



## Planning Services

# COMMITTEE REPORT

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### APPLICATION DETAILS

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<b>APPLICATION No:</b>	DM/22/01445/FPA
<b>FULL APPLICATION DESCRIPTION:</b>	Replacement of existing septic tank with a domestic sewage treatment plant
<b>NAME OF APPLICANT:</b>	The Cambian Group
<b>ADDRESS:</b>	Land Adjacent to 4-5 Shotley Grove Road, Shotley Bridge, Consett, DH8 8SF
<b>ELECTORAL DIVISION:</b>	Benfieldside
<b>CASE OFFICER:</b>	Chloe Robinson (Planning Officer) Telephone: 03000 264 960 <a href="mailto:chloe.robinson@durham.gov.uk">chloe.robinson@durham.gov.uk</a>

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### DESCRIPTION OF THE SITE AND PROPOSALS

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#### The Site

1. The application site relates to a parcel of land sited to the Northwest of Shotley Grove Road and the bank of the River Derwent. The area is covered in dense grass and trees. The application site is located within Shotley Grove Conservation Area and within an Area of Higher Landscape Value (AVLV). The site is also located within Flood Zone 1. The site is accessed from Shotley Grove Road.
2. The site has an existing septic tank which is now at the end of its life and not fit for purpose. The existing tank currently takes foul water flows from numbers 4 and 5 Shotley Grove Road in addition to The Mill House which is situated further up the bank. The overflow is discharged into the River Derwent. Due to its aged nature the flows in the system have been ineffective hence the reason for this application.
3. The application site is located within a wooded area of within the garden area of Brookfield, Shotley Grove Road, DH8 8SF this is a historic relationship that predates the present owners of the land.

## The Proposal

4. Planning permission is sought to replace the existing septic tank with a modern package treatment plant (PTP) (Marsh Ensign 12PE). The PTP will discharge into the River Derwent and designed to remove 97% of pollutants.
5. Due to the nature of the development, the majority of the PTP will be located beneath the ground; however, there will be 2no. visible markers above ground to show the location of two access panels: one 600mm by 600mm and one 300mm by 300mm which will enable the PTP to be accessed by the applicants for maintenance and emptying above ground.
6. This application is being considered by committee at the request of a Councillors Kevin Earley and Stephen Robinson, due to discrepancies with what is the case on the ground.

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## **PLANNING HISTORY**

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7. 1/1991/1046/55698- Two storey study, utility, and bedroom extension (Approved)

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## **PLANNING POLICY**

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### **NATIONAL POLICY**

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

11. *NPPF Part 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.
12. *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.
13. *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.
14. *NPPF Part 15 - Conserving and enhancing the natural environment.* Planning policies and decisions should contribute to and enhance the natural and local environment.
15. *NPPF Part 16 - Conserving and Enhancing the Historic Environment.* Heritage assets range from sites and buildings of local historic value to those of the highest significance, such as World Heritage Sites which are internationally recognised to be of Outstanding Universal Value. These assets are an irreplaceable resource and should be conserved in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of existing and future generations.

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

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

16. The Government has consolidated several 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:

### The County Durham Plan

17. *Policy 29 Sustainable Design* Requires all development proposals to achieve well designed buildings and places having regard to SPD advice and sets out detailed criteria which sets out that where relevant development is required to meet including; making a positive contribution to an areas character and identity; provide adaptable buildings; minimise greenhouse gas emissions and use of non-renewable resources; providing high standards of amenity and privacy; contributing to healthy neighbourhoods; providing suitable landscape proposals; provide convenient access for all users; adhere to the Nationally Described Space Standards (subject to transition period).
18. *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.
19. *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 considering 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.
20. *Policy 36 Water Infrastructure.* Advocates a hierarchy of drainage options for the disposal of foul water. Applications involving the use of non-mains methods of drainage will not be permitted in areas where public sewerage exists. New sewage and waste-water infrastructure will be approved unless the adverse impacts outweigh the benefits of the infrastructure. Proposals seeking to mitigate flooding in appropriate locations will be permitted though flood defence infrastructure will only be permitted where it is demonstrated as being the most sustainable response to the flood threat.
21. *Policy 39 Landscape* states that proposals for new development will be permitted where they would not cause unacceptable harm to the character, quality or distinctiveness of the landscape, or to important features or views and that development affecting valued landscapes will only be permitted where it conserves, and where appropriate enhances, the special qualities of the landscape, unless the benefits of the development in that location clearly outweigh the harm.

22. *Policy 40 Trees, Woodlands, and Hedges* states that proposals will be expected to retain existing trees where they can make a positive contribution to the locality or to the development, maintain adequate standoff distances between them and new land-uses, including root protection areas where necessary, to avoid future conflicts, and integrate them fully into the design having regard to their future management requirements and growth potential.
23. *Policy 43 Protected Species and Nationally and Locally Protected Sites.* Development proposals that would adversely impact upon nationally protected sites will only be permitted where the benefits clearly outweigh the impacts whilst adverse impacts upon locally designated sites will only be permitted where the benefits outweigh the adverse impacts. Appropriate mitigation or, as a last resort, compensation must be provided where adverse impacts are expected. In relation to protected species and their habitats, all development likely to have an adverse impact on the species' abilities to survive and maintain their distribution will not be permitted unless appropriate mitigation is provided, or the proposal meets licensing criteria in relation to European protected species.
24. *Policy 44 Historic Environment.* Seeks to ensure that developments should contribute positively to the built and historic environment and seek opportunities to enhance and, where appropriate, better reveal the significance and understanding of heritage assets. The policy advises on when harm or total loss of the significance of heritage assets can be accepted and the circumstances/levels of public benefit which must apply in those instances.

<https://www.durham.gov.uk/cdp>

#### **Neighbourhood Plan:**

25. There is no neighbourhood plan for this area.

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## **CONSULTATION AND PUBLICITY RESPONSES**

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#### **STATUTORY RESPONSES:**

26. Not applicable

#### **INTERNAL CONSULTEE RESPONSES:**

27. ***DCC Environmental Health (Contaminated Land):*** No adverse comments to make and no requirement for a contaminated land condition. Have requested a standard informative to be added to the application if unforeseen contaminated is encountered.
28. ***DCC Nuisance Action Team:*** The application complies with the thresholds stated within the TANs (Technical Advice Notes) and would not lead to adverse impact. The team requested a condition requiring the provision of a high-level alarm to alert occupants when maintenance is required. They note that the application is unlikely to cause a statutory nuisance.

29. **DCC Public Rights of Way:** Vehicular access to the site would appear to be via public byway no. 54 Consett. The byway currently serves several properties at that location. We have on file an historical (1993) claim for a public right of way, the route of which passes in close proximity to or possibly over the proposed site of the septic tank. The claim has remained dormant for a considerable number of years, and I have no information as to whether the route is still in use by the public. However, it is fair to assume that there is no current public interest in having this route added to the definitive map.
30. **DCC Trees:** No objection for proposed works. some trees will need to be removed to facilitate the installation. Removal will not have a negative effect on the overall conservation area.
31. **DCC Archaeology:** Although this application is within the Trigger map area, there is no archaeological constraint as the works involve minimal new disturbance.
32. **DCC Ecology:** No ecology issues with the proposals. The PEA provides sufficient avoidance measures to protect wildlife during the works.
33. **DCC Design and Conservation:** Based on the site plans the application is for a replacement in terms of location, footprint and assumed installed below ground. If this is the case, then the impact of the proposal would be equal to the existing so neutral in the conservation area.

#### **EXTERNAL CONSULTEE RESPONSES:**

34. **Northumbrian Water:** No response.
35. **Environment Agency:** No objections to the planning application as submitted. Have provided advice on foul drainage as part of their response.
36. **Northumberland County Council:** No objection.

#### **PUBLIC RESPONSES:**

37. Following the public consultation exercise which include neighbour notification letters and a site notice posted; a total of 3 objections and 2 representations have been received in response to the consultation exercise.
38. The main reasons for objection are as follows:
  - There is a requirement of waste disposal at this location as there is no local authority sewage disposal in place.
  - Three residencies are connected to the current septic tank. All three properties have a higher number of adults in permanent situ due to the business it delivers compared to a standard dwelling. Is the replacement tank large enough to contain the waste without overflowing and causing contamination of the River Derwent.

- Overflowing issues with current tank and unfavourable smells and pollution in the area.
- A stringent management plan should be put in place for any future replacement so that is emptied before spillage.
- Input rate should be reduced by removing one of the three residences.
- The new tank should be sited adjacent to numbers 4 and 5 near the old unused garages. This would encourage direct ownership of maintenance and would stop immediate spillage into the river. This would also allow the sewage lorry to be situated off road which would alleviate blocking the road access for up to an hour at a time.
- Plans are incorrect showing two properties rather than three which are currently connected to the current septic tank.
- The 12-person tank is inadequate for the people it will serve. Concerns were raised if the tank could cope with the number of residents and staff/carers.
- Mill House has  $\frac{3}{4}$  of an acre of land which is adequate to have its own sewage system.
- 4&5 have enough room on their land if they demolished the garage which is not being used. The system should be 8m from the dwelling.
- It is in a conservation area.
- Concerns around felling of trees and access to the site which is forms part of Brookfields garden and land ownership.
- The plans are not to scale; it is exceptionally larger than the existing concrete tank. Concerns raised about selling of additional land to accommodate the proposal.
- The covenant was for three dwelling houses the properties are now residential care homes with more people who lived in the houses than before.
- The people who made the covenant are deceased. This is creating a negative impact and stressful situation which has occurred over a 6  $\frac{1}{2}$  year period.
- Complaints of smell.
- 100m upstream is a fish run; the fish are swimming through raw sewage from the overflow.
- The tank has overflowed on 9 occasions.
- Complaints to the Environment Agency have fell on deaf ears.
- The current tank is badly managed, outdated, and hazardous.
- Following a change in the proposal title a further comment was made. This was in relation to the existing septic tanks footprint being 10.85 sqm. The plan shows 114sqm which is ten times larger than the existing. This is a misrepresentation of the proposal.
- No requests to purchase more land which the landowners of Brookfield are not prepared to sell. Concerns about land grabbing.

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

39. The following written statement has been prepared on behalf of the applicant, The Cambian Group (part of CareTech Community Services Ltd.), who are seeking full planning permission for the existing septic tank, which presently services their

properties at no.'s 4 & 5 Shotley Grove and Mill House, to be replaced with a new domestic sewage plant in-situ to service the properties at no.'s 4 & 5 only.

40. The existing septic tank, which simultaneously services no.'s 4 & 5 Shotley Grove and Mill House, is to be removed and replaced through the development proposals. The current tank is aged and inefficient, with a new more effective tank to service no.'s 4 & 5 Shotley Grove, and a new separate tank to service Mill House in isolation within its own site, would allow efficient waste management, alleviating concern over the tank operating at capacity and the risk of overspill.
41. It should be noted the following any planning approval for no.'s 4 & 5 Shotley Grove, the applicant would be unable to proceed with the proposed replacement until such time as approval has been granted for a new tank at Mill House. The simultaneous installation of new tanks for both properties would be secured by way of Grampian condition upon the approval notice for this application, which is discussed in the following section. In the interim period, until a subsequent application at Mill House has been approved, the existing tank will still be used by both properties. This application relates to the proposed new tank that will serve no. 4 & 5 Shotley Grove Road, only.
42. The specification of the proposed tank, 'Marsh Ensign 12 PE' conforms to standards set within 'BS EN 12566:3', treating discharge to a maximum of 20mg/l BOD, 30mg/l Suspended Solids and 20mg/l Ammoniacal Nitrogen. As per the present arrangement, discharge will be conveyed into the River Derwent via the existing piped outfall.
43. A maximum of 11no. people are present at no.'s 4 & 5 Shotley Grove during typical operations, considering residential arrangements and staffing patterns at the properties. Additional meetings during term-time would be attended by 1-2no. additional persons for circa 1 hour, however, these meetings are infrequent and coordinated on an ad-hoc basis, and thus impact of such instances on the capacity and efficiency of the tank is deemed negligible.
44. As previously mentioned, a separate formal planning application seeking consent for new plant to service Mill House in isolation will be brought forward by the applicant imminently, with any development approved under LPA ref. LPA ref. DM/22/01445/FPA prohibited until the LPA is satisfied by the new tank for Mill House.
45. The applicant is agreeable to the attachment of Grampian condition, to restrict the implementation of planning consent until a suitable arrangement for Mill House is established and has been consented following scrutiny via the formal planning process. The applicant would never wish to deliver environmental malpractice as a result of their site operations, and they are therefore satisfied and agreeable to ensuring that Mill House and Shotley Grove can simultaneously operate without impediment to neighbouring or environmental amenity.
46. It is politely requested that members follow the Officer's recommendation for approval of the application, subject to the attachment of suitable ongoing



management conditions and the Grampian condition in relation to the pending submission for the tank to service Mill House.

47. The planning proposals provide clear environmental benefit and are wholly compliant with both national and local policy directives and will ensure a more efficient and suitable arrangement of sewage treatment at no.'s 4 & 5, to the benefit of both the operator and to neighbouring properties.

*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/onlineapplications/applicationDetails.do?activeTab=documents&keyVal=P8X9C0GDL8J00>*

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## **PLANNING CONSIDERATIONS AND ASSESSMENT**

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48. Section 38(6) of the Planning and Compulsory Purchase Act 2004 sets out that regard is to be had to the development plan, decisions should be made in accordance with the development plan unless material considerations indicate otherwise.
49. 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 CDP was adopted in October 2020 and provides the policy framework for the County up until 2035.
50. In this context, it is considered that the main planning issues in this instance relate to landscape/visual impacts, residential amenity, public rights of way, ecology, trees, archaeology, impact on conservation area and water infrastructure.

### ***Landscape and Visual Impacts:***

51. Policy 29 of the CDP outlines that development proposals should contribute positively to an area's character, identity, heritage significance, townscape and landscape features, helping to create and reinforce locally distinctive and sustainable communities. Parts 12 and 15 of the NPPF also seek to promote good design, while protecting and enhancing local environments. Paragraph 130 of the NPPF also states that planning decisions should aim to ensure developments function well and add to the overall quality of the area and establish a strong sense of place, using streetscapes and buildings to create attractive and comfortable places to live, work and visit.
52. Policy 39 of the CDP states proposals for new development will be permitted where they would not cause unacceptable harm to the character, quality or distinctiveness of the landscape, or to important features or views. Proposals are expected to incorporate appropriate measures to mitigate adverse landscape and visual

effects. Development affecting Areas of Higher Landscape Value will only be permitted where it would conserve, and where appropriate enhance, the special qualities of the landscape, unless the benefits of the development in that location clearly outweigh the harm. Parts 12 and 15 of the NPPF promote good design and set out that the planning system should contribute to and enhance the natural and local environment by (amongst other things) recognising the intrinsic character and beauty of the countryside.

53. The application site is to the northwest of 4 and 5 Shotley Grove Road on land identified as an AHLV. Whilst the proposed PTP would be located with the AHLV, the site is surrounded by a wooded area with dense vegetation. The site forms part of the garden of Brookfield. The eastern and southern boundaries of the site are surrounded by shrubbery and woodland with the River Derwent to the north of the site. Above ground there will be two access panels which are necessary for accessing the tank. The access panels will be shielded from public vantage points due to the woodland and vegetation surrounding the site.
54. It is considered that given the proposed scheme would be in an isolated position within the AHLV, screened by dense trees, grass and shrubbery and given it is primarily beneath the ground with the exception of the 2no. access panels, that the development would not have a detrimental impact on the AHLV or the landscape, and would be in accordance with Policies 29, and 39 of the CDP and Parts 12, and 15 of the NPPF in this regard.

***Residential Amenity:***

55. Policies 29 and 31 of the CDP outline that developments should provide high standards of amenity and privacy, minimise the impact of development upon the occupants of existing adjacent and nearby properties and not lead to unacceptable levels of pollution. A Residential Amenity Standards Supplementary Planning Document (SPD) has also been adopted by the Council. The aforementioned policies and SPD can be afforded significant weight. Parts 12 and 15 of the NPPF, require that a good standard of amenity for existing and future users be ensured, whilst seeking to prevent both new and existing development from contributing to, or being put at unacceptable risk from, unacceptable levels of pollution.
56. Due to the location and nature of the proposal it is not considered to have an unacceptable detrimental impact upon residential amenity of any neighbouring dwelling in terms of its size, overshadowing or loss of privacy.
57. The site is currently located within the garden space of Brookfield (which is adjacent to the properties the proposed PTP will serve) due to a previous historic covenant in place. The current septic tank is inadequate and of such an age that it has become ineffective in treating sewage and foul water. There are a number of report occurrences where the existing tank has overflowed on to the garden space of Brookfield, or into the River Derwent. Objections to the proposal were raised in relation to smell and odour.
58. Whilst there are concerns around the existing tanks odour and past pollution issues, the proposed modern package treatment plant is designed to effectively

deal with waste of up to 12 persons and would help solve the current issues being experienced and therefore reduce the impact on residential amenity of neighbours subject to it being maintained and managed in accordance with the manufacturer's details.

59. Concerns were raised regarding the capacity of the package treatment plant and whether this is adequate for the service users and staff of 4 and 5 Shotley Grove Road. These properties are owned by Cambrian Group (the applicant) and provide residential placements for young adults with additional needs that means there is a requirement for support staff to be present on site at all times. The applicant has provided details of staffing levels and working schedules to support the application.
60. The submitted information states that there are 3 residents at the properties with 7/8 staff working during the day between 8am and 8pm (11 maximum total persons during the daytime); with 2 further staff on site between 8pm-8am (5 total during the evening/night).
61. The application states that the proposed treatment plant is designed to service 12 people. The numbers provided by the applicants show that for the majority of the time the proposed treatment plant would not exceed the 12-person threshold. However, there would be periods whereby the maximum number of persons designed to use the treatment plant is exceeded, when the premises hosts monthly staff meetings, or ad-hoc term time meetings albeit these would be for a limited period of time.
62. It is therefore considered that the proposed package treatment plant, would remove the current issues being experienced with existing tank (e.g., pollution, smell, overflowing) and that the PTP capacity is sufficient to deal with the proposed users. The additional meetings are so infrequent that their impact on the capacity of the tank would be negligible.
63. Given the above, the scheme is not considered to have an unacceptable impact upon residential amenity, overshadowing, or loss of privacy. In this respect, the scheme is considered to adequately accord with the provisions of Policies 29 and 31 of the CDP, Parts 12 and 15 of the NPPF and the Residential Amenity Standards SPD.

### ***Impact on Shotley Bridge Conservation Area***

64. Policy 44 (Historic Environment) seeks to ensure that developments should contribute positively to the built and historic environment and seek opportunities to enhance and, where appropriate, better reveal the significance and understanding of heritage assets. The policy advises on when harm or total loss of the significance of heritage assets can be accepted and the circumstances/levels of public benefit which must apply in those instances.
65. Local authorities have a duty to preserve or enhance the Conservation Area as requested by section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990. This requires Local Planning Authorities in the exercise of their planning function with respect to any buildings or other land in Conservation Areas to pay

special attention to the desirability of preserving or enhancing the character or appearance of that area.

66. The application site lies in Shotley Bridge Conservation Area. The Conservation Area Appraisal states that several mills were situated along the Shotley Grove Road area which were demolished in the 1930's. The River Derwent is a dominant visual part of the village with views of the river seen from Shotley Grove Road and is listed as an important view/vistas within the area appraisal. Whilst this is acknowledged the PTP would be situated within the conservation area it is unlikely to have a negative impact on this.
67. As part of the application the Design and Conservation Team were consulted. They acknowledge that the tank is a replacement in terms of location and footprint and would be installed below ground. They state that the impact would be equal to the existing and have a neutral impact on the conservation area.
68. As such it is considered that the proposal would therefore preserve the significance and historical interest of the designated Conservation Area and would accord with Policy 44 in this respect.

***Impact on trees:***

69. 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.
70. As part of the application an Arboricultural Method Statement (AMS) was submitted. This outlined any trees to be removed prior to development and those that will be retained along with pruning that maybe required.
71. The site is located between Shotley Grove Road and the River Derwent and is a grass covered area surrounded by self-seeded, young to semi mature broadleaved trees. To the northwest banks there are a line of larger trees.
72. It is stated and acknowledged that in order to install the PTP contractors would need a degree of working room to remove the septic tank and install the new package treatment system, which would result in the loss of a number of trees.
73. The submitted report recommends removing trees within Group 1 (Ash and Hawthorn) within 3m of the exposed concrete to the Northeast and Southwest and to the front (Southeast) with 1m to the rear (Northwest) and crown lifting to G2 (Willow and Ash) which overhang the working area to 3m above ground level. It is noted that this group of linear trees located north of the septic tank some have suffered storm damage with some being considered Category C (low quality and value)

74. The Council's tree officers were consulted as part of the application and have offered no objection to the proposed works highlighting some trees need to be removed to facilitate the installation. They note that this will not have a negative effect on the conservation area.
75. The consent to carry out work to protected trees only relates to the requirements of the Town and Country Planning Act 1990 and associated legislation. It is the applicant's responsibility to obtain any other legal consents which may be required, including the permission of any landowners involved.
76. It is therefore considered that subject to the works being undertaken in accordance with the submitted AMS (which can be secured by planning condition) that the proposal would accord with Policy 40 of the CDP and Part 15 of the NPPF.

***Impact on ecology and protected species:***

77. Policy 43 (Protected Species and Nationally and Locally Protected Sites) development proposals that would adversely impact upon nationally protected sites will only be permitted where the benefits clearly outweigh the impacts whilst adverse impacts upon locally designated sites will only be permitted where the benefits outweigh the adverse impacts. Appropriate mitigation or, as a last resort, compensation must be provided where adverse impacts are expected. In relation to protected species and their habitats, all development likely to have an adverse impact on the species' abilities to survive and maintain their distribution will not be permitted unless appropriate mitigation is provided, or the proposal meets licensing criteria in relation to European protected species.
78. As part of the application a Preliminary Ecological Appraisal (PEA) was submitted. The PEA stated that the site has negligible potential for roosting bats and low/moderate potential for breeding birds. In assessing the site, the trees to be felled are unlikely to support breeding birds.
79. The PEA identified one tree (*Salix* spp.) that had features to support bats and breeding birds. It further states that if in the event the tree is to be felled or subject to works a check is required by an ecologist. The tree in question is not identified for felling or pruning works.
80. The Ecology Team were consulted as part of the application, and they had no issues with the proposals. They noted that the PEA provided sufficient avoidance measures to protect wildlife during the works.
81. In light of the above, it is considered that the application complies with Policy 43 of the CDP and Part 15 of the NPPF.

### ***Water Management:***

82. 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.
83. It is noted within the Shotley Grove area numerous properties use a septic tank or package treatment system to dispose of wastewater and foul sewage due to the nature of the area. The nearest sewer is located 10m higher than the properties with a pumped connection required. For this to be implemented a connection would have to cross multiple third-party land which may not be feasible.
84. As detailed above the existing tank is beyond its reasonable life span and needs replacing. The current tank serves 4&5 Shotley Grove Road (known as River View and River Cottage) and The Mill House further up the bank which are all part of The Cambrian Group ownership. The proposed PTP would only serve numbers 4 and 5, whilst Mill House will seek consent for its own tank which is scheduled to be submitted later. Given the present inter-relationship between the current septic tank and Mill House it is considered necessary to impose a condition, that requires a suitable means of dealing with the sewage and foul water of Mill House prior to the removal and disconnection of Mill House from a means of waste management.
85. As part of the application a Foul Water Drainage Statement was provided. This noted that the current tank takes foul water from the properties with the overflow spilling into the River Derwent to the North. The report states that the flows in the current system do not meet current water quality criteria by the Environment Agency and as such a new treatment facility is required.
86. The report suggests a high-level alarm is provided so that occupants know when maintenance is required. The Nuisance Action Team also recommended this within their comments.
87. The Environment Agency have no objections to the application and states as advice that there should be no discharge of foul or contaminated water from the site into groundwater or surface waters whilst the new plant is being installed.
88. Northumbrian Water have made no comments to date.
89. The application proposes a new upgraded package treatment plant which will serve 2 out of the 3 properties currently using the tank which are all owned by Cambrian Group in Shotley Grove. The new tank is an improvement to the existing and will allow foul waste to be disposed of correctly without further contamination and problems.

90. Policy 36 supports proposals for new or improvements to existing water treatment works unless the adverse impact of the development outweighs the need for greater capacity and other benefits. The installation of a new tank would prevent the existing deteriorating further and would deal with discharge more effectively thus limiting wider environmental impacts such as contamination and pollution especially given the proximity to the River Derwent.
91. The proposals accord with Policy 36 in this respect.

***Highways and Public Rights of Way Implications:***

92. 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 the Parking and Accessibility Supplementary Planning Document and Strategic Cycling and Walking Deliver Plan.
93. Policy 26 states that existing green infrastructure should not be lost to development which includes Public Rights of Way (PROW).
94. The site is accessed by public by way 54 which serves a number of properties at Shotley Grove. The maintenance plan highlights that emptying and servicing will be undertaken from Shotley Grove Road.
95. The PROW Officer was consulted as Consett Route 54 runs adjacent to the site. They also noted that there was a historical claim for PROW close to the septic tank; however, the claim has remained dormant, and it is assumed there is no public interest to add this.

***Impact on Archaeology:***

96. As part of the application the Archaeology team were consulted as the site lies within a trigger area. They note that there would be no archaeological constraints as the works involved minimal new disturbance.

***Other issues:***

97. The proposal has generated some public interest with several representations and objections being received from local residents and the landowner. The objections, queries and concerns raised have been taken account and addressed within the report, where appropriate.
98. As part of the neighbourhood consultation issues were raised with regards to the siting of the new tank. The comment suggested that this should be sited near old unused garages encouraging direct ownership of the tank and maintenance. This would also allow for the sewage lorry to be situated off road whilst collecting the

foul water. During the application this was discussed with the applicant and agent who explained demolishing the garage was considered however this could not be accommodated due to insufficient distance from the tank to the property. In addition, any demolition would require an application for demolition in a conservation area.

99. Further comments were received regarding incorrect plans showing two properties rather than three connected to the existing tank. In addition to concerns were raised about plans not being to scale and that the plan tanks footprint is ten times larger than the original. It is noted on the application that the new tank would be solely to serve properties 4 and 5 Shotley Grove Road with the three properties currently connected to the existing. The scales on the existing and proposed plans show various scales so whilst one may appear larger or smaller this is due to its scale.
100. Concerns were also raised about land ownership, selling of additional land and existing covenants in relation to the septic tank. Whilst this is acknowledged; the above issues are outside the remit of the Planning Department and its legislation and therefore does not form part of this application. As a precautionary note consent should be obtained by the landowner before works are carried out.
101. Concerns were raised about The Mill House and that it should have its own tank. The agent has informed us that it is the applicant's intention to submit a future planning application for a new system solely for The Mill House. As such a condition has been attached preventing works from starting until a subsequent application is submitted and approved in writing for the above address.
102. Concerns were also raised about the tank overflowing on several occasions and complaints to the Environment Agency have not been responded to. Again, this is outside the remits of the Planning Department's control and do not form a material planning consideration in the case of the application.

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## **CONCLUSION**

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In summary, the application site is considered to be acceptable and in accordance with Policies 21, 26, 29, 31, 36, 39, 40, 43 and 44 of the County Durham Plan and Parts 2, 4, 8, 12, 15 and 16 of the National Planning Policy Framework.

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## **RECOMMENDATION**

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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. The development hereby approved shall be carried out in strict accordance with the approved plans listed in Part 3 - Approved Plans.



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 Policies 21, 26, 29, 31, 36, 39, 40, 43 and 44 of the County Durham Plan and Parts 2, 4, 8, 12, 15 and 16 of the National Planning Policy Framework.

3. The existing septic tank shall not be removed, disconnected or disused until a scheme for the provision of foul waste disposal for The Mill House, Shotley Grove Road, Shotley Bridge, DH8 8SE has been submitted to and approved in writing by the Local Planning Authority, and thereafter implemented in accordance with the agreed details.

Reason: To ensure satisfactory foul drainage provision for the property known as 'The Mill House' in accordance with Policy 36 of the County Durham Plan and Parts 2, 8 and 16 of the National Planning Policy Framework.

4. The development hereby permitted shall not be used by any other property other than 4 and 5 Shotley Grove Road, Consett, DH8 8SF.

Reason: To ensure foul drainage for the site is discharged appropriately in accordance with Policy 36 of the County Durham Plan and Parts 2, 8 and 16 of the National Planning Policy Framework.

5. Prior to the first use of the package treatment plant, a detailed management plan detailing how the treatment plant will be maintained, monitored, and emptied including the expected frequency for emptying shall be submitted to and approved in writing by the Local Planning Department. Thereafter the treatment plan shall be managed in accordance with the approved management plan for the lifetime of the development.

Reason: To ensure adequate maintenance of the tank and to ensure foul drainage for the site is discharged appropriately in accordance with Policy 36 of the County Durham Plan and Parts 2, 8 and 16 of the National Planning Policy Framework.

6. Prior to the first use of the development hereby approved, a high-level capacity alarm shall be fitted to, operable and maintained in accordance with the manufactures specification and thereafter shall remain in perpetuity for the lifetime of the development.

Reason: To notify when the tank is near full and requires emptying and to ensure foul drainage for the site is discharged appropriately in accordance with Policy 36 of the County Durham Plan and Parts 2, 8 and 16 of the National Planning Policy Framework.

7. The tree works hereby approved shall be carried out in accordance with BS 3998-2010: Recommendations for Tree Work and the European Tree Pruning Guide

(European Arboricultural Council) and in line with Arboricultural Method Statement submitted on 16<sup>th</sup> May 2022 by Elliott Consultancy Limited.

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.

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

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

No removal of limbs of trees or other tree work shall be carried out on trees other than what has been stated within the Arboricultural Method Statement submitted on 16<sup>th</sup> May 2022 by Elliott Consultancy Limited.

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

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

9. The proposals hereby approved shall be carried out in accordance with the Preliminary Ecological Appraisal submitted on the 16<sup>th</sup> of May 2022 by LOBO Ecology.

Reason: In conserve protected species and their habitat in accordance with Policy 43 of the County Durham Plan and Part 15 of the National Planning Policy Framework.

10. The development hereby permitted should be maintained in accordance with the manufacturer's specification.

Reason: To ensure adequate maintenance of the tank and to ensure foul drainage for the site is discharged appropriately in accordance with Policy 36 of the County Durham Plan and Parts 2, 8 and 16 of the National Planning Policy Framework.

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## **STATEMENT OF PROACTIVE ENGAGEMENT**

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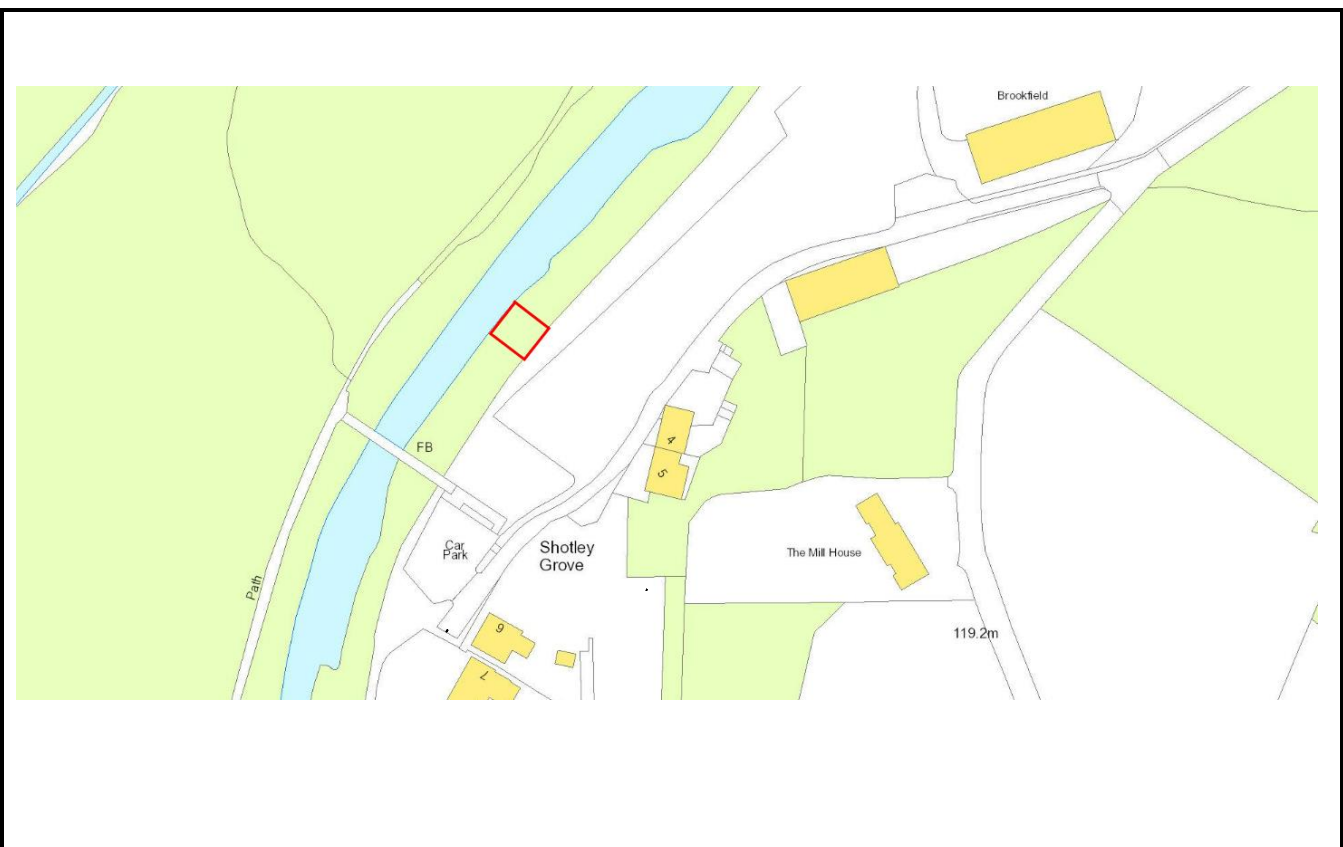
In accordance with Article 35(2) of the Town and Country Planning (Development Management Procedure) (England) Order 2015, the Local Planning Authority has, without prejudice to a fair and objective assessment of the proposals, issues raised and representations received, sought to work with the applicant 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.

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## **BACKGROUND PAPERS**

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Submitted application form, plans, supporting documents  
The National Planning Policy Framework (NPPF)  
County Durham Plan (CDP)  
Statutory consultation responses  
Internal consultation responses  
Public consultation responses



<p><b>Planning Services</b></p>	<p>DM/22/01445/FPA          Replacement of existing septic tank with a domestic sewage treatment plant.</p>	
<p>This map is based upon Ordnance Survey material with the permission of Ordnance Survey on behalf of Her Majesty's Stationary Office © Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceeding. Durham County Council Licence No. 100022202 2005</p>	<p><b>Date 9<sup>th</sup> June 2023</b></p>	<p><b>Scale NTS</b></p>

