 requires decisions to prevent new development from being put at unacceptable risk from, or being adversely affected by, unacceptable levels of pollution such as noise pollution.

68. Paragraph 185 seeks to ensure that new development is appropriate for its location taking into account the likely effects of pollution on health and living conditions. In terms of noise, paragraph 185 advises that planning decisions should mitigate and reduce to a minimum potential adverse impacts resulting from noise from new development - and avoid noise giving rise to significant adverse impacts on health and the quality of life.
69. Policy 29 (Sustainable Design) of the CDP requires all development proposals to achieve well designed buildings and places having regard to SPD advice and sets out 18 elements for development to be considered acceptable, including: making positive contribution to areas character, identity etc.; adaptable buildings; minimising greenhouse gas emissions and use of non-renewable resources; providing high standards of amenity and privacy; contributing to healthy neighbourhoods; and suitable landscape proposals.
70. Provision for all new residential development to comply with Nationally Described Space Standards (NDSS), subject to transition period. Provision for major developments to appropriately consider the public realm in terms of roads, paths, open spaces, landscaping, access and connectivity, natural surveillance, suitable private and communal amenity space that is well defined, defensible and designed to the needs of its users.
71. The proposal meets minimum space requirements set out in the NDSS and is therefore, is considered acceptable in this respect and accords with policy 29 of the CDP.
72. In respect of residential amenity, the proposal is considered to meet with the Councils Residential SPD in respect of impact on neighbouring properties and no significant impact is considered to occur. Concerns were raised from nearby residents that details of the detached outbuilding had not been received. However, further information has since been received in this regard and the impact on the neighbouring property is considered acceptable due to the design and position of the buildings and its limited height. Concern was also raised by residents regarding the impact of the development upon surface water run-off from the detached outbuilding given the slope on the roof. The mains sewer is proposed to be used for surface water disposal which is understood to be the existing arrangement and guttering is proposed along the elevation which is closest to the neighbouring property. As such it is not considered that any concern in this regard would represent a sustainable reason for refusal of the application. It is also noted that building control regulations exerts control in relation to ensuring that surface water from the dwelling is appropriately disposed of.
73. Concern was raised over the proposed height of the boundary walls. In this regard it is noted that a 1.8m high wall is proposed to the western elevation with a new boundary wall proposed at the front of the site, which would have a height of 750mm and be finished in brick topped with 600mm railings. These are considered to be of appropriate heights which would not have a negative impact upon the amenity of adjacent residents or the character of the wider streetscene.
74. Concern was also raised regarding the position of the air source heat pump and potential noise implications which could occur. The position has now been shown on a plan and it is located within the north-western corner of the site within the rear garden. Specification details have also been provided which state that the proposal could be installed under permitted development rights upon completion and

occupation of the property, and as such, the proposal is therefore considered acceptable in accordance with policies 29 and 31 of the CDP.

75. In light of the above the development is considered acceptable and would not have any unacceptable impact upon the residential amenity of the surrounding neighbours in accordance with policies 29 and 31 of the County Durham Plan.

Impact on Trees/Landscape

76. Policy 39 of the CDP 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.

77. Policy 40 of the CDP states that proposals for new development will not be permitted that would result in the loss of, or damage to, trees, hedges or woodland of high landscape, amenity or biodiversity value unless the benefits of the scheme clearly outweigh the harm. Proposals for new development will be expected to retain existing trees and hedges or provide suitable replacement planting. The loss or deterioration of ancient woodland will require wholly exceptional reasons and appropriate compensation.

78. Trees are located both on site and within the gardens of neighbouring properties. One large tree to the front of the site is proposed to be removed as part of the proposal. The Council's Arborist has been consulted and does not consider the tree to be suitable for protection through service of a tree preservation order and as such raises no objection to its removal. However, it is considered that a replacement should be provided which could be appropriately secured through planning condition.

79. Neighbours have raised comments that there are trees in their garden areas which would be affected by the development. Given this and the closeness to the boundary as well as new boundary treatment being provided, it is considered that further information is required in order to ensure that these specimens are appropriately protected during the construction phase of the development should planning permission be granted. As such, a planning condition should be included requiring the submission and agreement and implementation of an Arboricultural Impact Assessment and Method Statement prior to the commencement of development.

80. Subject to the inclusion of those condition stated above the Council's Arborist and Landscape Architect raise no objection to the development which is considered to accord with policies 39 and 40 of the CDP and Part 15 of the NPPF.

Highway Safety

81. Paragraph 34 of the NPPF requires that plans and decisions ensure developments which generate significant vehicle movements are located where the need to travel will be minimised and the use of sustainable transport modes maximised.

82. Policy 21 of the CDP requires all development ensures that any vehicular traffic generated by new development can be safely accommodated and have regard to Parking and Accessibility Supplementary Planning Document.

83. Concern has been raised from the Parish Council and nearby residents that there is potential for highway safety implications as a result of the development in that a footpath is currently not provided at the front of the site. There is also concern that visibility for neighbours would be compromised given the proposed means of

enclosure to the front of the property, particularly from the height of the boundary walls.

84. The boundary treatment at the front of the site is proposed to be a 750mm high brick wall topped with 600mm railings. The Highway Authority has been consulted and confirmed that given the location of the vehicular access to the neighbouring property, it is unlikely that their visibility splay would be impeded given the position of the entrance.
85. There is no set visibility splay for residential properties as national guidance relating to splays starts at 30mph roads. Manual for Street recommends a splay of 2.0m x 25m for residential properties on 20mph roads, but this is only advisory, and given there is already an existing property on the site and the low speeds (our last count nearby showed an average speed of 19.9mph and total daily flows of 437 vehicles), the chances of any conflict between a vehicle pulling out of the property, and a vehicle driving on Heathways, would be very small.
86. As such, the principle of development is considered acceptable from a highway safety perspective and the Highway Authority raises no objection to the application in this regard. In curtilage parking is proposed and there is sufficient provision in this regard to accord with the Council's current parking and accessibility standards subject to a condition requiring the installation of an EV Charging point.
87. As changes are proposed to the existing access an informative should be included noting requirement to obtain the appropriate consents in relation to the Highways Act.
88. For the reasons detailed above it is considered that the development would not have any adverse impact in terms of highway safety and as such would accord with policy 21 of the CDP and relevant section of the NPPF.

Land Contamination and Stability

89. Paragraph 183 of the NPPF advises that planning decisions should ensure a site is suitable for its proposed use taking account of ground conditions and any risks arising from land instability and contamination. In line with this, CDP Policy 32 states that development will not be permitted unless the developer can demonstrate that:
 - a. any existing despoiled, degraded, derelict, contaminated or unstable land issues can be satisfactorily addressed by appropriate mitigation measures prior to the construction or occupation of the proposed development;
 - b. the site is suitable for the proposed use, and does not result in unacceptable risks which would adversely impact on the environment, human health and the amenity of local communities; and
 - c. all investigations and risk assessments have been undertaken by an appropriately qualified person.
90. The application has been assessed by the Council's Contamination Land Section and they confirm they have no objection to the scheme and there is no requirement for inclusion of the standard land contamination condition. However, the standard informative is advised detailing the steps required in the event that unexpected contamination is encountered during the course of the construction should planning permission be granted, and this can be included.
91. The application site is also within a coal mining risk assessment area as identified by the Coal Authority and as such a Coal Mining Risk Assessment has been submitted

in support of the application. This has been reviewed by the Coal Authority who advise that the report adequately assesses the risks posed to the development from previous mine workings and raises no objections subject to the inclusion of standard conditions detailed elsewhere in this report.

92. Therefore, subject to conditions stated, the proposal is considered acceptable in respect of land stability issues in accordance with policy 32 of the County Durham Plan and paragraphs 178 and 179 of the NPPF.

Ecology

93. Part 15 of the NPPF seeks to ensure that when determining planning applications, Local Planning Authorities seek to conserve and enhance biodiversity. Policy 41 of the CDP seeks to resist proposals for new development which would otherwise result in significant harm to biodiversity or geodiversity, which cannot be avoided, or appropriately mitigated, or, as a last resort, compensated for. Proposals for new development will be expected 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. CDP Policy 25 seeks to ensure that new development is only approved where any mitigation necessary to make the development acceptable in planning terms are secured through appropriate planning conditions or planning obligations.

94. The Bat report by Barretts is considered sufficient to inform the proposal and no further surveys are considered to be required. Therefore, subject to a condition relating to the installation of the bat roost unit detailed in section E of the report the proposal is considered acceptable in respect of policy 41 of the CDP.

Other Issues

95. Concern has been raised from some respondents with regard to a perceived 'land grab' whereby the applicant has included unregistered land within the application site, as identified on the Location Plan. This is understood to relate to the narrow section of land between the existing property and the public highway. An applicant can submit an application for planning permission which relates to land that they do not own, but in doing so, they must serve notice on the landowner and where the owner is unknown, notice must be displayed in the local press. The applicant has provided evidence to adequately demonstrate that the appropriate notice has been served in this regard. It should be noted that the planning system is not the arbitrator of any dispute with regards to land ownership, with such matters representing a civil issue between the parties involved. Consequently, this is not a material planning consideration to which weight can be applied in the determination of this application.

Public Sector Equality Duty

96. Section 149 of the Equality Act 2010 requires public authorities when exercising their functions to have due regard to the need to i) the need to eliminate discrimination, harassment, victimisation and any other prohibited conduct, ii) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it and iii) foster good relations between persons who share a relevant protected characteristic and persons who do not share that characteristic.
97. In this instance, officers have assessed all relevant factors and do not consider that there are any equality impacts identified.

CONCLUSION

98. The principle of the development is considered acceptable as the site occupies a sustainable location capable of accommodating residential development, particularly noting that there is an existing dwelling already located on site and the proposal would not have any adverse impact upon the visual amenity of the streetscene.
99. The proposal would also not have an unacceptable impact upon residential amenity, or highway safety in accordance with the requirements of policies 6, 21, 29, 31 of the County Durham Plan. The proposal is therefore recommended for approval.

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, 21, 29 and 31 of the County Durham Plan and Parts 12 and 15 of the National Planning Policy Framework.

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 take place until intrusive site investigations have been undertaken to assess the ground conditions and the potential risks posed to the development by past shallow coal mining activity. A report shall thereafter be submitted to and agreed in writing by the Local Planning Authority setting out the findings of the intrusive site investigations including a scheme of remedial work where required. Thereafter the development shall take place in accordance with the agreed details.

Reason: The undertaking of intrusive site investigations, prior to the commencement of development, is considered to be necessary to ensure that adequate information pertaining to ground conditions and coal mining legacy is available to enable appropriate remedial and mitigatory measures to be identified and carried out before building works commence on site. This is in order to ensure the safety and stability of the development, in accordance with Policy 32 of the County Durham Plan and Paragraphs 178 and 179 of the National Planning Policy Framework.

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

Reason: To ensure the safety and stability of the development, in accordance with Policy 32 of the County Durham Plan and Paragraphs 178 and 179 of the National Planning Policy Framework.

6. 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.

7. The bat roost unit as detailed in section E of the Bat Report prepared by Barrett Environmental Limited shall be installed prior to first occupation of the dwelling hereby approved and shall thereafter be retained in perpetuity.

Reason: In the interests of protected species in accordance with policy 41 of the County Durham Plan and part 15 of the National Planning Policy Framework.

8. No development shall take place beyond the damp proof course membrane until details of an electric car charging point has been submitted and approved in writing by the Local Planning Authority. The charge points shall be installed, prior to occupation of the dwelling hereby approved.

Reason: To comply with parking guidelines in line with requirements set out in policy 21 of the County Durham Plan and part 9 of the NPPF.

9. No development shall commence until an Arboricultural Impact Assessment and Method Statement has 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 visual amenity of the area and to protect neighbouring trees on site and to comply with Policies 29 and 40 of the County Durham Plan and Parts 12 and 15 of the National Planning Policy Framework.

10. No tree shall be felled until a detailed scheme of replacement planting has been submitted to and approved by the Local Planning Authority. Unless otherwise agreed by the Local Planning Authority, the replacement scheme shall be carried out within 12 months of the start of the tree felling hereby approved. These shall be planted and maintained in accordance with good practice to ensure rapid establishment- including watering in dry weather, and replaced if they fail within 5 years of initial planting, not later than the following planting season.

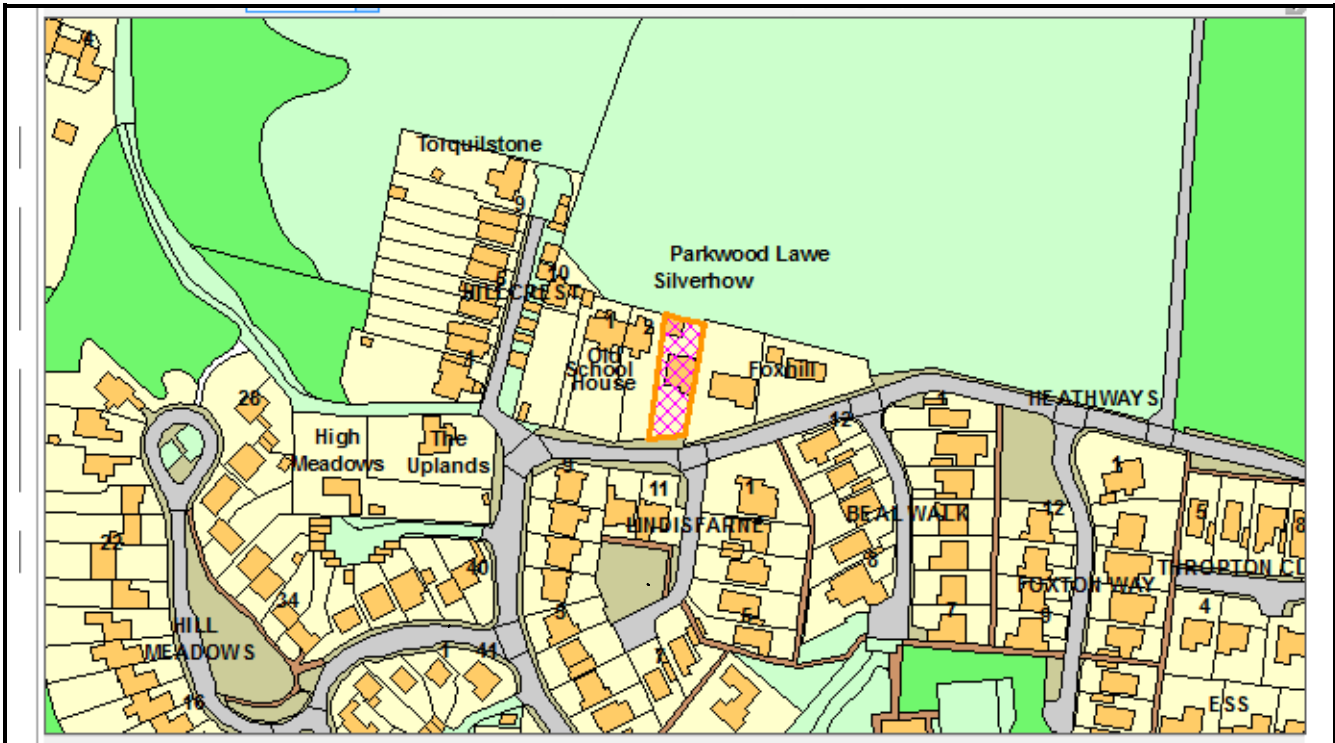
Reason: In the interests of the visual amenity of the area and to comply with Policies 29 and 40 of the County Durham Plan and Parts 12 and 15 of the National Planning Policy Framework.

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
Statutory, internal and public consultation responses



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Planning Services

Demolition of existing bungalow and replacement with dormer bungalow at Silver Howe, Heathways, High Shincliffe, Durham, DH1 2PQ
 Application Reference: DM/21/01509/FPA

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Date: December 2022

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