



Full Pre-Application Advice Report

PRE42/22/00059

Erection of 4 No. dwellings

63 Front Street Haswell Plough Durham DH6 2EW

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17th February 2022

We have carefully considered the proposals in line with the Council's policy on **full** pre-application advice and in doing so sought the advice of relevant internal and external consultees. As a result of this exercise we are now in a position to provide advice on the proposal and would comment as follows.

RELEVANT POLICY

National Planning Policy Framework (NPPF)

The following parts are of particular relevance to this proposal:

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.

NPPF Part 5 Delivering a Sufficient Supply of Homes - To support the Government's objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed, that the needs of groups with specific housing requirements are addressed and that land with permission is developed without unnecessary delay.

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.

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.

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.

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.

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.

County Durham Plan

Policy 06 - Development on Unallocated Sites

Policy 21 - Delivering Sustainable Transport

Policy 29 - Sustainable Design

Policy 31 - Amenity and Pollution

Policy 32 - Despoiled, Degraded, Derelict, Contaminated and Unstable Land

Policy 36 - Water Infrastructure

Policy 40 - Trees, Woodlands and Hedges

Policy 43 - Protected Species and Nationally and Locally Protected Sites

Residential Amenity Standards Supplementary Planning Document (SPD)

Neighbourhood Plan

No Plan in force in this area

RELEVANT SITE HISTORY

A search of the Council's planning register reveals the following entries which would be relevant to any future planning application:

5/PL/2012/0172 Single storey extension to side Approved 9th July 2012

DETAILED ISSUES

Having regard to the aforementioned planning policy context and relevant planning history we can advise that the following issues would be relevant in the event of you proceeding to submit a planning application:

Principle of Development

The site is contained within the defined settlement limit of Haswell Plough and any development of the site would be assessed against Policy 6. For development to be considered acceptable it is required that it:

- a. is compatible with, and is not prejudicial to, any existing, allocated or permitted use of adjacent land;

Residential uses exist to the north and east of the site, with a large caravan storage area to the south, separated from the site by a paddock / field, and open countryside to the east. Whilst some consideration would need to be given in terms of use of the adjacent paddock, it is noted that existing residential properties also abut the site further east. On this basis, it is considered that proposed dwellings in this location would be deemed compatible to use of adjacent land uses.

- b. does not contribute to coalescence with neighbouring settlements, would not result in ribbon development, or inappropriate backland development;

The proposals are contained within the settlement limits and given the layout of development would be contained within the existing hard standing area, would not amount to ribbon development. Nor could development of the site be considered backland development. There is no conflict with this part of the policy.

- c. does not result in the loss of open land that has recreational, ecological or heritage value, or contributes to the character of the locality which cannot be adequately mitigated or compensated for;

The enquiry site has a prominence at this part of the Haswell Plough. The majority of the land is open and provides a green open aspect that contributes positively to the character of the area. Noted on the site is a seating area along with some planting which demonstrates some recreational and ecological benefits.

The indicative site plan suggests that the green space to the front would be retained, with the existing hardstanding areas used to accommodate the development. It is not clear whether it is intended for the open space to remain available for continued public access or what the intention is for continued long term maintenance of this land.

In any case, based on the layout submitted, the retention of this green open space would be welcomed, allowing the site to continue to positively contribute to this prominent entry point to the village.

- d. is appropriate in terms of scale, design, layout, and location to the character, function, form and setting of the settlement;

Although a plan for the layout of dwellings on site has been provided, it is difficult to determine whether the scheme could be considered appropriate in terms of meeting this criteria.

My main observation is that the layout and number of dwellings on site can be suitably accommodated and would be reflective of the character of this site, and other parts of the settlement where there is evidence of dwellings set out in crescent formation. There is a wide variation in design of dwellings within the area, but two storey detached properties, finished in red brick and pantile would not be out of keeping. Any proposal should be accompanied with a clarification of its design approach

Any future scheme would have to take into consideration nearest surrounding buildings, ensuring appropriate window to window relationships exist in line with SPD requirements – namely 21 metres between main habitable windows and 13 metres between windows and blank gables of two storey buildings; for bungalows, 18 metres between main windows and 10 metres between windows and blank single storey gables. Any scheme would need to include scaled plans indicating all existing surrounding buildings adjacent to the site.

e. will not be prejudicial to highway safety or have a severe residual cumulative impact on network capacity;

For further discussion within the highways section.

f. has good access by sustainable modes of transport to relevant services and facilities and reflects the size of the settlement and the level of service provision within that settlement;

The proposed enquiry site is in a location with very limited facilities, noting in particular that this site provides one of only two premises offering services to the community. The remainder of services are contained within Haswell, located some 1.2 kilometres away, with a school, shops and community centre noted. Whilst this would be considered some distance from the enquiry site, and beyond the 800 metres that would usually be considered conducive to walking (2008 study from Dept of Transport), it is noted that a lit footpath provides access to the main part of the settlement and bus stops also exist along this same road. In addition bus services pass through the settlement providing access to Durham and Peterlee. The proposals would not conflict with criteria f) of the policy.

g. does not result in the loss of a settlement's or neighbourhood's valued facilities or services unless it has been demonstrated that they are no longer viable;

I consider that the proposed site does represent a valued service in the area. Any area of land or building can be nominated as an asset of community value (ACV) provided its main use furthers the social well-being or social interests of the local community. Assets can be in either public or private ownership.

No planning history exists denoting a change of use from public house to restaurant, but it appears the use commenced at least over five years ago at a time when such a change of use was deemed permitted development.

Notwithstanding this, and in line with this part of policy 6, any application would need to be submitted alongside evidence that it is no longer viable, and has had unsuccessful marketing for its continued present use.

Should you proceed to an application, it may be that during this process of consultation that the community may seek to nominate the building as an asset of community value. This may result in delays in any decision being issued.

h. minimises vulnerability and provides resilience to impacts arising from climate change, including but not limited to, flooding;

As a minor development detailed reports on flooding and surface water drainage would not be expected, however, an indication of hard surface treatments surrounding the property would be expected, with details of surface drainage, by means of permeable surfacing for example. Details on foul drainage would be expected to support the application although the specifics of this would be covered under building regulations.

- i. where relevant, makes as much use as possible of previously developed (brownfield) land; and
- j. where appropriate, it reflects priorities for urban regeneration.

The development of the site would be considered to align with these criteria.

Residential Amenity

Policy 29 requires that all development achieves well designed buildings and places having regard to supplementary planning documents and: e) provide high standards of amenity and privacy, and minimise the impact of development upon the occupants or existing adjacent and nearby properties. The policy further states that all new residential development will be required to comply with the Nationally Described Space Standards (NDSS). The policy allowed for a transition period, meaning that the standards would only be applied to outline or full applications approved one year after the Plan was adopted. The plan has been adopted since 20 October 2020 and the year transition period has now passed.

Details on distance standards have already been referenced above, but I would also highlight requirements set out in the SPD in relation to garden sizes also.

The proposals would also be required to meet the space standards set out in the NDSS. As the development is less than 5 houses, there is no requirement for any property to meet M4(2) standards for accessible and adaptable dwellings, although any provision would be welcome.

Highway Safety

Colleagues in the Council's Highways Team comment that the principle of this development is considered acceptable.

Parking levels and the inclusion of EV charging for each property is welcomed.

Provision should be made within the site for a turning head to accommodate transit vans and 7.5t deliveries which would need to enter the site.

As the site would not be suitable for adoption, the DCC bin lorry would not enter the site to collect refuse.

Ecology

Any application on this area should be informed by a Preliminary Ecological Appraisal (PEA) that includes bat surveys of the building to be demolished.

The surveys should be used to determine appropriate levels of compensation or mitigation in order that the biodiversity requirements of the NPPF are met; that impacts on biodiversity are minimised and net gains in biodiversity are provided.

The site is outside the HRA buffer.

Trees

The site comprises a pub/restaurant building. To the front and rear of the property are hedges and trees, comprising mostly low quality conifers.

The proposed site plan identifies the planting of a number of standard trees across the site. Should an application be submitted further information with regard to tree removal and retention would be required. This should be in the form of an Arboricultural Impact Assessment, with all trees identified on a plan, along with their Root Protection Area. Any points of conflict should identify mitigation measures.

Further detail with regard to tree planting would be required including species, size, tree pit design etc.

Environmental Health Nuisance Action Team

The proposal is sensitive and is in a sensitive area, with residential receptors in close proximity of the site area. The site area could be described as primarily residential. The main concern with this proposal is road traffic noise from the B1283 impacting upon the amenity of future occupiers. In addition, noise, dust and vibration nuisance during demolition/construction is a concern. Given this, the following conditions would be applied to any permission granted:

To protect future occupiers from nearby noise sources ensure the following noise levels are achieved

- o 35dB LAeq 16hr bedrooms and living room during the day-time (0700 - 2300)
- o 30 dB LAeq 8hr in all bedrooms during the night time (2300 - 0700)
- o 45 dB LAmax in bedrooms during the night-time
- o 55dB LAeq 16hr in outdoor living areas

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

No external construction works, works of demolition, deliveries, external running of plant and equipment shall take place other than between the hours of 0800 to 1800 on Monday to Friday and 0800 to 1400 on Saturday.

No internal works audible outside the site boundary shall take place on the site other than between the hours of 0730 to 1800 on Monday to Friday and 0800 to 1700 on Saturday.

No construction works or works of demolition whatsoever, including deliveries, external running of plant and equipment, internal works whether audible or not outside the site boundary, shall take place on Sundays, Public or Bank Holidays

For the purposes of this condition, construction works are defined as: The carrying out of any building, civil engineering or engineering construction work involving the use of plant and machinery including hand tools.

Contaminated Land

Given the potential for Made Ground and some contamination to exist on site and due to the fact that this development constitutes a change of use to a more sensitive receptor, the following contaminated land condition should apply to any planning permission granted. Soils are likely to be required to be imported for soft landscaping/garden areas therefore this needs to be considered.

Contaminated Land (Phase 1-3)

No development shall commence until a land contamination scheme has been submitted to and approved in writing by the Local Planning Authority. The submitted scheme shall be compliant with the YALPAG guidance and include a Phase 1 preliminary risk assessment (desk top study).

If the phase 1 assessment identifies that further investigation is required a Phase 2 site investigation shall be carried out, which shall include a sampling and analysis plan. If the Phase 2 identifies any unacceptable risks, a Phase 3 remediation strategy shall be produced and where necessary include gas protection measures and method of verification.

Reason: To ensure that the presence of contamination is identified, risk assessed and proposed remediation works are agreed in order to ensure the site is suitable for use, in accordance with Part 15 of the National Planning Policy Framework. Required to be pre-commencement to ensure that the development can be carried out safely.

Contaminated Land (Phase 4)

Remediation works shall be carried out in accordance with the approved remediation strategy. The development shall not be brought into use until such time a Phase 4 verification report related to that part of the development has been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that the remediation works are fully implemented as agreed and the site is suitable for use, in accordance with Part 15 of the National Planning Policy Framework.

A minimum of the Phase 1 Preliminary Risk Assessment should be submitted with the planning application.

Building Control

Building Regulation consent will be required for your proposal, based on the information you have provided. Application forms and fee guidance are available from our website www.durham.gov.uk. Should you require a hard copy of the application pack, please contact 03000 262832.

VALIDATION REQUIREMENTS

The Council's Validation check list can be viewed on line at:
<http://www.durham.gov.uk/article/8293/Submit-an-application>

We have considered your proposals against this document and can advise that the following documentation would be required to make an application valid:

- *National Requirements-mandatory for all applications*

Application Form

Location Plan

Ownership Certificates & Agricultural Declaration

The Appropriate Fee

Design and Access Statement

- *Local Requirements-see specific thresholds*

Additional Plans and Drawings

Preliminary Ecology Assessment and Bat survey of the building

Land Contamination Assessment – at least Phase 1

Noise – consideration of insulation to protect against road noise

Tree Assessment as outlined

Viability and marketing document relating to the existing premises

Please note this Council is committed to adopting a pragmatic approach to the complex issue of validation and as such we will always look to take a proportionate approach to validation requirements. The above advice has been provided on this basis.

The planning application fee would be **£462 per dwelling**

OFFICER ASSESSMENT AND NEXT STEPS

Having regard to the above we feel, on the basis of the information submitted to date, that whilst the proposals for residential development could be supported in principle, this would be highly dependent on whether a detailed and robust assessment can satisfactorily demonstrate evidence of marketing for its continued use and evidence that the existing facility is no longer viable. We would invite you to consider the comments raised and thereafter advise me how you intend to proceed. we would be happy to arrange a meeting with relevant colleagues to discuss particular

I trust this advice is of assistance to you. Please note that whilst this Council strives to provide pre-application advice which is to a high standard. In the event of an application being received, the advice contained within this letter is based on the information made available at this time and cannot prejudice any future decision made by the Council's Planning Committee or Officers under delegated powers. In particular further issues may of course be raised as part of the consultation process carried out in relation to any application and furthermore the advice contained in this letter may become outdated as a result of a changing planning policy context.

