

COMMITTEE REPORT

APPLICATION DETAILS

APPLICATION No:	DM/22/03065/FPA
FULL APPLICATION DESCRIPTION:	Construction of a detached dwelling
NAME OF APPLICANT:	Mr Curry
ADDRESS:	AJA Property Ltd 21 Cohort Close Ebchester DH8 0PG
ELECTORAL DIVISION:	Leadgate and Meadomsley
CASE OFFICER:	Scott Henderson Senior Planning Officer Telephone: 03000 256286 scott.henderson@durham.gov.uk

DESCRIPTION OF THE SITE AND PROPOSALS

The Site

1. The application site is relatively flat area of undeveloped grassland adjacent to a small development of 2no. dwellings to the North, granted consent in 2019 as part of a scheme to demolish the former Working Men's social club. To the East of the site is open countryside, whilst to the South is Woodland and a commercial garage beyond; to the West of the site is a former (vacant) nursing home (currently under consideration for redevelopment to residential units).
2. The site is serviced by bus stops within 90m-170m walking distance of the site that are serviced by a single hourly bus service between Consett and Newcastle upon Tyne via Gateshead, along with smaller settlements along the route. There are no community facilities such as schools, shops and health care facilities within walking proximity to the site.

The Proposal

3. The proposal seeks full planning permission for the erection of 1no. two-storey dwelling to be constructed from stone walls with a slate roof, with associated garden and vehicle hardstanding.
4. The application has been called into the Planning Committee for members consideration by Councillor Watts Stelling in the interest of local residents.

PLANNING HISTORY

1/0000/9806/26144 Alterations and extensions Approved 1st January 1992

1/2013/0559/87459 Advertisement consent for v board sign to entrance to club Approved 4th December 2013

DM/19/01533/FPA Demolish existing working mans social club and construct one new private dwelling and detached domestic garage. Approved 8th July 2019

DM/19/02260/FPA Demolish existing working mans social club and construct two new private dwellings with attached double garages. Approved 19th September 2019

DRC/20/00129 Submission of details pursuant to conditions Condition 5,6 and 7 of approval

DM/19/02260/FPA (new dwellings) relating to site investigation works. Approved 29th October 2021 DM/20/03372/VOC Variation of Condition 2 (approved plans) in relation to application DM/19/02260/FPA to amend plans to propose facing stonework to all elevations, minor amendments to windows and doors, amend height and layout of roof to incorporate 2nd floor accommodation and gable walls added. Approved 13th January 2021

DM/21/00703/FPA Proposed erection of fence on inside of front boundary, behind current hedge line 2.6mtr tall -tapering to 1.8mtr towards entrance to site. Application Withdrawn 10th March 2021

DM/21/01622/FPA Change of use from open space to garden land and retention of fencing. Approved 5th August 2021

DM/22/01458/FPA - Erection of one dwelling. Refused. 24.08.2022

PLANNING POLICY

NATIONAL POLICY

5. The Government has consolidated all planning policy statements, guidance notes and many circulars into a single policy statement, the National Planning Policy Framework (NPPF), although the majority of supporting Annexes to the planning policy statements are retained. The overriding message is that new development that is sustainable should go ahead without delay. It defines the role of planning in achieving sustainable development under three topic headings – economic, social, and environmental, each mutually dependent.
6. The presumption in favour of sustainable development set out in the NPPF requires local planning authorities to approach development management decisions positively, utilising twelve ‘core planning principles’. The following elements of the NPPF are considered relevant to this proposal;
7. *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.

8. *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.
9. *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.
10. *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.
11. *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.
12. *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:

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

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

LOCAL PLAN POLICY:

14. The following policies within the County Durham Local Plan are considered relevant in terms of this proposal:

15. *Policy 1 (Quantity of Development)* outlines the levels of employment land and housing delivery considered to be required across the plan period.

16. *Policy 6 (Development on Unallocated Sites)* supports 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.

17. *Policy 10 (Development in the Countryside)* states that development will not be permitted unless allowed for by specific policies in the Plan or Neighbourhood Plan or unless it relates to exceptions for development necessary to support economic development, infrastructure development or development of existing buildings. The policy further sets out 9 General Design Principles for all development in the Countryside.

Provision for economic development includes: agricultural or rural land based enterprise; undertaking of non-commercial agricultural activity adjacent to applicant's residential curtilage. All development to be of design and scale suitable for intended use and well related to existing development.

Provision for infrastructure development includes; essential infrastructure, provision or enhancement of community facilities or other countryside based recreation or leisure activity.

Provision for development of existing buildings includes: change of use of existing building, intensification of existing use through subdivision; replacement of existing dwelling; or householder related development.

18. *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.

19. *Policy 27 (Utilities, Telecommunications and Other Broadcast Infrastructure)* supports such proposals provided that it can be demonstrated that there will be no significant adverse impacts or that the benefits outweigh the negative effects; it is located at an existing site, where it is technically and operationally feasible and does not result in visual clutter. If at a new site then existing site must be explored and demonstrated as not feasible. Equipment must be sympathetically designed and camouflaged and must not result in visual clutter; and where applicable it proposal must not cause significant or irreparable interference with other electrical equipment, air traffic services or other instrumentation in the national interest.

20. *Policy 29 (Sustainable Design)* requires all development proposals to achieve well designed buildings and places having regard to SPD and sets out 18 elements for development to be considered acceptable, including: positive contribution to areas character, identity etc.; adaptable buildings; minimising greenhouse gas emissions and use of non-renewable resources; providing high standards of amenity and privacy; contributing to healthy neighbourhoods; and suitable landscape proposals. Provision for all new residential

development to comply with Nationally Described Space Standards, subject to transition period.

Provision for alterations and extensions to residential property to be sympathetic to existing building and character and appearance of area

Provision for signage, adverts, street furniture and public art to be appropriate and sympathetic to users and local setting and not detrimental to visual amenity or public highway safety

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.

Provision for new major residential development to be assessed against Building for Life Supplementary Planning Document, to achieve reductions in CO2 emissions, to be built to at least 30 dwellings per hectare subject to exceptions. All new development to achieve BREEAM minimum rating of 'very good'.

21. *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 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 locating of 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.

22. *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.

23. *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.

24. *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.

25. *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.

Development proposals where the primary objective is to conserve or enhance biodiversity or geodiversity will be permitted if they comply with other local plan policy. Development proposals which are likely to result in the loss of deterioration of irreplaceable habitats will not be permitted unless there are wholly exceptional reasons and a suitable compensation strategy exists.

26. There is no relevant neighbourhood plan within this area.

CONSULTATION AND PUBLICITY RESPONSES

STATUTORY RESPONSES:

27. **DCC Highways** - No objections would be made. The new access must be constructed in accordance with the requirements of Section 184(3) of the Highways Act 1980. The applicant must contact highways.licensing@durham.gov.uk in this regard. I would request a suitably worded Informative to this effect be added to any planning permission that may be granted.

As an informative

Developers undertaking works requiring access to the public highway must be made aware of the requirements of The County Council of Durham Road and Street Works Permit Scheme. This scheme permits access to the public highway and it is a legal requirement for developers to adhere to the scheme requirements. Permits will only be granted once a S278 agreement or S184 licence is secured. Failure to adhere to the scheme will result in delay to development proposals and potential legal action by this highway authority. Scheme details can be found at <http://www.Durham.gov.uk/roadworks>

All correspondence relating to the scheme should be addressed to DCCstreetworkspersmitScheme@durham.gov.uk

All drainage from these proposals should be dealt with at source and not discharged onto the public highway (it is an offence under S163 HA). Section 163 HA 1980 gives powers to the highway authority to require adjoining occupiers to prevent water from falling on to persons using a highway or surface water from premises from flowing over roads and footways.

The Highways Act 1980 - Section 153. It is an offence for any doors or gates to open outwards towards the public highway.

28. **DCC Tree** - require a Tree survey (TS), Arboricultural Method Statement (MS), Impact Assessment (AIA) Tree Protection Plan (TPP), showing the root protection area (RPA) of all trees located within and adjacent to the site.

Arboricultural information must comply with BS 5837 2012 Trees in relation to design, demolition and construction- Recommendations.

29. **DCC Design and Conservation** - Whilst the proposed dwelling is similar in design to those recently approved adjacent to the site, the principle of development is questionable based on the previously refused application and most recent comments from colleagues in Spatial Policy.

30. **DCC Ecology** – The ecological report in section 7.2 Biodiversity Enhancement Measures provides sufficient compensation to deliver net gains for biodiversity as per the

NPPF and Local Plan, these measures should be conditioned as part of any planning permission.

31. **DCC Env. Health Contaminated Land** – No objection subject to conditions

32. **DCC Env. Health Nuisance Action** – No objection

33. **DCC Landscape** – In terms of impacts on vegetation, the proposed access to the site from the road would involve the loss of a section of hedgerow which is a landscape element of the local character. The proposed building footprint to the south-east of the plot would potentially encroach on the root protection areas of a group of existing trees which form a small deciduous copse. These existing trees have the potential to push canopies out into the site and extend roots into areas proposed for construction in future years. It appears that information to identify and describe the anticipated impacts upon the hedge at the front of the property and adjacent trees has not been included with the application.

The development would therefore introduce moderate and adverse levels of harm to landscape character and visual amenity and the acceptability of this is dependent on the balance of planning considerations.

If the site was to be developed, then further future encroachment of additional development could be contained by protection of existing trees to the south-east of the site which could form a settlement buffer.

34. **Northumbrian Water** – No response

35. **The Coal Authority** – No objection subject to conditions

PUBLIC RESPONSES:

36. The application was advertised by way of site notice. Additionally, 21 letters were sent directly to neighbouring properties. No replies were received.

APPLICANT'S STATEMENT:

37. The proposed development is a revised design with additional supporting information submitted to support the current application following a previous refusal on the site. This was despite positive pre-application advice before any submission was made where none of the concerns regarding development of the site were raised. Nonetheless it is positive that the recommendation notes that the current revised design addresses previous design concerns.

The matter of sustainability of the site remains an area of concerns for officers. However the supporting information is clear that the site is within walking distance, along existing footpaths which connects the site to regularly serviced bus stops.

There is an existing lit footpath directly opposite the application site with 4 regularly serviced bus stops within 600 metres of the application site, one of which is directly adjacent to the site and another on the opposite side of the road is within 50 metres. This therefore provides sufficient opportunity for residents to access the public transport network and therefore avoid reliance on private car. The serviced bus routes provide access to a number of surrounding villages, which comprise shops/services/schools/hospitals. Spatial policy comments in this application note that there is national policy support for development which support the continued use of such rural facilities.

When considering the locational sustainability of the site directly adjacent to the application in July 2019 (reference DM/19/02260/FPA) in approving the two dwellings (now built) the officer report concluded the following

“Whilst there are no facilities in Medomsley Edge itself other than a car repair garage the site is in very close proximity to bus stops with bus services that connect it to Consett as well as the surrounding villages of Medomsley, Ebchester and Leadgate, all of which provide a range of facilities and there are also services to two secondary schools, a college and Newcastle City Centre. Against this background, it appears that jobs, shops, services and education are likely to be reasonably accessible from the site by modes of transport other than the private car.”

The bus service provision has NOT changed since this conclusion. A similar view was taken by an inspector who allowed an appeal in a similar situation in Esh Winning in which the inspector concluded that a nearby bus stop provided opportunity for use of public transport which connected the site to the wider area and facilities. In a similar way to the allowed appeal there is an existing lit footpath, possibility to cycle on the highway and also easy access to a serviced bus stop. Therefore in the same way the inspector concluded that the appeal site provided *“availability and accessibility of sustainable transport modes to future occupiers”*

The proposed design is in keeping with the scale and proportions of the surrounding street scene and will be visually attractive. The proposal provides sufficient space between existing and proposed properties to ensure good amenity for both existing and proposed residents with sufficient curtilage space for car parking and gardens to the front and rear.

Other than spatial policy concerns regarding the sustainability of the site, there are no technical consultee objections and no neighbouring residents have objected to the proposed development.

The proposals represent sustainable development which will provide an additional home, which will be well connected to the village making the most effective use of land. The site is currently underutilized and provides an ideal opportunity to provide a dwelling. The proposed development will provide an optimum, viable use of the land whilst providing a number of environmental, economic and social benefits. The proposals accord with local and national planning policy in all regards.

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

38. The main planning considerations of this application are the compliance of the proposal with national and local planning policy, (the principle of housing development, sustainability of the site, planning obligations, viability), impact on highway and pedestrian safety, impact upon the visual amenity of the area, landscaping, impact on the amenity and privacy of existing and future neighbouring land users, ecology and nature conservation, flooding and drainage and any other material planning considerations.

PRINCIPAL OF DEVELOPMENT

39. 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 this respect the development plan for the area consists of the policies contained within the adopted County Durham Plan (2020)

40. Policy 6 of the County Durham Plan (CDP) supports development on sites which are not allocated in the Plan, but which are either within the built-up area or outside the built up area but well related to a settlement, stating that such development will be permitted provided it is compatible with uses 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.

41. As detailed above Policy 6 of the CDP permits development on unallocated sites provided it meets the criteria set out within the policy. In this regard it is considered Medomsley Edge is a somewhat 'sporadic' settlement comprised of several groupings of dwellings of around 50 units in total. It ranks 170th out of 230 settlements in the Council's settlement study, based on the levels of service provision.

42. There is a garage to the south east of the settlement and bus stops within walking distance of the site which are serviced by a single hourly service to Consett, Newcastle and Gateshead. However, this is the extent of the service provision. The former Hat and Feather Pub is situated further south, however this has closed. The nearest facilities are to be found in Medomsley village which is approx. 2km from the site. The effect of this is likely to be that occupants of the proposed dwelling would be solely reliant upon travelling to other towns and villages to access goods and services.

43. It is further noted from historic mapping that this site has remained free from development for over 100 years or so. While the adjacent site has permission for residential use, this was previously occupied by the Pretoria Working Mans Club and received consent under the Derwentside District Plan with this application site not being associated with this use.

44. It is considered that the site is regarded to fall outside the settlement of Medomsley Edge and would contribute to ribbon development and coalescence between the current built environment and that further to the South. In addition the proposed form and layout does not relate to the sporadic form of the settlement of Medomsley Edge or the adjoining residential properties.

45. The proposal therefore is considered to be contrary to Policy 6 (b), (d) and (f) of the criteria. relevant due to the outline nature of the proposal.

46. Policy 10 of the County Durham Plan seeks to resist development within the countryside unless allowed by specific policies within the plan, or relate to the one or more of the exceptions set out within Policy 10.

47. In this regard there are no specific policies that would relate to a development of this nature within this location, nor would the development meet any of the specific exceptions within Policy 10. It is therefore considered that the proposal is contrary to Policy 10 of the County Durham Plan.

Sustainable Development

48. The overriding objective of planning is to contribute to the achievement of sustainable development; this objective is echoed in the NPPF particularly as the presumption in favour of sustainable development is the golden thread running through the NPPF. In applying the

presumption and in viewing the Government agenda to build more homes due regard must be had to the requirement to provide homes that meet the needs of the community and that are in the right location.

49. Considerable weight should be given to the fact that the authority can now demonstrate in excess of a five-year housing land supply but that does not override the requirement that is set out with the National Planning Policy Framework to ensure that development is sustainable. The NPPF paragraph 8 sets out the three dimensions that form sustainable development, namely, economic, environmental and social. The three roles are mutually dependent and should not be taken in isolation.

50. Critically, paragraph 11 of the NPPF states that, for decision-takers, applying the presumption in favour of sustainable development means approving development proposals that accord with an up-to-date development plan without delay. Whilst paragraph 12 of the NPPF on the other hand stipulates that where a planning application conflicts with an up-to-date development plan, permission should not usually be granted. Local Planning Authorities may take decisions that depart from an up-to-date development plan, but only if material considerations in a particular case indicate that the plan should not be followed.

51. As detailed above the proposed development is located outside envelope of any settlement with limited access to sustainable transport links with a single bus service running hourly it is therefore considered that the site is in an unsustainable location wholly reliant on private motor vehicles contrary to Part 2 of the NPPF and the aspirations of paragraph 79 of the NPPF in supporting the vitality and viability of communities, and contrary to Policy 6 (f), Policy 21 and Policy 29 (m)(2) of the County Durham Plan .

52. The applicants in their statement have made reference to the original consent in the adjoining site, which considered the application site to be sustainable location due to the nearby bus stops. However, this decision was prior to the County Durham Plan being adopted which puts greater emphasis on ensuring that sites are sustainable in accordance with Policies 6, 21 and 29. Furthermore, it is noted that the previous scheme included the demolition of a vacant working men's club, which would have had wider benefits in the planning considerations.

Principle of development summary

53. It is considered that the proposal would be contrary to Policies 6, 10, 21, and 29(m)(2) of the County Durham Plan due to the location of the site being within an unsustainable location within the Countryside.

Impact on the character and appearance of the streetscene

54. Policy 29 (Sustainable Design) of the County Durham Plan 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.

55. This is in line with Policy 6(d) which requires development to be appropriate in terms of scale, design, layout and location to the character, function, form and setting of the settlement.

56. In terms of the design of the dwelling, as a standalone dwelling, the design is acceptable. The use of stone and slate for materials is considered to be acceptable and the

specific details of the materials could be left to a planning condition to secure a high-quality material for the site.

57. The immediate setting of the site to the north sees large detached dwellings within large plots and the design of the structure does not relate to the character, form and function of these. Instead, the proposal includes a smaller dwelling on the site which does not have the expansive land surrounding to the front and side.

58. It is considered that this would appear incongruous in the streetscene in relation to the adjacent development which would not make a positive contribution to the area's character.

59. Information has been submitted with the application to show that the proposal would be compliant with the Nationally Described Space Standards (NDSS). The resultant property would be a three-bedroom, two storey dwelling which would be required to have 102m² in gross internal floor space. The proposal would exceed this requirement and therefore comply with the NDSS.

60. Therefore, it is considered that the proposal complies with Policy 6 (d) and Policy 29 of the County Durham Plan and the NDSS.

Impact upon Residential Amenity

61. 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. Provision for all new residential development to comply with Nationally Described Space Standards, 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.

62. In addition to the above policies within the CDP, the Local Authority has adopted a residential design SPD which sets out the Councils expectation in relation to privacy distances and private outdoor amenity space (Gardens). In this regard the development would need to achieve a minimum of 21m between two storey buildings and 18m between bungalows and provide rear garden lengths of at least 9m.

63. The above policies and SPD are in broad accordance with paragraph 130 of the NPPF which requires that planning decisions should ensure that developments will create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

64. It is considered that the proposal more than meets the privacy distance to the front and rear, however due to the orientation and relationship with the neighbouring property to the North their rear windows will have an aspect towards the side and rear gardens of the proposed dwelling. However, whilst there are windows in the side elevation of the proposed these are not primary habitable room windows (WC and utility) and they do not overlook any principle amenity space of future residents, and therefore it is considered that the residential amenity is protected.

65. Policy 27 of the County Durham Plan requires that all new residential development should be served by high-speed broadband connections. The UK Government defines

superfast internet as speeds in excess 24mbps. It is noted that the website for Ofcom (regulator for the communications services) provides a detailed internet speed checking service for locations within England. In this regard they confirm that the settlement, and the adjacent dwelling are by Superfast internet connections of upto 75mbps. It is therefore considered that the site is capable of achieving the requirement of Policy 27, subject to an appropriate condition to secure this matter.

66. Crime, and fear of crime are material planning considerations. Paragraph 92(b) of the NPPF states that planning decision should aim to ensure that developments provide health, inclusive and safe places that are safe and accessible, so that crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion. In this regard it is considered that, given that this is an outline application with the majority of matters reserved that these matters will be considered in detail at the reserved matters stage. However, given the proposed use as residential in near to albeit not within a residential area it is considered that in principle the proposal has the ability to meets the test of Paragraph 92 of the NPPF and Policy 29(m) of the CDP.

67. 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.

68. The Council's Env. Health officer has accessed the development and concluded that the proposal has the potential to cause a nuisance in relation to disturbance during the construction phase for existing nearby residents. However, they have confirmed that subject to planning conditions the nuisances can be adequately mitigated. As such it is considered that the proposal is acceptable in relation to the impact on the surrounding residents subject to the requested conditions.

69. Therefore, it is considered that the proposal is acceptable in that there would not be any unacceptable impact upon residential amenity of future or existing residents in accordance with the aims of Policies 29 and 31 of the County Durham Plan, the Residential Design SPD and Parts 8 and 12 of the NPPF, subject to appropriate conditions.

Sustainability and Energy Efficiency

70. Policy 29 of the County Durham Plan criteria c and d require that developments should seek to minimise greenhouse gas emission by seeking to achieve zero carbon buildings and provide renewable and low carbon energy generation and should minimise the use of non-renewable and unsustainable resources.

71. The proposal does not provide any details as to how the dwelling will deal with this requirement, however it is considered that these measures can be achieved and secured by way of a planning condition should the scheme be considered acceptable.

72. In light of the above it is considered that the proposal is acceptable in regard to the provision of Policy 29 c d and o, subject to a planning condition requiring a detailed scheme to be submitted and agreed by the LPA in this regard.

Landscaping

73. Policy 39 (Landscape) 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. 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.

74. The Council's Landscape Section have considered the application and confirmed that the development would have a detrimental impact on the character of the landscape when viewed from Meadomsley Road to the front due to the loss of the existing hedge, however, it is considered that with a suitable landscaping scheme this harm could be mitigated. As such it is considered that the development would be acceptable in accordance with Policy 39 of the County Durham Plan and paragraph 130 of the NPPF subject to appropriate condition.

Highway and Pedestrian Safety

75. Policy 21 of the CDP requires that 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

76. The Council's Highway Engineers have assessed the proposal and offered no objections in relation to highway and pedestrian safety. It is therefore considered the proposal can achieve a safe means of access. The scheme is therefore acceptable in this regard.

77. However, Policy 21(a) also requires that all development delivers, accommodates and facilitates investment in safe sustainable modes of transport for people with mobility issues or disabilities, walking, cycling, bus and rail transport. In this regard and as detailed above, the site due to its location is primarily reliant on private motor vehicles to access facilities.

78. In light of the above it is considered that the proposal is contrary to Policy 21(a) of the County Durham Plan, and Part 9 of the NPPF.

Ground Conditions

79. Policy 32 relates to despoiled, degraded, derelict, contaminated and unstable land and requires developers to demonstrate that any land subject to this can be satisfactorily addressed by appropriate mitigation measures prior to the construction and occupation of the proposed development as well as the site being suitable for the proposed use and that all the necessary investigations and risk assessments have been undertaken.

80. The application site is located within the Coalfield Development High Risk Area. The Coal Authority and Council's Contaminated Land Team have been consulted as part of the application and both recommend the inclusion of planning conditions to deliver an acceptable development in regard to the coal and contaminated land conditions of the site.

81. It is considered that the use of planning conditions could make the scheme acceptable in accordance with Policy 32 of the County Durham Plan

Trees

82. Policy 40 (Trees, Woodlands and Hedges) 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.

83. The Council's Arborist has assessed the proposal and concluded that the scheme at present does not provide sufficient detail in relation to trees and the potential impact on the trees. However, due to the fundamental principle policy concerns it was not considered appropriate to require the applicant to go to the expense of providing this information.

84. Therefore, in light of the above it is considered that the proposal fails to adequately evidence that the proposal can be accommodated on site without causing damage or harm to the nearby tree and woodland contrary to Policy 40 of the CDP.

Ecology

85. Policy 41 (Biodiversity and Geodiversity) of the CDP restricts development that would result in significant harm to biodiversity or geodiversity and cannot be mitigated or compensated. Development proposals where the primary objective is to conserve or enhance biodiversity or geodiversity will be permitted if they comply with other local plan policy. Development proposals which are likely to result in the loss or deterioration of irreplaceable habitats will not be permitted unless there are wholly exceptional reasons and a suitable compensation strategy exists.

86. In relation to the above a County Ecologist has considered the proposal and concurred with the outcomes of the submitted report and confirmed that the application will provide a biodiversity net gain subject to a condition requiring compliance with the mitigation strategy.

Public Sector Equality Duty

87. Officers have considered whether there are implications in the proposals including the loss of the existing land, the nature of the proposed development and the development period that would affect rights under the Human Rights conventions and the Equalities Act 2010 over and above those implicit in the planning assessment, concluding that in this instance there are none. 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.

88. In this instance, officers have assessed all relevant factors and do not consider that there are any equality impacts identified.

CONCLUSION

89. 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.

90. Overall, it is considered that the development would result in unsympathetic ribbon development outside of the previously developed land adjacent the site which would be contrary to Policy 6, 10, 29 and 40 of the County Durham Plan. The development would in addition require the reliance on private motor vehicles and whilst there is a bus service, the site is still a considerable distance to surrounding towns and villages to access service

provision in the vicinity. Therefore, the proposal would fail to accord with Policy 6(f) and Policy 21 of the County Durham Plan. Accordingly, the proposal is recommended for refusal.

RECOMMENDATION

That the application be **REFUSED** for the following reasons:

1. The application is considered by virtue of its nature and location, to be a wholly inappropriate form of development within the Countryside contrary to the exceptions within Policy 10 of the County Durham Plan, and Part 2 of the NPPF.
2. It is considered that due to the lack of facilities and services within the settlement and reliable and frequent sustainable transportation links and foot paths linking to other settlements that future residents would be reliant on private motor vehicles to access services and employment. As such the site is considered to be an unsustainable location contrary to Policy 6 and 21 of the County Durham Plan, Part 2 of the NPPF with particular reference to the three overarching objectives of Paragraph 8 of the NPPF.
3. The development is considered to have a detrimental impact on the character and appearance of the location due to the form, scale and layout not being in-keeping with the neighbouring development and appearing as an incongruous in the streetscene. It will result in unsympathetic ribbon development outside of the previously developed land adjacent the site which would be contrary to Policy 6 and Policy 29 of the County Durham Plan.
4. The proposal fails to provide relevant assessment of the impact to the adjacent trees and woodland, and is therefore contrary to Policy 40 of the County Durham Plan, and Parts 12 and 15 of the NPPF

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

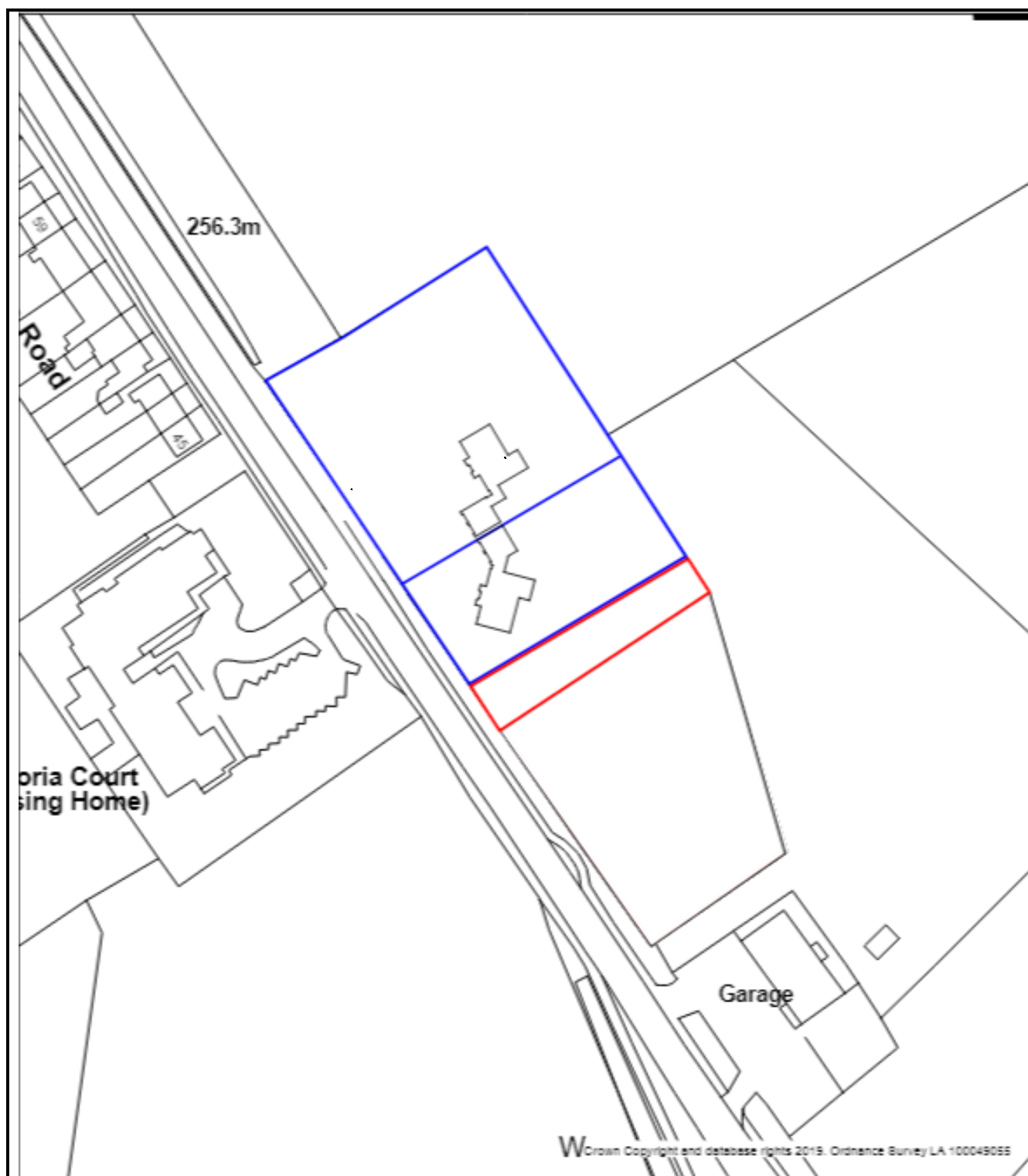
Statutory, internal and public consultation responses

The National Planning Policy Framework

National Planning Practice Guidance Notes

County Durham Plan

Residential Amenity Standards SPD (2022)



Planning Services		
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	Date 11th April 2023	Scale DNS