



Area Planning Committee (South and West)

Date Thursday 12 May 2022
Time 9.30 am
Venue Council Chamber, County Hall, Durham

Business

Part A

1. Apologies for Absence
2. Substitute Members
3. Declarations of Interest (if any)
4. The Minutes of the Meeting held on 22 April 2022 (Pages 3 - 10)
5. Applications to be determined
 - a) DM/20/00479/FPA - Land West Of 20 Durham Road, Wolsingham (Pages 11 - 40)
Construction of 16no. dwellings and associated works
 - b) DM/22/00746/FPA - 63 Dene Hall Drive, Bishop Auckland, 63 Dene Hall Drive, Bishop Auckland (Pages 41 - 60)
Demolition of existing bungalow and garage and construction of 3 bedroom dormer bungalow
6. Such other business as, in the opinion of the Chairman of the meeting, is of sufficient urgency to warrant consideration.

Helen Lynch
Head of Legal and Democratic Services

County Hall
Durham
4 May 2022

To: **The Members of the Area Planning Committee (South and West)**

Councillor G Richardson (Chair)
Councillor A Savory (Vice-Chair)

Councillors E Adam, J Atkinson, V Andrews, D Boyes, J Cairns,
L Brown, M McKeon, D Oliver, S Quinn, I Roberts, M Stead,
A Sterling and S Zair

Contact: Kirsty Charlton

Tel: 03000 269705

DURHAM COUNTY COUNCIL

At a Meeting of **Area Planning Committee (South and West)** held in Council Chamber, County Hall, Durham on **Friday 22 April 2022 at 9.30 am**

Present:

Councillor G Richardson (Chair)

Members of the Committee:

Councillors A Savory (Vice-Chair), E Adam, J Atkinson, V Andrews, J Cairns, L Brown, M McKeon, D Oliver, S Quinn, I Roberts and K Robson

1 Apologies for Absence

Apologies for absence were received from Councillors Stead, Sterling and Zair.

2 Substitute Members

Councillor K Robson as substitute Member for Councillor S Zair.

3 Declarations of Interest

There were no declarations of interest.

4 Minutes

The minutes of the meeting held on 17 February 2022 were confirmed as a correct record and signed by the Chair.

5 Applications to be determined

a DM/21/04141/VOC - Spennymoor Cricket Club, St Pauls Gardens, Spennymoor

The Committee considered a report of the Planning Officer which provided details of an application for a variation of condition 2 pursuant to planning permission DM/20/00416/FPA (Construction of a new cricket pavilion, facilities (using shipping containers) and decking) to allow for an increase in size, changes to design and materials at Spennymoor Cricket Club, St Paul's Gardens, Spennymoor (for copy see file of minutes).

J Byers, South West Team Leader provided a detailed presentation of the application which included a site location plan, aerial photograph and photographs of the site including the site entrance through the allotment site.

Councillor L Maddison addressed the Committee. She informed the Committee that while she was a Member of Spennymoor Town Council, she was addressing the Committee in her capacity as local Member on the County Council.

Councillor Maddison informed the Committee she had received a number of constituent concerns about the application. While Councillor Maddison did not object to the replacement of the Cricket Club pavilion with the Club having a long tradition on this site there were concerns about accessibility and safety given this would now be a community facility as well as a Cricket Club.

The Cricket Club was not replacing like with like of their original building. The Club first had planning approval for siting of four containers for use by the Club on 25 September 2019. During the Covid lockdown this was increased to six containers in July 2020 and with the attest application issued late December 2021 redesigned the pavilion to be constructed in blockwork with the outer face dressed with a mix of timber and shipping container style cladding with a roof construction. It was not clear whether containers would be used as part of the construction and Councillor Maddison sought clarity on this.

The facility proposed was now intended as a much larger concern than the original small application to be also used by community organisations and businesses. This had the possibility to attract a greater number of visitors including disabled who would require safe and secure access to the facility up to 9 p.m. including during dark winter months.

There had not been a site visit for this application. A site visit would have demonstrated that access to the Cricket Club was through a locked gate. Local residents sought clarity on how this locked gate access would be managed day and night to deter any potential anti-social behaviour on the site. The gate was between two elderly persons bungalows on a tight access into the St Paul's Allotment Site and onward access to the cricket field was along a narrow potholed path with on foot and car access with one way access in and out to the cricket field. There were no lights further into the Allotment Site and cricket field which made the area dark at night. It was noted that safety and accessibility of the site would be managed by Spennymoor Town Council.

A number of residents had indicated that the narrow roads of St Paul's Gardens, comprising in entirety of elderly persons bungalows, were used by allotment holders and sought assurances that visitors to the new Cricket Club facilities would not park on the narrow roads and across driveways where some residents required access at all times for visiting health and care workers. This was already a recognised problem in the area and fencing had been placed to deter parking in close proximity to the allotment site. There was a small parking area for two to three cars for allotment tenants off the allotment site but allotment tenants still used the outer perimeter for parking.

The intended extension of facilities with two added showers, three toilets and a kitchen area may require a greater number of attendances to empty the septic tank and to make deliveries and residents had asked how this would be managed through the narrow entrance to the site.

Confirmation of any Sports England funding had not been submitted to any Town Council meetings despite requests for clarification.

Katherine Hierons, Spennymoor Town Council addressed the Committee in support of the application.

Spennymoor Cricket Club had a presence in Spennymoor for over 125 years, and the St Paul's site had been its home since 1964. The Club's aim was to provide an inclusive environment for everyone to enjoy the sport of cricket at a local level.

Following a fire that destroyed the building the Town Council made a commitment to replace the facility with a more fit for purpose building, that was in line with the needs of the cricket club and the wider community, whilst also capturing the values and needs of funders such as Sport England, as well as updated building regulations

Without the new build the future of the 125 year old Cricket Club would be at risk. Generations of families had played for and supported the club. Without proper facilities, its many local players would need to travel and move to other clubs. Just prior to the fire the club was running two teams, as well as setting up two youth teams for boys and girls. Without appropriate facilities the recruitment of additional new youth players had been very difficult and Covid had not helped. There was a real risk of expulsion from the Darlington and District Cricket League unless planning for the re-build was granted.

The funding for the facility had come from a number of areas, including the cricket club itself, who were pleased to have been able to raise over £12,000 towards the project via fund raising and community donations. This clearly demonstrated the community's passion and belief that the cricket club facility was both a cricket club and important community facility for all.

Whilst the building and grounds were owned by the Town Council, they would be managed on a daily basis by the cricket club management team with a formal agreement in place as with other Town Council buildings such as Tudhoe Cricket Club and community centres. They would be in charge of keys and access.

After two years of Covid, this application provided a fantastic new facility which would suit and meet the needs of a community amateur cricket club and provide an incredible platform and facility to enable current and future young males and females interested in playing cricket or taking part in physical activity to achieve their level, whatever that may be going forward. It would also assist with mental health and wellbeing of those that attended and watched and reduce social isolation.

The facility had received interest from a number of community groups wanting to use it as a community hub and it would be available outside of matchdays for wider community benefit. It was anticipated that the operating times would be limited to 9 a.m. to 9 p.m. and the building would not have music playing or be open to the public outside of these times.

The Town Council, as the owner and landlord of the building, took its responsibilities very seriously and undertook to carry out weekly monitoring inspections of the premises and its activities to ensure compliance and that the Cricket Club themselves were being good neighbours.

The Durham County Council Planning Portal for the past 6 months showed that Seaham, Brandon, Peterlee and Durham County Cricket Clubs had all submitted planning applications to extend or increase their existing facilities, demonstrating these were required and were benefiting individuals and communities.

In relation to parking there would be 18 additional car parking spaces and grass reinforcement mesh would be used to support the parking.

The access road had been the responsibility of the Town Council for some 50 years with no issues and the road would continue to be the Town Council's responsibility, as well as other access roads it was responsible for and would be maintained by its Grounds Staff.

While the septic tank may need to be emptied more frequently it had not caused a problem to-date.

The Cricket Club would manage the site, with an agreement in place from the Town Council, as the Council had with Tudhoe Cricket Club and its community centres.

There were no questions from Members of the Committee.

The South West Team Leader informed the Committee he understood the construction of the pavilion was blockwork with cosmetic cladding of steel containers. This was confirmed as correct by the Town Council.

While there was concern about additional use of the pavilion as a community facility the South West Team Leader informed the Committee that in planning terms the Cricket Club could have used the pavilion for community groups previously without consent.

Councillor Brown referred to the concerns which had been expressed about the access road and asked about the current condition of the road and whether there were any plans to improve it.

K Hierons replied that, once construction was completed, the Town Council had plans to undertake remedial works to the road. Due to Covid the road had not been used much for the last couple of years.

Councillor Atkinson informed the Committee he was in favour of the application which was a community asset and a focal point for the community. Councillor Atkinson **moved** approval of the application.

Councillor Adam endorsed Councillor Atkinson's sentiments. Councillor Adam referred to parts 29 and 39 of the County Durham Plan regarding sustainable design and landscape and was comfortable that the design and layout of the building would be suitable for the area. However, Councillor Adam referred to NPPF and the need to consider climate change. Councillor Adam asked whether any consideration had been given to this in the application. The South West Team Leader replied that the application met requirements for insulation, building regulations requirements and Sports England requirements. K Hierons added that the roof of the pavilion would have a covering which was intended to reduce greenhouse gases and insulate the property. The Town Council had signed up to Investors in the Environment and over the next year would be aiming to achieve a bronze award. Solar panels had been considered for the roof of the pavilion but because of the height of the building there was a danger they could be subjected to criminal damage or damage from cricket balls.

Councillor Quinn informed the Committee she was very familiar with the area having previously worked there as a warden and was not aware of the access road nor had heard of any problems with the cricket club. Cricket was a seasonal game and she could therefore see no problem with lighting in the area nor with security with access being via a locked gate.

Councillors Roberts, Savory and Oliver informed the Committee they were fully supportive of the application.

Moved by Councillor Atkinson, **Seconded** by Councillor Brown and

Resolved:

That the application be approved subject to the conditions contained in the report.

b DM/20/01960/VOC - Land At Hawthorn Drive/Hill Meadows, Low Willington

The Committee considered a report of the Senior Planning Officer regarding an application for the variation of condition 2 (approved plans) of planning permission 3/2013/0257 for the substitution of house types for 37 plots to northern part of site (amended) on land at Hawthorn Drive/Hill Meadows, Low Willington (for copy see file of Minutes).

G Spurgeon, Senior Planning Officer provided a detailed presentation of the application which included a site location plan, aerial photograph and photographs of the site.

There were no registered speakers on the application.

Councillor Brown informed the Committee that the concerns she had about the application were dealt with by the proposed conditions on the permission but expressed disappointment that the applicant was not in attendance. Councillor Brown asked whether the applicant had made any progress in securing the alternative access mentioned at paragraph 95 of the report.

The Chair informed Councillor Brown that although not registered to speak the applicant was in attendance and asked the applicant if they were willing to address the issue of the alternative access. The applicant informed the Committee that the landowner had been approached and a response was awaited to determine whether a temporary access could be created.

M McKeon asked whether the number of bungalows on the site was being reduced or whether the number was being maintained from the previous permission. The Senior Planning Officer replied that the previous permission proposed no bungalows on the site and this now proposed four bungalows.

Moved by Councillor Atkinson, **Seconded** by Councillor Cairns and

Resolved:

That the application be approved subject to the conditions contained in the report.

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Planning Services

COMMITTEE REPORT

APPLICATION DETAILS

APPLICATION No:	DM/20/00479/FPA
FULL APPLICATION DESCRIPTION:	Construction of 16no. dwellings and associated works
NAME OF APPLICANT:	Mr Chris Hogan, Dere Street Homes Ltd
ADDRESS:	Land West Of 20 Durham Road, Wolsingham, DL13 3JB
ELECTORAL DIVISION:	Weardale
CASE OFFICER:	Steven Pilkington, Principal Planning Officer, 03000 263964, steven.pilkington@durham.gov.uk

DESCRIPTION OF THE SITE AND PROPOSALS

The Site

1. The application site is located to the eastern edge of the village of Wolsingham in the west of the County. The rectangular shaped site is currently in agricultural use and measures approximately 0.98ha in area. To the west of the site lies the residential terrace of Nos 1-20 Durham Road, to the south beyond the A689 highway, lies a Shell garage and Spar convenience store. Open agricultural land is located to the east and north of the site.
2. A Public Right of Way (footpath No. 28, Wear Valley) passes centrally through the site in an east/west direction. Mature trees are present along the western boundary of the site, while a small pocket of vegetation is located in the south western corner adjacent to the residential terrace. A stone wall fronting the A689 with a field access gate forms the southern boundary to the site. There is a level change of approximately 2.5m across the site, with the land rising in a northerly direction.
3. The site lies outside of the boundary of the Wolsingham Conservation Area but is located within an area of Higher Landscape Value.

Proposal

4. Planning permission is sought for the erection of 16 no. dwellings, comprising 2 no. 3 bed detached dwellings, 9 no. 4 bed detached dwellings, 2 no. 5 bed detached dwellings and 3no. 2 bed terraced bungalows. All of the dwellings would be offered on an open market basis, with the exception of the bungalows which would be offered on an affordable basis.

5. The design of the dwellings would be a contemporary, inspired by an interpretation of traditional farm steadings and barn conversions, utilising two storey glazing and timber cladding features with 45 degree pitched roofs. The majority of the dwellings, particularly to the front of the site are proposed to be faced in coursed stonework, with the remainder constructed with red brick. Slate effect roof tiles would be used through the development.
6. A new vehicle access is proposed centrally on the southern boundary of the site to serve the development. An existing stone wall fronting the highway is proposed to be largely retained, with modifications to facilitate the access. An internal access road would run northwards within the site, with the remaining dwellings and bungalows positioned to either side of a turning head. It is proposed to re-route the existing public right of way around the boundaries of the site in a northerly direction.
7. There would be a SUDS area to the south eastern boundary of if the site, which would incorporate a retention basin and additional planting. Additional hedge and tree planting is proposed around the development to help mitigate any visual impacts.
8. This application is being reported to planning committee as it constitutes major residential development.

PLANNING HISTORY

9. Construction of 13 dwellings with live/work space and associated development (DM/17/00106/FPA) withdrawn

PLANNING POLICY

NATIONAL POLICY

10. A revised National Planning Policy Framework (NPPF) was published in July 2021. 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.
11. *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.
12. *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.

13. *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.
14. *NPPF Part 6 Building a Strong, Competitive Economy* - The Government is committed to securing economic growth in order to create jobs and prosperity, building on the country's inherent strengths, and to meeting the twin challenges of global competition and a low carbon future.
15. *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.
16. *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.
17. *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.
18. *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.
19. *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.
20. *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 Page 73 pollution and land stability and remediating contaminated or other degraded land where appropriate.
21. *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:

22. 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; climate change; design process and tools; determining a planning application; effective use of land; enforcement and post permission matters; flood risk; healthy and safe communities; land affected by contamination; land stability; natural environment; noise; rural housing; 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 (CDP)

23. *Policy 1 (Quantity of Development)* outlines the levels of employment land and housing delivery considered to be required across the plan period.
24. *Policy 6 (Development on unallocated sites)* states the development on sites not allocated in the Plan or Neighbourhood Plan, but which are either within the built-up area or outside the built up area but well related to a settlement will be permitted provided it: is compatible with use on adjacent land; does not result in coalescence with neighbouring settlements; does not result in loss of land of recreational, ecological, or heritage value; is appropriate in scale, design etc to character of the settlement; it is not prejudicial to highway safety; provides access to sustainable modes of transport; retains the settlement's valued facilities; considers climate change implications; makes use of previously developed land and reflects priorities for urban regeneration.
25. *Policy 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.
26. *Policy 15 (Addressing housing need)* establishes the requirements for developments to provide on-site affordable housing, the circumstances when off-site affordable housing would be acceptable, the tenure mix of affordable housing, the requirements of developments to meet the needs of older people and people with disabilities and the circumstances in which the specialist housing will be supported.
27. *Policy 19 (Type and mix of housing)* advises that on new housing developments the council will seek to secure an appropriate mix of dwelling types and sizes, taking account of existing imbalances in the housing stock, site characteristics, viability, economic and market considerations and the opportunity to facilitate self build or custom build schemes.

28. *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.
29. *Policy 25 (Developer contributions)* advises that any mitigation necessary to make the development acceptable in planning terms will be secured through appropriate planning conditions or planning obligations. Planning conditions will be imposed where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects. Planning obligations must be directly related to the development and fairly and reasonably related in scale and kind to the development.
30. *Policy 26 (Green Infrastructure)* states that development will be expected to maintain and protect, and where appropriate improve, the County's green infrastructure network. Advice is provided on the circumstances in which existing green infrastructure may be lost to development, the requirements of new provision within development proposals and advice in regard to public rights of way.
31. *Policy 29 (Sustainable Design)* 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.
32. Policy 29 also required 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. Also new major residential development is required 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'.
33. *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.
34. *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.

35. *Policy 35 (Water management)* requires all development proposals to consider the effect of the proposed development on flood risk, both on-site and off-site, commensurate with the scale and impact of the development and taking into account the predicted impacts of climate change for the lifetime of the proposal. All new development must ensure there is no net increase in surface water runoff for the lifetime of the development. Amongst its advice, the policy advocates the use of SuDS and aims to protect the quality of water.
36. *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.
37. *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
38. *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.
39. *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.
40. *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.
41. *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.

42. Residential Amenity Standards SPD (2020 Adopted version) – Provides guidance on the space/amenity standards that would normally be expected where new dwellings are proposed.

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

Neighbourhood Plan:

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

CONSULTATION AND PUBLICITY RESPONSES

STATUTORY RESPONSES:

44. *Wolsingham Parish Council* – No response received.
45. *Highways Authority* – Following the submission of amended plans offer no objections to the development.
46. *Drainage* – A drainage strategy has been submitted, in principle this is considered acceptable and would comply with relevant guidance and policies subject to minor amendments and revisions, to be secured by condition.

INTERNAL CONSULTEE RESPONSES:

47. *Archaeology* – No objections advising that no conditions in relation to archaeology are required.
48. *Contaminated Land* – Advise that following the submission of phase 1 and 2 contaminated land reports it is identified that a modest amount of remediation is required. The remedial work should be carried out in accordance with the submitted details and a verification report submitted before the development is brought into use.
49. *Design and Conservation* – Advise that the amended layout and house types have addressed previous concerns. The finer details of the development should be addressed by means of condition.
50. *Ecology* – No objections, advise that in order to provide a net gain to biodiversity, contributions of £8000 for off site biodiversity habitat creation should be secured as part of the S106 agreement, together with a condition to require the undertaking of the recommendations/mitigation detailed in the Ecological Impact Assessment.
51. *Education* – Advise that £33,108 of contributions towards secondary school places is required to mitigate the impact of the development. There are adequate primary school places available in the local area to meet the needs of the number of pupils expected to be generated by the development.
52. *Environmental Health Air Quality* – The applicant has produced an air quality screening assessment. The conclusions of this assessment are sound and it is considered

unlikely that the development would have a negative impact on air quality either during construction the construction phase (subject to compliance with the submitted management strategy) or during the operational phase.

53. *Environmental Health Nuisance* – No objections. It is noted that a Noise Impact Assessment has been submitted with the application which identifies noise impact from A689. The report establishes relevant noise levels will be breached due to road traffic noise and suggests relevant mitigation measures concerning glazing and ventilation. To achieve relevant noise levels to amenity areas the report advises a range of noise barriers should be implemented to mitigate road traffic noise and noise from the industrial estate. A condition is required to ensure compliance with the noise mitigation identified. Although a construction management plans has been submitted, it is considered that this requires further revision, a condition to secure this is recommended.
54. *Housing Delivery Team* – Raise no objections and note the proposed 2 bed bungalows to be offered on an affordable basis are sought after products within the area and should be secured on an affordable basis by a S106 agreement.
55. *Landscape* – Advise that the site is located in an area of higher landscape value (AHLV) as defined in the County Durham Plan. The development would transform the existing open agricultural field to a small residential housing estate and would result in an encroachment of the surrounding built development into the open countryside. It is advised that the principle of the approach to mitigating the development is appropriate and subject to further detail of the makeup and nature of the planting the development would to a degree mitigate its impact. It is however desirable that a stone wall extends up the eastern boundary of the site and the rear elevations of the garages on this boundary are faced in stone, along with consideration of planting within the SUDS area.
56. *Public Rights of Way* – No objections to the proposed re-routing of the PROW and surfacing of this footpath . The improvement to the surface of the public right of way to the west of the site is required as new residents of the development will put pressure on the existing route, this should be a whin stone dust surface. A condition to secure these improvement works is recommended.
57. *Spatial Policy* – No objections. Advise that 66% of dwellings should be provided to comply with Building Regulations M4(2) (accessible and adaptable dwellings) standard. 10% (2 no. dwellings) should be of a type and design that will increase the housing options of older people. As open space is not provided on the site contributions of £29,249 towards the off site open space provision should be secured as part of the S106 agreement.
58. Note that the site is in a mineral safeguarding area for river sand and gravel allocated in the County Durham Plan, however given the proximity to adjacent dwellings extraction of mineral would not be considered appropriate as such any sterilisation would be minimal and is not fundamental to the delivery of the County Durham Plan.
59. *Sustainability* – Advise that the development should demonstrate a 10% reduction in the CO2 Dwelling Emission Rate against the Target Emission Rate based on current Building Regulations.

EXTERNAL CONSULTEE RESPONSES:

60. *Northumbrian Water* – No objections subject to condition requiring development to be carried out in accordance a drainage strategy to be submitted and agreed.

61. NHS – No comments received.

PUBLIC RESPONSES:

62. The application has been publicised by way of site notice, press advertisement and individual neighbour notification letters. 4 no. letters of objection have been received as summarised below:-

- The proposals would represent the development of a greenfield site, these are a number of brownfield sites that have planning permission and remain undeveloped.
- Concerns are raised regarding the capacity of services within the village, including doctors, dentists and schools.
- The lack of employment facilities is highlighted within the village.
- Concerns are raised regarding the nature and extent of the publicity exercise.
- The location of the access in proximity of other access points would lead to a loss of highway safety.
- Concerns are raised regarding the visual impact of any noise mitigation measures.

63. CPRE (Campaign to Protect Rural England) – Highlight that the site is in an area of Higher Landscape Value, it is questioned whether the development would preserve the special quality of this landscape through the expansion of the settlement in this area. The Footpath which crosses the site would not have the same value as the one that currently exists. It is also highlighted that there are two brownfield sites within the village, the development of this site may prejudice the development of these sites, contrary to the NPPF.

APPLICANTS STATEMENT:

64. This application proposes the development of 16no. new homes in Wolsingham on land to the north of Durham Road. Dere Street Homes (the applicant) has been proactively working with Officers at Durham County Council; through extensive discussions over a number of years, the scheme has evolved, responding comprehensively to comments raised on topics including landscape, design, ecology and drainage. This has resulted in a very high quality, sustainable development being proposed at the subject site.

65. Dere Street Homes also recognises the importance of consultation with the local community and has engaged with them from the early stages of the development process. This included pre-application consultation with the community; leaflets were delivered to all properties within the vicinity of the area, extending to approximately 1,200 homes and businesses. Recipients of the leaflet were provided with information on the proposals and opportunity to provide feedback via a Free-Post return questionnaire. Feedback from the community was reviewed and shaped the final design response.

66. The scheme brings with it the opportunity to deliver significant benefits including:

- 1 16 new homes of a range of sizes and designs using a carefully selected materials palette in keeping with Wolsingham's character and vernacular;
- 2 A carefully designed layout which prioritises pedestrians and creates a safe, attractive and accessible environment for everyone;
- 3 Significant amounts of tree and shrub planting around the site (and within the proposed drainage pond) which will bring a range of environmental and ecological benefits;

- 4 The careful diversion and introduction of new connections to the public footpath network in Wolsingham ensuring ease of access on foot to local services; and
- 5 Significant economic benefits including:
 - Total capital investment of £4.5m;
 - Supporting 35 direct FTE construction jobs and 45 indirect/induced FTE jobs in the supply chain and related services per annum over a two year build period;
 - Delivering £4.9m of Gross Value Added (GVA) (economic output) per annum throughout the construction period;
 - Generating additional expenditure in the local area, including £90,000 of one-off first occupation spend and £230,000 of ongoing net additional expenditure per annum created by new residents and retained in County Durham. This additional expenditure has the potential to support approximately five local FTE jobs in local shops and services; and
 - Providing a boost to the Council's revenue. Once complete, the proposed development could generate £45,000 in increased Council Tax receipts per annum and a total of £145,000 in New Homes Bonus payments over a 4 year period.
67. The applicant has committed to a variety of conditions which would ensure the timely implementation of planting to ensure the development will sit comfortably within its setting from the outset, as well as providing a Sustainability Statement for the proposed homes
68. Overall, the proposals constitute a high-quality residential development, responding to the local area, incorporating landscape and ecological benefits. In the context of national and local planning policy, we respectfully request that the Council grants planning permission of the proposed development.

The above 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/search.do?action=simple&searchType=Application>

PLANNING CONSIDERATIONS AND ASSESSMENT

69. Having regard to the requirements of Section 38(6) of the Planning and Compulsory Purchase Act 2004 the relevant Development Plan policies, relevant guidance and all other material planning considerations, including representations received, it is considered that the main planning issues relate to the principle of development, locational sustainability, landscape/visual impact, design, highway safety, residential amenity, ecology, flooding and drainage, ground conditions, affordable and accessible/adapted housing, infrastructure and open space and other matters.

Principle of the development

70. 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. The County Durham Plan (CDP) is the statutory development plan and the starting point for determining applications as set out in the Planning Act. The CDP was adopted in October 2020 and provides the policy framework for the County up until 2035 and is therefore considered up to date. Paragraph 11c of the NPPF requires applications for

development proposals that accord with an up to date development plan to be approved without delay.

71. Policy 6 of the County Durham Plan states that the development of sites which are not allocated in the Plan which are either (i) in the built up area; or (ii) outside the built up area but well related to a settlement will be permitted provided the proposal accords with all relevant development plan policies and:
- a. is compatible with, and is not prejudicial to, any existing, allocated or permitted use of adjacent land;
 - b. does not contribute to coalescence with neighbouring settlements, would not result in ribbon development, or inappropriate backland development;
 - c. does not result in the loss of open land that has recreational, ecological or heritage value, or contributes to the character of the locality which cannot be adequately mitigated or compensated for;
 - d. is appropriate in terms of scale, design, layout, and location to the character, function, form and setting of, the settlement;
 - e. will not be prejudicial to highway safety or have a severe residual cumulative impact on network capacity;
 - f. has good access by sustainable modes of transport to relevant services and facilities and reflects the size of the settlement and the level of service provision within that settlement;
 - g. does not result in the loss of a settlement's or neighbourhood's valued facilities or services unless it has been demonstrated that they are no longer viable;
 - h. minimises vulnerability and provides resilience to impacts arising from climate change, including but not limited to, flooding;
 - i. where relevant, makes as much use as possible of previously developed (brownfield) land; and
 - j. where appropriate, it reflects priorities for urban regeneration.
72. The County Durham Plan defines 'the built up area' as land contained within the main body of existing built development of a settlement or is within a settlement boundary defined in a Neighbourhood Plan. Areas falling outside this definition will be regarded as countryside. The site is not within the built up area of Wolsingham, however, due to its physical connection on two sides, it is considered to be well related. Therefore subject to a detailed analysis of the impact of the development against the remaining criteria of Policy 6, and other relevant policies and material considerations, the development of the site can be considered acceptable in principle.

Locational Sustainability

73. Policy 6 part f requires that new development within or outside but well related to existing settlements 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. Policy 21 of the CDP requires new development to deliver sustainable transport, including by providing appropriate, well designed, permeable and direct routes for walking, cycling and bus access, so that new

developments clearly link to existing services and facilities together with existing routes for the convenience of all users.

74. Paragraph 103 of the NPPF states that planning should actively manage patterns of growth to support the objectives of sustainable transport, including opportunities to promote public transport, walking and cycling, and focus significant development in locations which are or can be made sustainable.
75. In terms of distances to services and amenities, in general, it is considered that a walking distance of 1650-2000m or a 20-minute walk is considered at the upper end of what future residents could be expected to walk, taking into account topography and desirability of routes. These distances are based on good practice guidance set out in the Chartered Institute of Highways and Transportation (CIHT) documents including 'Guidelines for Providing for Journeys on Foot' and 'Planning for Walking', The Department for Transport's 'Manual for Streets'.
76. The site is located around 800m from the village centre of Wolsingham. There are existing roadside footpaths from the site along the A689, which are largely flat and lit by street lighting which would provide good pedestrian access to local services and facilities in the village. A new Spar retail store, which includes a delicatessen, butchers and petrol filling station has recently been constructed on the opposite the site. The development proposes an extension of the roadside footpath on the northern side of the A689 which would connect to that existing to the west of the site and improve pedestrian links to the village centre and the Spar retail store. There is an existing bus stop approximately 150 to the west of the site which provide links to Crook, Bishop Auckland, Stanhope and other local settlements.
77. Overall the location is considered to be sustainable for residential development in accordance with Policies 6 part f and 21 of the CDP and Part 9 of the NPPF.

Landscape and Visual Impacts

78. Policy 6 part c of the CDP states that development on unallocated sites should 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. Part d of Policy 6 requires that development on unallocated sites is appropriate in terms of scale, design, layout and location to the character, function, form and setting of the settlement. Policy 10 of the CDP seeks to prevent development from adversely upon the setting, townscape qualities, including important vistas, or form of a settlement which cannot be adequately mitigated or compensated for.
79. Policy 39 of the County Durham Plan 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 would be expected to incorporate appropriate measures to mitigate adverse landscape and visual effects. These are similar requirements to those outlined at Policy 6. Policy 39 also sets out that development affecting Areas of Higher Landscape Value (which the site is located in) will only be permitted where it conserves the special qualities of the landscape unless the benefits of development in that location clearly outweigh the harm. Policy 40 seeks to avoid the loss of existing trees and hedgerows unless suitable replacement planting is provided. Parts 12 and 15 of the NPPF promotes good design and sets out that the planning system should contribute to and enhance the natural and local environment by (amongst other things) protecting and enhancing valued landscapes and recognising the intrinsic character and beauty of the countryside.

80. The site is located in an area of higher landscape value (AHLV) as defined in the County Durham Plan. The development would transform the existing open agricultural field to a small residential housing estate and would result in an encroachment of the surrounding built development into the open countryside. In an attempt to mitigate the impact of the development, additional planting is proposed to supplement the existing eastern field boundaries, this would be in the form of hedgerow planting and additional tree planting in the SUDS area. This would provide a degree of buffer and containment to the eastern boundary of the site. It is also proposed to supplement an existing field boundary that lies directly adjacent to the site to provide further filtering of views. To the northern boundary a double width hedgerow and hedgerow trees on top of a modest bund is proposed. To the eastern boundary a new hedgerow is proposed. Boundary treatments to properties would sit within the confines of the hedgerow boundary and once the hedgerow has established views of domestic boundary treatments would be limited. The dwellings on the eastern site boundary are also set well of the boundary to give a softer edge to the development on the approach into Wolsingham.
81. Nevertheless, despite the mitigation proposed the transformation of the site resulting from the development would result in harm to the landscape character of the AHLV in this location. Given the nature of the proposals and relationship to the surrounding area, this harm is considered to be to a low level. However, in accordance with Policy 39 of the County Durham Plan this harm is required to be weighed against the benefits of the development.
82. The scale and appearance of the dwellings, is considered in detail in the design section below, however the dwelling facing onto Durham Road would provide an active frontage and would be set back of the highway sufficiently to provide a soft edge to the development and to respect the built form of the adjacent terrace. The dwellings in this location would be faced in stone.
83. There is an existing low stone wall at the front of the site along the roadside boundary with the A689, this is proposed to be removed to facilitate access sight lines and a pedestrian footway. Stone walling would however be constructed to provide an acoustic screen boundary treatments at the eastern and western margins of the site while hedgerow planting and black metal estate railings would form the remainder of the boundary treatments fronting out onto Durham Road. This is considered an acceptable approach.
84. Whilst recognising the landscape harm, as described above, the Council's Landscape Section advise that the principle of the approach to mitigating the development is appropriate and subject to further detail of the makeup and nature of the planting the development would to a degree mitigate its impact. Conditions are recommended to agree the finer details of such matters, it is however recognised that Landscape Officers desire for stone walling up the eastern boundary cannot be achieved due to costs constraints, while recognising that once mature the landscaping would largely screen this feature. Additional planting is also recommended to secure the rear of a garage block associated with plots 15 and 16 on the western boundary with the applicant unwilling to construct this element in stone.
85. Overall, given the nature of the site on the edge of the settlement there is inherent landscape and visual harm resulting from the development despite the mitigation proposed. This harm is required to be weighed against the wider benefits of the scheme, in accordance with Policy 39 of the County Durham Plan. However, it is considered that the proposals would provide for an acceptable degree of containment of the development and mitigation to reduce its impacts to what could realistically be achieved on the site. Once the landscaping is mature the development is considered

to provide an attractive entrance into the village. The development is considered to comply with Policies 6, 10 and 29 of the CDP in this respect and Parts 12 and 15 of the NPPF.

Design

86. Part d of Policy 6 of the CDP requires that development on unallocated sites is appropriate in terms of scale, design, layout and location to the character, function, form and setting of the settlement. 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 127 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.
87. A Building for Life Supplementary Planning Document (2019) (BfL SPD) has been adopted by the Council. In recognition of national planning advice and to achieve high quality housing developments DCC has adopted an in-house review process to assess schemes against the Building for Life 12 (BfL 12) Standards. The BfL SPD formalises the review process and establishes the guidelines and standards for its operation and is linked to the Sustainable Design Policy (29) in the County Durham Plan. The scheme was considered against the BfL standard through a series of 12 questions. The scoring is based on a traffic light system with the aim of the proposed new development to secure as many "greens" as possible, minimise the number of "ambers" and avoid "reds". The more "greens" achieved the better the development will be, "ambers" are usually concerns that can be raised to "green" with revisions, whereas a "red" gives a warning that a particular aspect needs strong reconsideration. Policy 29 of the CDP states that schemes with one or more red will not be acceptable and will be refused planning permission unless there are significant overriding reasons.
88. In the assessment of the initial submission the development scored 2 reds, 7 ambers and 3 greens, with concerns relating to the sites interaction with Durham Road and adjacent developments, the provision of SUDS, location of car parking and the incorporation of existing landscape features. Following this scoring and negotiations the scheme has been amended to provide a set back off Durham Road and the inclusion of dual facing units. SuDs have now been incorporated in the scheme and the landscaping bolstered around the margins of the site while details of the footpath diversion have been provided.
89. Officers are now of the opinion that the amended scheme has addressed the previously scored reds, with some ambers moving to green. Overall it is considered that the development would provide for a high-quality design that is sympathetic to the surrounding area, particularly through the use of stone facing materials and appropriate fenestration detailing and the design of the dwellings which whilst not locally specific, the proposed dwellings are otherwise distinctive in design with a contemporary appearance. The development is therefore considered to comply with Policies 6 and 29 of the CDP and Policies 12 and 15 of the NPPF in this respect.

Highway Safety

90. Policy 6, part e of the CDP outlines that development should not be prejudicial to highway safety or have a severe cumulative impact on network capacity. Policy 21 reiterates the requirement of Policy 6 in addition to expecting developments to deliver

well designed pedestrian routes and sufficient cycle and car parking provision. Similarly, Policy 29 advocates that convenient access is made for all users of the development together with connections to existing cycle and pedestrian routes. Specifically, the NPPF sets out at Paragraph 108 that safe and suitable access should be achieved for all people. In addition, Paragraph 109 of the NPPF states that development should only be refused on transport grounds where the residual cumulative impacts on development are severe.

91. The Highways Authority advise that the proposed new access junction off the A689 is of a satisfactory design to allow for a good standard of highway safety, with adequate sight visibility being provided in both directions. It is advised that the developer would still need to enter into agreements with the Highways Authority under sections 38 and 278 of the Highways Act in relation to works within the public highway and construction of the new adoptable road. An informative to remind the applicant of these requirements is appropriate.
92. A pedestrian link to the footway on the southern side of the A689 linking the development to the west is proposed. This would allow pedestrian access to services and amenities. Whilst this element is within the adopted highway, it is considered appropriate to secure the details of construction to ensure that the rural approach to the village is retained.
93. All the dwellings would have in curtilage car parking spaces, however 4 visitor parking spaces would be proposed through the development. The Highways Authority advise that the parking provision is considered adequate to meet the needs of new residents.
94. In accordance with the Council's Car Parking and Accessibility Guidelines, each dwelling would have a passive electric vehicle charging point, which comprises the wiring system necessary to install an EV charging point externally in the future. A condition to secure this is recommended
95. Overall, the highway impacts of the proposed development are considered to be acceptable and in accordance with Policies 6 part e, 21 and 29 of the CDP as well as Part 9 of the NPPF.

Residential Amenity

96. Policy 6 part a of the CDP requires that development on unallocated sites is compatible with, and is not prejudicial to, any existing, allocated or permitted use of land. Policy 29 part e of the CDP requires all development to provide high standards of amenity and privacy and minimize the impact of development upon existing adjacent and nearby properties.
97. Policy 31 of the CDP seeks to support proposals only 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. The policy sets out that developments will also need to demonstrate that future occupiers of the proposed development will have acceptable living and/or working conditions. Proposals which will have an unacceptable impact such as through overlooking, visual intrusion, visual dominance or loss of light, noise or privacy will not be permitted unless satisfactory mitigation measures can be demonstrated whilst ensuring that any existing business and/or community facilities do not have any unreasonable restrictions placed upon them as a result. Development which has the potential to lead to, or be affected by, unacceptable levels of air quality, inappropriate odours, noise and vibration or other sources of pollution, either individually or cumulatively, will not be permitted including

where any identified mitigation cannot reduce the impact on the environment, amenity of people or human health to an acceptable level.

98. A Residential Amenity Standards Supplementary Planning Document (SPD) has been adopted by the Council.
99. 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.
100. The site is located adjacent to the A689 which is a fairly heavily trafficked road lies to the south of the site. A noise assessment has been submitted as part of the application which concludes that subject to provision of an acoustic fencing to protect parts of private amenity space and the use of acoustic glazing and ventilation, new residents would not be subject to any unacceptable levels of noise. The Environmental Health Officer agrees with these conclusions and recommends a condition that the development is carried out in accordance with the recommendations of the noise assessment which is considered appropriate.
101. A construction environmental management plan (CEMP) has been submitted as part of the application and includes details of dust management. The Council's Environmental Health Air Quality Team have been consulted on this document and advise that the CEMP is satisfactory. They also note that given the small scale of the development it is unlikely to generate significant vehicle movements both during construction and once occupied that would adversely affect local air quality. However, the Council's Environmental Health Nuisance Protection Service advise that further revisions to this document are required to protect the amenity of residents. A condition to agree this is recommended.
102. A condition to control construction working hours is also considered appropriate given the proximity of adjacent dwellings, to ensure minimal disturbance to existing residents during construction works.
103. Guidance within the SPD advocates separation distances of 21m between facing principal elevations and 18m between bungalows, 13m between principal and two storey gable elevations and 10m to a single storey. These separation distances would be largely achieved by the development. However, there would be a short fall in the recommended distances between the rear of bungalows of plots 12 and 13 to the dwellings and frontage of plots 8 and 9 with the facing distances measuring 19m from the. Whilst this would fall short of the 21m advocated above, in the round an adequate level of residential amenity would still be achieved, with a more open outlook from the properties to the front.
104. The SPD also advises that private gardens should be of 9m in length unless site specific circumstances allow for a reduction in size. Again the development would in the large exceed these standards. However, the rear gardens of the bungalows of plots 11 and 12 would fall short of this measuring approximately 6.5m and 7.5m respectively. Whilst acknowledging this shortfall it is recognised that these properties have garden to the front of these properties and given the likely tenants of the bungalows there may well be reduced demand for a large amount of outdoor private amenity space. In this instance it is considered that garden sizes to these plots are acceptable and would provide adequate private outdoor amenity space for new residents.

105. Given the relatively high density of elements of the development and its sensitive location on the approach into Wolsingham within the AHLV, a condition to remove permitted development rights from the scheme is considered appropriate. This will ensure future alterations and extensions do not compromise residential amenity or the appearance of the site as a whole.
106. Overall, the proposed development is considered to be acceptable in terms of residential amenity and in accordance with Policies 6 part a, 29 and 31 of the CDP and parts 12 and 15 of the NPPF.

Ecology

107. Policy 41 of the CDP states that proposals for new development will not be permitted if significant harm to biodiversity or geodiversity resulting from the development cannot be avoided, or appropriately mitigated, or, as a last resort, compensated for. Proposals for new development will be expected to minimise impacts on biodiversity by retaining and enhancing existing biodiversity assets and features and providing net gains for biodiversity including by establishing coherent ecological.
108. Policy 43 of the CDP states that 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.
109. Part 15 of the NPPF seeks to ensure that proposals show regard to the protection and enhancement of internationally and nationally important sites and species; contributing and enhancing the natural and local environment by ensuring there is no net loss of biodiversity.
110. An Ecological Impact Assessment, biodiversity assessment, precautionary method statement for bats and Landscape Strategy drawing have been submitted as part of the application, which assesses the loss/gain of biodiversity and set out proposed ecological mitigation and enhancement.
111. The Council's Ecologist has reviewed the submitted information and raises no objections. The Ecological Impact Assessment notes that the development would result in a net loss of biodiversity on the site, however the significant areas of new tree and hedge planting, wildflower and bulb planting would help to address this loss. Despite these works on site a small net loss of biodiversity from the scheme is still identified. In order to overcome this, contributions of £8000 would be required as part of the S106 agreement to provide grassland habitat off site, to be delivered by Durham County Council. Subject to the contributions and provision of on site improvements detailed in the Ecological Impact Assessment a net gain to biodiversity would be provided as part of the scheme as required by Policy 41 of the CDP and para. 174 (d) of the NPPF. A condition is recommended to secure implementation of the development in accordance with the mitigation and enhancement measures, which is considered appropriate.
112. Overall, the proposals would provide a net gain to biodiversity and would not affect any protected species, in accordance with Policies 41 and 43 of the CDP and Part 15 of the NPPF.

Flooding and Drainage

113. Part 14 of the NPPF seeks to resist inappropriate development in areas at risk of flooding, directing development away from areas at highest risk (whether existing or future). Where development is necessary in such areas, the development should be made safe for its lifetime without increasing flood risk elsewhere.
114. Policies 35 and 36 of the CDP relate to flood water management and infrastructure. Policy 35 requires development proposals to consider the effects of the scheme on flood risk and ensure that it incorporates a Sustainable Drainage System (SuDs) to manage surface water drainage. Development should not have an adverse impact on water quality. Policy 36 seeks to ensure that suitable arrangements are made for the disposal of foul water. National advice within the NPPF and PPG with regard to flood risk advises that a sequential approach to the location of development should be taken with the objective of steering new development to flood zone 1 (areas with the lowest probability of river or sea flooding). When determining planning applications, local planning authorities should ensure flood risk is not increased elsewhere and only consider development appropriate in areas at risk of flooding where a sequential test and some instances exception tests are passed, informed by a site-specific flood risk assessment.
115. The site is not within a flood zone. A drainage strategy has been submitted as part of the application, which indicates use of sustainable forms of surface water drainage as part of the development the formation of a SuDS detention basin and the use of filter strips to capture and treat surface water which is in accordance with the hierarchy set out in Policy 35. The Council's Drainage Team are satisfied with the principles of the outline drainage strategy, a conditional approach to secure its implementation and future maintenance is recommended.
116. Northumbrian Water offer no objections to the development and recommend a conditional approach to agree the finer drainage details, including foul water connection into the public sewer. This approach is in accordance with the hierarchy specified in Policy 36 of the CDP.
117. Overall, subject to the above condition, the proposed development is not considered to be at risk of flooding and would not increase flood risk elsewhere, in accordance with Policies 35 and 36 of the CDP and Part 14 of the NPPF.

Ground Conditions

118. Policy 32 of the CDP requires sites to be suitable for use taking into account contamination and unstable land issues. Paragraph 183 of the NPPF requires sites to be suitable for their proposed use taking account of ground conditions and any risks arising from land instability and contamination.
119. A Phase 1 Desk Study and Phase 2 Site Investigation have been submitted as part of the application identifying that a modest amount of remedial work is required in accordance with a remediation strategy. The Council's Contaminated Land Officer advises that methodology and conclusions of these reports are sound. As such it is advised the submitted rededication strategy to be secured by condition and that prior to occupation of the development a verification report is submitted.
120. Subject to this condition the development would not pose any risks from contamination on the site, in accordance with Policy 32 of the County Durham Plan and Part 15 of the NPPF.

Public Rights of Way

121. Policy 26 of the County Durham Plan states that development will be expected to maintain or improve the permeability of the built environment and access to the countryside for pedestrians, cyclists and horse riders. Proposals that would result in the loss of, or deterioration in the quality of, existing Public Rights of Way (PROWs) will not be permitted unless equivalent alternative provision of a suitable standard is made. Where diversions are required, new routes should be direct, convenient and attractive, and must not have a detrimental impact on environmental or heritage assets.
122. Para. 100 of the NPPF states that planning decisions should protect and enhance public rights of way and access, including taking opportunities to provide better facilities for users.
123. Public footpath No. 28 (Wear Valley) currently crosses through the development site in an east/west direction. It is proposed to re-route this path around the edge of the development site, with an upgraded surface (whin stone dust). The Council's Public Rights of Way Team offer no objection to this solution, but it is advised that a separate legal process would need to be undertaken to formally divert the right of way. In order to ensure that this aligns with the planning process and agree the finer details of this a conditional approach is recommended.
124. It is also noted that the usage of the footpath extending from development site to the west of the site is likely to increase as a result of the development, particularly due to the proposed connections into it. To mitigate this impact, the PROW team advise that the upgrading works to the surface for a section of the PROW behind Durham Road Terrace for approximately 115m should be secured. The applicant has secured an agreement with the land owner to undertake these works and therefore a condition to agree and undertake the works is recommended.
125. Subject to the above conditions the proposal would accord with the requirements of Policy 26 of the County Durham Plan and para. 100 of the NPPF in this respect.

Sustainability

126. Policy 29 part o requires that new residential development of 10 units or more should achieve reductions in CO2 emissions of 10% below the Dwelling Emission Rate (DER) against the Target Emission Rate (TER) based on current Building Regulations.
127. The applicant has committed to achieving this requirement, however as the properties are bespoke builds these calculations have not been undertaken. A conditional approach is therefore considered acceptable.

Affordable and Accessible/Adapted Housing

128. The Council's most up to date assessment of need is outlined within Policy 15 of the CDP, setting out the required percentage of affordable housing and tenure mix. Paragraph 62 of the NPPF sets out that, where a need has been established, an appropriate level of affordable housing should be provided.
129. As the site falls within a high value area, it would normally be expected that 20% of the properties within the scheme would be delivered as affordable housing, split into 10% in the form of affordable home ownership (starter homes, discount market sale housing and other affordable routes to home ownership) and 10% as affordable housing for

rent. These requirements would translate the provision of 3 no. affordable home ownership units.

130. Policy 15 of the CDP outlines on sites of 10 or more units, a minimum of 10% of the units to be designed so as to increase the housing options for older persons and people with disabilities comprising of level access flats and bungalows or housing products which can be shown to meet the specific needs of a multi-generational family. The policy also requires that 66% of dwellings should be built to Building Regulations Requirement M4 (2) (accessible and adaptable dwellings) standard unless site specific factors indicate otherwise. Policy 19 requires an appropriate mix of dwellings, types and sizes. Paragraph 61 of the NPPF states that the size, type and tenure of housing needed for different groups in the community should be assessed. Part 5 of the NPPF is also clear that developments should help to address housing needs.
131. The scheme proposed 3no bungalows to be offered on an affordable rental basis. The applicant confirms that 10 of the dwellings (including the bungalows) would be to Building Regulations Requirement M4 (2) (accessible and adaptable dwellings). A condition to secure a minimum of 10 no. dwellings to M4(2) standard is considered appropriate, while a section 106 agreement would secure the provision of affordable housing on the site with the makeup to be confirmed depended on registered provider interest. With the exception of the proposed bungalows the development would provide larger detached dwellings at the higher end of the market, this is considered acceptable in this instance given the scale of the development and mix of housing in the locality. Subject to conditions and a legal agreement it is considered the development would comply with the above requirements of Policies 15 and 19 of the County Durham Plan.
132. Policy 29 of the County Durham Plan requires that all new residential development will be required to comply with the Nationally Described Space Standards (NDSS). The submitted plans demonstrate that the dwellings would be compliant with NDSS, in accordance with Policy 29 of the County Durham Plan.

Infrastructure and Open Space

133. Policy 26 of the CDP outlines that new residential developments will be required to make provision for open space to meet the needs of future residents having regard to the standards of open space provision set out in the Open Space Needs Assessment (OSNA). Where it is determined that on-site provision is not appropriate, the Council will require financial contributions to be secured through planning obligations towards the provision of new open space, or the improvement of existing open space elsewhere in the locality. Paragraph 96 of the NPPF highlights that access to a network of high-quality open spaces and opportunities for sport and physical activity is important for the health and well-being of communities. Paragraph 127 requires amongst its advice that developments function well and optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space).
134. The Council's Open Space Needs Assessment (OSNA) 2018 is considered the most up to date assessment of need. It identifies the five typologies (allotments; amenity/natural greenspace; parks, sports and recreation grounds; play space (children) and play space (youth), sets out requirements for public open space on a population pro rata basis and whether provision should be either within the site, or through a financial contribution towards offsite provision, in lieu taking into consideration factors such as the scale of the development, existing provision within suitable walking distances and the level of contribution sought.

135. The development does not provide any public amenity space on the site therefore in order to accord with Policy 29 of the CDP off site contribution of £29,249 would be required towards off-site provision in lieu of on site provision (useable amenity open space, allotments, parks, sports and recreation grounds, children and youth play space). Having regard to the OSNA, this is considered to be acceptable and in accordance with the Council's standard approach. The contribution could be secured through a planning obligation under Section 106 agreement and limited to provision within the Parish Boundaries division. This would satisfy the OSNA requirements, Policy 26 of the CDP and Paragraph 96 of the NPPF with regards to the provision of public open space.
136. Policy 25 of the CDP supports securing developer contributions where mitigation is necessary to make the development acceptable in planning terms including for social infrastructure such as education and health facilities. Paragraph 94 of NPPF confirms that the government places great importance to ensure that sufficient choice of school places is available to meet the needs of existing and new communities.
137. The School Places Manager has advised that the proposed development is likely to generate an additional 5 primary age school pupils and 2 secondary age school pupils. There is sufficient capacity within local primary schools to accommodate the identified need, however contributions of £33,108 are required to mitigate the developments impact in this respect of secondary school places. The applicant has agreed to this contribution to be secured by the S106 agreement.

Other issues

138. Policy 14 of the CDP states that the development of the best and most versatile agricultural land, will be permitted where it can be demonstrated that the benefits of the development outweigh the harm, taking into account economic and other benefits. NPPF Paragraph 170 states that LPAs should recognise the economic and other benefits of the best and most versatile agricultural land and where significant development of agricultural land is demonstrated to be necessary, local planning authorities should seek to use areas of poorer quality land in preference to that of a higher quality. Best and most versatile agricultural land is classified by the NPPF as grades 1, 2 or 3a. The site is currently in agricultural use and an agricultural land classification report has been submitted as part of the application. This indicates the land is grade 3b, moderate quality agricultural land. As such the land is not the best and most versatile agricultural land and there is no conflict with Policy 14 in this regard, the loss of agricultural land is non the less recognised.
139. The Council's Archaeology Officer advises that as the site is less than 1ha and there are no significant archaeological remains known of nearby and the distance of the site from the historic core of Wolsingham the potential for undisturbed remains is low. No objection on archaeological grounds is therefore raised in accordance with Policy 44 of the County Durham Plan and Part 16 of the NPPF.
140. Public Sector Equality Duty 85. 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. In this instance, officers have assessed all relevant factors and do not consider that there are any equality impacts identified.

Conclusion

141. Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. In light of the recent adoption of the CDP, the Council has an up to date development plan. Paragraph 11 of the NPPF establishes a presumption in favour of sustainable development. For decision taking this means approving development proposals that accord with an up-to-date development plan without delay (paragraph 11 c).
142. The proposed development would provide 16 no. dwellings along with 3no bungalow and affordable units, the development is considered acceptable in principal and would accord with the aims of Policy 6 of the County Durham Plan.
143. It is acknowledged the transformative nature of the development would result in some localised landscape and visual harm within the AHLV. However, within the context of its surroundings this harm is considered to be at a low level and would not harm the distinctiveness of the wider landscape or character of the area. The scheme would provide benefits in terms of the provision of affordable housing, support for local services and businesses in a rural area from new residents and a temporary economic uplift during the construction phase. It is therefore considered that the benefits of the scheme would outweigh the landscape harm, having regard to the requirements of Policies 39 and 40 of the County Durham Plan.
144. No adverse impacts are identified in terms of locational sustainability, design, highway safety, residential amenity, ecology, ground conditions, flooding and drainage, accessible and adaptable housing, infrastructure and open space and sustainability in accordance with relevant policies from the County Durham Plan and the NPPF.
145. There are no material considerations which indicate otherwise and the application is recommended for approval.

RECOMMENDATION

That the application be **APPROVED** subject to a S106 agreement to secure:-

3 Affordable Housing units
£33,108 education contribution
£29,249 Open Space, Sport and Play Provision contribution
£8000 Habitat Mitigation

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: Required to be imposed pursuant to Section 91 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

2. The development hereby approved shall be carried out in strict accordance with the following approved plans:

Proposed Site Plan (Feasibility Plan) (994_030 Rev G)
Location Plan (994/LP/001_Rev_K)
Proposed Engineering Layout (19082_01_P9)
Proposed Surface Finishes (19082_11_P7)
Section 38 (19082_21_P4)

Highways Details Sheet 1 (19082_71_P1)
Highways Details Sheet 2 (19082_72_P1)
Bungalow_Plans and Elevations_994/11,12,13/01 Rev C
Ash_Elevations_994/2-3/02 Rev D
Ash_Plans_994/2-3/01 Rev C
Dairy_Elevations_994/4-6-9/02 Rev D
Dairy_Plans_994/4-6-9/01 Rev C
Dower_Elevations_994/10,15/02 Rev D
Dower_Plans_994/10,15/01 Rev C
Elm_Elevations_994/1/02 Rev C
Elm_Plans_994/1/01 Rev E
Garages_Elevations_994/garage/01
Oak_Elevations_994/16/02 Rev D

Reason: To define the consent and ensure that a satisfactory form of development is obtained in accordance with Policies 6, 15, 19, 21, 25, 26, 29, 31, 32, 35, 36, 40 and 41 of the County Durham Plan and Parts 2, 4, 5, 6, 8, 9, 11, 12, 14, 15 and 16 of the National Planning Policy Framework.

3. No development shall commence until a scheme for the provision surface water drainage works have been submitted to and approved in writing by the Local Planning Authority. The scheme shall be developed in accordance with the Councils Sustainable Drainage Systems (SuDS) Adoption Guide 2016 and based on the principles set out in the submitted Flood Risk and Drainage Strategy (Coast Consulting, 19082-FRA-01 Rev F) received on 5th April 2022. The development thereafter shall be completed in accordance with the approved details and timetable agreed.

Reason: To ensure that surface water is adequately disposed of, in accordance with Policies 35 and 36 of the County Durham Plan and Parts 14 and 15 of the National Planning Policy Framework.

4. No windows or doors shall be installed unless full details including plans at a scale of 1:20, including cross sections, materials and details of colour finish, of the proposed windows have first been submitted to and approved in writing by the Local Planning Authority. The windows shall thereafter be installed in accordance with the approved details.

Reason: In the interests of the visual amenity of the surrounding areas in accordance with Policies 6, 10 and 29 of the County Durham Plan and Part 12 of the National Planning Policy Framework.

5. With the exception of windows which are to be agreed under condition 4, full details of the external construction materials (including walling roofs and any cladding) of the development shall be submitted to and approved in writing by the Local Planning Authority prior to the construction of the dwellings above base course level. A sample panel of the proposed stone and pointing to be used in the construction of the main walls of the dwellings shall be erected on site for approval and thereafter retained for reference. The development shall thereafter be carried out in accordance with the approved details.

Reason: In the interests of the visual amenity of the surrounding areas in accordance with Policies 6, 10 and 29 of the County Durham Plan and Part 12 of the National Planning Policy Framework.

6. No development of the dwellings above base course level shall commence, until full details of passive EV charging points to serve each property have been submitted to and approved in writing with the Local Planning Authority. The development shall thereafter be completed in complete accordance with the approved details.

Reason: To ensure adequate provision for electric vehicles is made as part of the development and charging points are provided in optimum locations, in accordance with Policy 21 of the County Durham Plan and the Council's Parking and Accessibility Standards 2019.

7. The development hereby approved shall be undertaken in complete accordance with the mitigation detailed within the Noise Impact Assessment NJD Environmental Associates, NJD19-0119-001R/R2, August 2021 as amended by revision ref NJD19-0119-002L dated 13th April 2022.

Reason: In the interest of residential amenity, in accordance with Policies 6, 29 and 31 of County Durham Plan and Parts 12 and 15 of the NPPF.

8. The development hereby approved shall be undertaken in complete accordance with the Arboricultural Impact Assessment, Ref 0011422/V dated 8th April 2022 and Tree Protection Plan Dwg No.11422/P1, 8th April 2022

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.5837:2012. Protective fencing shall remain in place for the duration of all construction works on the site.

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 other than that detailed in the Arboricultural Impact Assessment shall be carried out.

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

Reason: To ensure that adequate tree protection is in place prior to the commencement of any construction works and that there are no resulting adverse impacts on mature trees or historic hedgerows to be retained within the site, to preserve the visual amenity of the surrounding area, in accordance with policies 6, 29 and 40 of the County Durham Plan and Parts 12 and 15 of the NPPF.

9. No development shall commence until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. The Construction Management Plan shall include as a minimum but not necessarily be restricted to the following:

1. A Dust Action Plan including measures to control the emission of dust and dirt during construction.
2. Details of methods and means of noise reduction/suppression.

3. Where construction involves penetrative piling, details of methods for piling of foundations including measures to suppress any associated noise and vibration.
4. Details of measures to prevent mud and other such material migrating onto the highway from all vehicles entering and leaving the site.
5. Designation, layout and design of construction access and egress points.
6. Details for the provision of directional signage (on and off site).
7. Details of contractors' compounds, materials storage and other storage arrangements, including cranes and plant, equipment and related temporary infrastructure.
8. Details of provision for all site operatives for the loading and unloading of plant, machinery and materials.
9. Details of provision for all site operatives, including visitors and construction vehicles for parking and turning within the site during the construction period.
10. Routing agreements for construction traffic.
11. Details of the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate.
12. Waste audit and scheme for waste minimisation and recycling/disposing of waste resulting from demolition and construction works.
13. Management measures for the control of pest species as a result of demolition and/or construction works.
14. Detail of measures for liaison with the local community and procedures to deal with any complaints received.
15. Details of temporary topsoil and subsoil storage provision.

The management strategy shall have regard to BS 5228 "Noise and Vibration Control on Construction and Open Sites" during the planning and implementation of site activities and operations.

The approved Construction Management Plan shall also be adhered to throughout the construction period and the approved measures shall be retained for the duration of the construction works.

Reason: To protect the residential amenity of existing and future residents from the development in accordance with Policy 31 of the County Durham Plan and Part 15 of the National Planning Policy Framework. Required to be pre commencement to ensure that the whole construction phase is undertaken in an acceptable way.

10. In undertaking the development that is hereby approved:

No external construction works, works of demolition, deliveries, external running of plant and equipment shall take place other than between the hours of 0730 to 1800 on Monday to Friday and 0730 to 1400 on Saturday.

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

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

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

Reason: To protect the residential amenity of existing and future residents from the development in accordance with Policy 31 of the County Durham Plan and Part 15 of the National Planning Policy Framework.

11. The development hereby approved shall be carried out in complete accordance with the mitigation and compensation strategy detailed the Ecological Survey and Risk Assessment (Veronica Howard, Received 19th April 2022).

Reason: To enhance biodiversity on the site and ensure there are no adverse impacts to protected species, in accordance with Policies 41 and 43 of the County Durham Plan and Part 15 of the NPPF.

12. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and/or re-enacting that Order), no development under Part 1 Classes A, AA, B, C, D, E and F and Part 2 Class A of the above order shall take place without the grant of further specific planning permission from the Local Planning Authority.

Reason: In the interests of the amenity of the surrounding area in accordance of Policies 29 and 31 of the County Durham Plan and Parts 12 and 15 of the National Planning Policy Framework.

13. Notwithstanding the submitted information, no development above base course level of the dwellings hereby approved shall commence until a detailed landscaping scheme has been submitted to and approved in writing by the Local Planning Authority. The landscape scheme shall be based on the Landscape Strategy Plan ref NT14523/001 Rev C and include accurate plan based details the following:

Trees, hedges and shrubs scheduled for retention.

Details of all means of enclosure, including materials to be used.

Details of areas of residential curtilage and areas of maintained open space/landscaping

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

Details of planting procedures or specification.

Finished topsoil levels and depths.

Details of public bin storage, including the design and materials to be used in any structure.

Details of temporary topsoil and subsoil storage provision.

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

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

The detailing of the management of all areas of maintained open space/landscaping and bin storage area/structures for the life time of the development.

The approved landscaping scheme shall be completed in the first planting season following the substantial completion of the development.

No trees, hedges and shrubs shall not be removed without agreement within five years. In the event that any landscaping is removed, die or fail to establish within 5 years it shall be replaced and thereafter maintained for a minimum of 5 years.

Reason: In the interests of the visual amenity of the area and to comply with Policies 29 and 39 of the County Durham Plan and Parts 12 and 15 of the National Planning Policy Framework.

14. No development other than site clearance or remediation works shall commence until a scheme to detail how at least 11 of the dwellings comply with Building Regulations M4(2) Accessible and Adaptable Dwellings has been submitted to and agreed in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details.

Reason: In order to address housing need requirements in accordance with Policy 15 of the County Durham Plan.

15. 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 Policy 32 of the County Durham Plan and Part 15 of the National Planning Policy Framework.

16. No development other than site clearance or remediation works shall commence until, full details of the diversion (including landscaping, surfacing and means of enclosure) of public right of way around the perimeter of the site as depicted on the approved plans has been submitted to and approved in writing by the local planning Authority. The approved diversion works shall be completed before the occupation of the 5th dwelling hereby approved.

Reason: In order to ensure that the Public Right of Way is adequately diverted and in the interests of the visual amenity of the area and to comply with Policies 29 and 39 of the County Durham Plan and Parts 12 and 15 of the National Planning Policy Framework.

17. Notwithstanding the requirements of condition 16. No development other than site clearance or remediation works shall commence until a scheme of surface improvements to the Public Right of Way No.28 (Wear Valley) from the western boundary of the development site for a distance of 115m shall be submitted to and approved in writing by the Local Planning Authority. The surface improvement works shall be completed prior to the occupation of the 5th dwelling hereby approved.

Reason:- In order to mitigate the impact of the development on the public rights of way network in accordance with Policies 26 and 29 of the County Durham Plan and Parts 9 and 12 of the NPPF.

18. No development other than ground clearance or remediation works shall commence until a scheme for the provision of foul water drainage works have been submitted to and approved in writing by the Local Planning Authority. The development thereafter shall be completed in accordance with the details and timetable agreed.

Reason: To ensure that foul water is adequately disposed of, in accordance with Policy 36 of the County Durham Plan and Parts 14 and 15 of the National Planning Policy Framework.

STATEMENT OF PROACTIVE ENGAGEMENT

In accordance with Article 35(2) of the Town and Country Planning (Development Management Procedure) (England) Order 2015, the Local Planning Authority has, without prejudice to a fair and objective assessment of the proposals, issues raised and representations received, sought to work with the applicant in a positive and proactive manner with the objective of delivering high quality sustainable development to improve the economic, social and environmental conditions of the area in accordance with the NPPF.

BACKGROUND PAPERS

Submitted Application Forms, Plans and supporting documents
National Planning Policy Framework
The County Durham Plan (CDP)
Statutory consultation responses
Internal consultation responses
External consultation responses

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Planning Services

COMMITTEE REPORT

APPLICATION DETAILS

APPLICATION No:	DM/22/00746/FPA
FULL APPLICATION DESCRIPTION:	Demolition of existing bungalow and garage and construction of 3 bedroom dormer bungalow
NAME OF APPLICANT:	Mr and Mrs Jackson
ADDRESS:	63 Dene Hall Drive Bishop Auckland Durham DL14 6UF
ELECTORAL DIVISION:	Bishop Auckland Town
CASE OFFICER:	Rebecca Taylor, Planning Officer, 03000 265561, Rebecca.taylor2@durham.gov.uk

DESCRIPTION OF THE SITE AND PROPOSALS

The Site

1. The application site relates to an existing bungalow located within the residential estate known as Dene Hall Drive, in the Etherley Dene area of Bishop Auckland located to the west of the Town Centre. The property is sited towards the top of a cul-de-sac approved in the late 1980's and is surrounded by other properties consisting of a mix of detached two storey dwellings and bungalows. The site is bordered to the west by woodland within Etherley Dene.
2. The existing bungalow is of buff brick construction, with brown pantiles and a faux Tudorbethan wall dormer feature above the front door on the principal elevation. The surrounding properties are a mix of red and buff brick construction also have faux Tudorbethan detailing, with wall dormers and gable features.

Proposal

3. Planning permission is sought for the demolition of the existing dwelling and detached garage and erection of a new dormer bungalow with integrated garage. The proposed bungalow would measure approximately 13.7m in width by 10.5m in depth and the pitched roof would have a maximum height of approximately 7.2m in height. The proposed dwelling would have a footprint of 135m², an increase of 34m² in comparison to the existing bungalow. The resultant rear garden would be tapered inwards to the north and would have a depth of 6.7m at the widest point and approximately 5.5m at the narrowest point.

4. The bungalow would be of timber frame construction with brick slips on the principal elevation and white render to the remainder of the property. Two dormer windows and a rooflight are proposed on the principal elevation which would feature faux Tudorbethan detailing. Dark brown brick slips are proposed as header and cill detailing to the windows, which would be brown uPVC. An external flue is proposed on the eastern elevation to serve a new log burner. The proposed roof tiles would be dark brown double roman pantiles.
5. The proposed dwelling would include two roof lights and solar panels on the rear roof slope and an air source heat pump would be positioned on the rear elevation to negate the need for oil and gas for heating, power and hot water at the property.
6. Provision for 2 no. in-curtilage car parking spaces would be provided on the south side of the property from a new crossing point within the highway, across a new section of public footway. The boundary treatment of the site would comprise of a 1.8m close boarded timber fence to the rear and side, with a retained open front garden.
7. This application is being reported to planning committee at the request of Cllr Zair, to allow consideration of concerns regarding the visual impact of the development and residential amenity.

PLANNING HISTORY

8. There is no relevant planning history to the site.

PLANNING POLICY

NATIONAL POLICY

9. A revised National Planning Policy Framework (NPPF) was published in July 2021. 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.
10. *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.
11. *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.
12. *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.

13. *NPPF Part 6 Building a Strong, Competitive Economy* - The Government is committed to securing economic growth in order to create jobs and prosperity, building on the country's inherent strengths, and to meeting the twin challenges of global competition and a low carbon future.
14. *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.
15. *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.
16. *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.
17. *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.
18. *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.
19. *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 Page 73 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:

20. 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; climate change; design process and tools; determining a planning application; effective use of land; enforcement and post permission matters; flood risk; healthy and safe communities; land affected by contamination; land stability; natural environment;; 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 (CDP)

21. *Policy 6 (Development on unallocated sites)* states the development on sites not allocated in the Plan or Neighbourhood Plan, but which are either within the built-up area or outside the built up area but well related to a settlement will be permitted provided it: is compatible with use on adjacent land; does not result in coalescence with neighbouring settlements; does not result in loss of land of recreational, ecological, or heritage value; is appropriate in scale, design etc to character of the settlement; it is not prejudicial to highway safety; provides access to sustainable modes of transport; retains the settlement's valued facilities; considers climate change implications; makes use of previously developed land and reflects priorities for urban regeneration.
22. *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.
23. *Policy 29 (Sustainable Design)* 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.
24. *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.
25. *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.

26. *Policy 35 (Water management)* requires all development proposals to consider the effect of the proposed development on flood risk, both on-site and off-site, commensurate with the scale and impact of the development and taking into account the predicted impacts of climate change for the lifetime of the proposal. All new development must ensure there is no net increase in surface water runoff for the lifetime of the development. Amongst its advice, the policy advocates the use of SuDS and aims to protect the quality of water.
27. *Policy 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.
28. 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.
29. *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.
30. Residential Amenity Standards SPD (2020 Adopted version) – Provides guidance on the space/amenity standards that would normally be expected where new dwellings are proposed.

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

Neighbourhood Plan:

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

CONSULTATION AND PUBLICITY RESPONSES

STATUTORY RESPONSES:

32. *Highways Authority* – No objections,

INTERNAL CONSULTEE RESPONSES:

33. *Environmental Health Contaminated Land* – Advise a conditional approach to address any land contamination risks
34. *Ecology* – No objections.
35. *Environmental Health Nuisance* – Advise that a condition to control the hours of construction should be attached to safeguard residential amenity.

EXTERNAL CONSULTEE RESPONSES:

36. *Coal Authority* – No objections.

PUBLIC RESPONSES:

37. The application has been publicised by way of site notice, and individual neighbour notification letters. 9 no. letters of objection were received as summarised below:-
 - Impact of construction traffic, dust and noise on residential amenity.
 - The proposed design of the dwelling is not in keeping with the surrounding dwellings which includes Tudorbethan detailing.
 - The proposed dwelling is higher and wider than the existing dwelling.
 - Proposals will have an increased footprint compared to the existing.
 - Adverse impact on the open character of the estate which is characterised by two storey houses being separated by single storey areas to prevent two storey gable to gable abutments.
 - Adverse impact on the roofscape of the estate which is characterised by staggered roof lines. The increased height of the proposed dwelling's ridge line, its fully rendered finish and dormer roof design changes the estate appearance.
 - The dwelling will be very prominent on the approach from Dene Hall Drive.
 - The proposal will replace an affordable property for elderly people to one unsuitable for this demographic.
 - The garden size for the new dwelling does not accord with the Residential Amenity Standards SPD.
 - The new area of hardstanding to the front of the building is unsympathetic to the appearance of the rest of the estate.
 - Potential impact on privacy of existing dwellings.
 - The proposals will result in an adverse environmental impact due to the demolition of the existing dwelling and embedded carbon.
 - Potential adverse impact on the local bat population.
 - Loss of view from private garden.
 - Concerns are raised regarding the proximity to a NWL sewer.
 - The development of the site would break restrictive covenants placed on the land.
38. A petition with 16 signatures raising nonspecific objections to the proposal has also been received.

APPLICANTS STATEMENT:

39. This application has undergone detailed discussions with planning officers, first commenced via a Pre-application Enquiry in April 2021, followed by the submission of the present application in February 2022. The applicants have bought 63 Dene Hall Drive with the view of this being their home for the future and live in harmony with their new neighbours. Through pre-application discussions with the planning authority, we have evaluated how the site can be developed for their needs and aspirations whilst

complying with planning policy. Consideration has been given to the repair, complete renovation, and extension of the bungalow to resolve issues in the structure and improve energy efficiency; however, the optimum solution would be to replace the bungalow on the site.

40. The development would see the creation of a replacement dormer bungalow built to high design standards within acceptable scale, appearance, and massing parameters under planning policy. The exterior of the dormer bungalow draws features from the street scene with the use of different coloured brickwork, render, double roman concrete tiles and Tudor detailing features.
41. The primary reason to rebuild is to create a building fabric that would provide exceptional insulation and air tightness which would result in minimal energy use and would remove the need for natural gas. The predictive EPC produced for the building puts the specification at a 101A which is an exceptionally high figure (Zero Carbon Emissions) compared to the current bungalow which scores a low 71C. Methods of improving the current bungalow are noted within the existing EPC, however the suggested fabric improvements would only marginally improve the building fabric to 74C. Rather than just add renewable technologies to improve the buildings energy efficiency and extending the bungalow for additional space, reducing the energy demand through a highly efficient fabric is paramount. A fabric first approach will ensure that renewable heating technologies incorporated will run at an optimum performance with the specification of an Air Source Heat Pump and Solar PV panels (with battery) to provide heating, hot water, and electricity. The incorporation of Mechanical Ventilation with Heat Recovery will also provide exceptional internal air quality along with further reducing energy demands for heating.
42. To achieve a fabric first building, the specification of Structurally Insulated Panels (SIPs) has been chosen which will also have extra benefits of being a much quicker method of construction than traditional build, renovation, and repair methods. SIPs construction used in conjunction with 'carrier boards' externally will remove the need for masonry walls, again speeding up the construction, but retaining high quality standards. The specification of a factory assembled structure will result in the completed construction of walls, first floor and roof within seven to ten days. Once the shell is constructed, cladding the walls; fitting roof tiles and rooflines; fitting windows and doors and internal finishing can all commence concurrently which is where the speed of construction becomes apparent. It is paramount to the applicants that disruption is minimized during the construction works.
43. The works will also provide adequate parking to the property for the applicants and their visitors so that they do not provide any burden on the existing adopted highway.
44. It is noted that several representations have been lodged in objection to the application. We have taken comments on board with regards to the appearance and amended design details to be more reflective of local features. However, the issues raised within the representations will have been considered accordingly by the planning officer and it is believed that on balance, the development would not create any adverse impacts which would significantly and demonstrably outweigh the benefits. It is firmly believed that the development proposed can be regarded as acceptable in terms of physical form, layout, and appearance; planning policy, both local and national; sustainability, and it is hoped that the Planning Committee will regard the application as a positive addition to creating a high quality and truly energy efficient home for the applicants.

PLANNING CONSIDERATIONS AND ASSESSMENT

45. Having regard to the requirements of Section 38(6) of the Planning and Compulsory Purchase Act 2004 the relevant Development Plan policies, relevant guidance and all other material planning considerations, including representations received, it is considered that the main planning issues relate to the principle of development, visual Impact/character of the surrounding area, residential amenity, highway safety, ecology, ground conditions, flooding and drainage and other matters.

Principle of the development

46. 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. The County Durham Plan (CDP) is the statutory development plan and the starting point for determining applications as set out in the Planning Act. The CDP was adopted in October 2020 and provides the policy framework for the County up until 2035 and is therefore considered up to date. Paragraph 11c of the NPPF requires applications for development proposals that accord with an up to date development plan to be approved without delay.
47. Policy 6 of the County Durham Plan states that the development of sites which are not allocated in the Plan which are either (i) in the built up area; or (ii) outside the built up area but well related to a settlement will be permitted provided the proposal accords with all relevant development plan policies and:
- a. is compatible with, and is not prejudicial to, any existing, allocated or permitted use of adjacent land;
 - b. does not contribute to coalescence with neighbouring settlements, would not result in ribbon development, or inappropriate backland development;
 - c. does not result in the loss of open land that has recreational, ecological or heritage value, or contributes to the character of the locality which cannot be adequately mitigated or compensated for;
 - d. is appropriate in terms of scale, design, layout, and location to the character, function, form and setting of, the settlement;
 - e. will not be prejudicial to highway safety or have a severe residual cumulative impact on network capacity;
 - f. has good access by sustainable modes of transport to relevant services and facilities and reflects the size of the settlement and the level of service provision within that settlement;
 - g. does not result in the loss of a settlement's or neighbourhood's valued facilities or services unless it has been demonstrated that they are no longer viable;
 - h. minimises vulnerability and provides resilience to impacts arising from climate change, including but not limited to, flooding;

- i. where relevant, makes as much use as possible of previously developed (brownfield) land; and
 - j. where appropriate, it reflects priorities for urban regeneration.
48. The County Durham Plan defines 'the built up area' as land contained within the main body of existing built development of a settlement or is within a settlement boundary defined in a Neighbourhood Plan. Areas falling outside this definition will be regarded as countryside. The site within the built up area of Bishop Auckland, replacing the existing dwelling already on the site. Therefore, subject to a detailed analysis of the impact of the development against the remaining criteria of Policy 6, other relevant policies and material considerations, the development of the site is considered acceptable in principle.

Visual Impact/character of the surrounding area

49. Part d of Policy 6 of the CDP requires that development on unallocated sites is appropriate in terms of scale, design, layout and location to the character, function, form and setting of the settlement. 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 127 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.
50. Objections received by local residents raise concerns with regards the impact of the proposed new dwelling on the character of the existing estate due to its design and appearance. Particular concerns also relate to the increased footprint and height of the dwelling and incorporation of hard-standing to the front of the property.
51. During the course of the application the design of the dwelling has been amended to respond to objections received. The design changes include alterations to the materials palette on the principal elevation which now incorporates red brick slips with dark brown brick slip headers and cills. Mock Tudorbethan detailing has also been included on the two dormer windows to replicate surrounding properties.
52. The replacement dwelling would have an increased footprint of 35m² in comparison to the existing dwelling, which would largely be accounted for by the repositioning of the building to the north east, in the area which is currently contains a driveway and detached single storey garage. The footprint of the dwelling would also extend further into the rear garden of the site than the current arrangement. The southern elevation of the dwelling would retain its existing position within the plot, and the principal elevation of the dwelling would extend eastwards by 0.5m closer to the highway.
53. In assessing the proposal against the above policy context, it is considered that the revised design of the proposal would be appropriate in the context of the street scene, reflecting the material palette of surrounding properties. This includes a mix of render and brick, and also Tudorbethan detailing which is characteristic of this area.
54. The existing bungalow measures 5.1m to the ridge and 2.45m to the eaves. The proposed dwelling measures 2.8m to the eaves and 7.2m to the ridge. Although the proposals would create a 1 ½ storey dwelling in lieu of the existing bungalow, this would be commensurate with the character of the wider estate and street scene where

there is a mix of two storey and bungalows or varying size and scale. The development would retain the staggered roof lines prevalent through the estate. Surrounding properties have wall dormers and gable features on the front elevations and varying roof shapes and pitches. The siting of the dwelling towards the head of the cul-de-sac, and the maintenance of the established building line, would help to ensure that the proposal would not appear overly prominent within the street scene.

55. The property at present is a very modest bungalow, which is smaller in terms of footprint and mass than surrounding bungalows and dwellings. It is considered that the proposal would be commensurate with the scale of surrounding properties and would not be read as over development of the plot, retaining the open feel to the front of the dwelling which is characteristic of the estate. The incorporation of the garage within the dwelling is also a design feature of surrounding properties on the estate.
56. Overall, whilst the objections of local residents are acknowledged, it is considered that the proposed design of the dwelling would not be incongruous within the streetscape or at odds with the character of the surrounding area. It is therefore considered that the proposals comply with Policies 6 and 29 of the CDP and Policies 12 and 15 of the NPPF in this respect.

Residential Amenity

57. Policy 6 part (a) of the CDP requires that development on unallocated sites is compatible with, and is not prejudicial to, any existing, allocated or permitted use of land. Policy 29 part (e) requires all development to provide high standards of amenity and privacy and minimise the impact of development upon existing adjacent and nearby properties.
58. Policy 31 of the CDP seeks to support proposals only 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. The policy sets out that developments will also need to demonstrate that future occupiers of the proposed development will have acceptable living and/or working conditions. Proposals which will have an unacceptable impact such as through overlooking, visual intrusion, visual dominance or loss of light, noise or privacy will not be permitted unless satisfactory mitigation measures can be demonstrated whilst ensuring that any existing business and/or community facilities do not have any unreasonable restrictions placed upon them as a result. Development which has the potential to lead to, or be affected by, unacceptable levels of air quality, inappropriate odours, noise and vibration or other sources of pollution, either individually or cumulatively, will not be permitted including where any identified mitigation cannot reduce the impact on the environment, amenity of people or human health to an acceptable level.
59. A Residential Amenity Standards Supplementary Planning Document (SPD) has been adopted by the Council.
60. 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.
61. Objections have been received from surrounding residents regarding the scale of the resultant property and the potential impact on the privacy and amenity of existing and future occupants.

62. As highlighted above, the proposed dwelling would have a footprint of 135m², which is considered to represent a relatively modest increase in size of 34m² over and above the existing dwelling which also contains a detached garage. Planning policies do not set out guidance or limitations on the size of replacement dwellings, and development proposals of this nature are ordinarily assessed against the space standards set out within the SPD. This guidance advocates separation distances of 21m between facing principal elevations and 13m between principal and two storey gable elevations to habitable rooms.
63. The proposed development would achieve these minimum separation distances in relation to no.61 Dene Hall Drive (the closet property), where a distance of 13.5m would be achieved between the side elevation of the proposal and the front of the adjacent dwelling. At the front of the new property minimum 21m separation distances would be achieved to adjacent dwellings.
64. The proposal would have 1 no. window on the ground floor of the north-eastern elevation which serves an en-suite bathroom that would be obscurely glazed to prevent overlooking and conditioned accordingly. An access door and utility window are proposed on the opposite side elevation. Views from these elements would either face the gable elevation of the adjacent property or would be screened by the proposed 1.8m high boundary fence.
65. Policy 29 of the CDP requires all new development to comply with the Nationally Described Space Standards (NDSS). The proposed floor plans show the provision of two bedrooms, one at ground floor and one at first floor. A second room at first floor level is denoted as a study/hobby room. It is possible that this room could be utilised as a bedroom in the future and therefore the dwelling has been assessed using its maximum potential capacity for the purposes of testing compliance with the NDSS. The proposed floorspace of 135m² for a 3 bed, 5 person dwelling complies with the NDSS requirements of 93m², and the proposal is therefore in accordance with the requirements of 29 of the CDP.
66. There would be some increase in the amount of shading experienced by No.61 Dene Hall Drive to the north as a result of the increased height of the dwelling from 5.1m to 7.2m, and the positioning of the new dwelling hard against the northern boundary of the site. However this is not considered to cause a significant impact, given the orientation of the dwellings, which are off-set at an angle and the presence of private amenity space available to the rear. This would also be limited to short periods of the day. Nevertheless it is considered appropriate to remove permitted development rights for the property to prevent further alterations/increase in size.
67. The SPD also advises that private gardens should be of 9m in length unless site specific circumstances allow for a reduction in size. The existing dwelling has a garden length ranging from 8.3m to 9.3m. The proposed development would not meet the 9m standard set out in the SPD with a depth of garden ranging from 5.5m to 7m, and objections have been raised in this respect. Whilst acknowledging this shortfall, it is recognised that the no development lies to the west (rear) of the site and the property would have an outlook onto mature vegetation. The rear garden area, whilst reduced from the existing, would provide an adequate usable area of outdoor amenity space for future residents. A proportion of outdoor amenity space is also provided to the front of the dwelling. Therefore in this instance it is considered that the garden size to the dwelling is acceptable and would provide adequate private outdoor amenity space for new residents.
68. A number of objections have been received raising concerns regarding the impact of the development on residential amenity during construction activity, particularly the

demolition phase of the proposals. Whilst it is recognised that there will inherently be disturbance, as in any redevelopment or extension project, it is considered that any impact would be temporary in nature and could be mitigated through an agreed construction management plan, secured by planning condition. This would control methods of demolition, storage of waste and parking arrangements for contractors. As an additional matter the applicant's agent advises that due to the method of construction, the build time and associated impacts would be less, or similar, than a substantial extension or rebuild using traditional methods. This conclusion is considered sound and any construction related impacts are considered acceptable and likely to be for a limited duration.

69. In assessing the application the Council's Environmental Health Officer offers no objections subject to a condition controlling working hours on the site.
70. Overall, the proposed development is considered to be acceptable in terms of residential amenity for existing and future residents, subject to appropriate condition in accordance with Policies 6 part a, 29 and 31 of the CDP and parts 12 and 15 of the NPPF.

Highway Safety

71. Policy 6, part e. of the CDP outlines that development should not be prejudicial to highway safety or have a severe cumulative impact on network capacity. Policy 21 reiterates the requirement of Policy 6 in addition to expecting developments to deliver well designed pedestrian routes and sufficient cycle and car parking provision. Similarly, Policy 29 advocates that convenient access is made for all users of the development together with connections to existing cycle and pedestrian routes. Specifically, the NPPF sets out at Paragraph 108 that safe and suitable access should be achieved for all people. In addition, Paragraph 109 of the NPPF states that development should only be refused on transport grounds where the residual cumulative impacts on development are severe.
72. The proposals include the provision of two in curtilage car parking spaces to the front of the property, along with a double integral garage. A new 1.8m footway would be constructed in front of the property to adjoin the existing footway in the street.
73. In accordance with the Council's Car Parking and Accessibility Guidelines, each new dwelling is required to have a passive electric vehicle charging point, which comprises the wiring system necessary to install an EV charging point externally in the future. A condition to secure this is recommended.
74. Given the nature and level of parking proposed on the site, the Highways Authority offer no objection to the development on highway safety grounds. It is advised that any construction relation impacts are considered to be temporary and could satisfactorily be controlled by a construction management plan. It is also advised that the access and footway and crossing point would need to be constructed in accordance with the requirements of Section 184(3) of the Highways Act 1980, a separate process outside of the planning system.
75. Overall, the highway impacts of the proposed development are considered to be acceptable and in accordance with Policies 6 part e, 21 and 29 of the CDP as well as Part 9 of the NPPF.

Ecology

76. Policy 41 of the CDP states that proposals for new development will not be permitted if significant harm to biodiversity or geodiversity resulting from the development cannot be avoided, or appropriately mitigated, or, as a last resort, compensated for. Proposals for new development will be expected to minimise impacts on biodiversity by retaining and enhancing existing biodiversity assets and features and providing net gains for biodiversity.
77. Policy 43 of the CDP states that 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. Part 15 of the NPPF seeks to ensure that proposals show regard to the protection and enhancement of internationally and nationally important sites and species; contributing and enhancing the natural and local environment by ensuring there is no net loss of biodiversity.
79. In this respect the Council's Ecologist has reviewed the submitted information which includes a bat risk assessment and raises no objections to the application. This is due to the condition of the existing building which would be unlikely to provide opportunities for roosting bats. Overall, the proposals would not affect any protected species, in accordance with Policies 41 and 43 of the CDP and Part 15 of the NPPF.

Flooding and Drainage

80. Part 14 of the NPPF seeks to resist inappropriate development in areas at risk of flooding, directing development away from areas at highest risk (whether existing or future). Where development is necessary in such areas, the development should be made safe for its lifetime without increasing flood risk elsewhere.
81. Policy 35 requires development proposals to consider the effects of the scheme on flood risk and ensure that it manage surface water drainage. Development should not have an adverse impact on water quality. Policy 36 seeks to ensure that suitable arrangements are made for the disposal of foul water. National advice within the NPPF and PPG with regard to flood risk advises that a sequential approach to the location of development should be taken with the objective of steering new development to flood zone 1 (areas with the lowest probability of river or sea flooding). When determining planning applications, local planning authorities should ensure flood risk is not increased elsewhere and only consider development appropriate in areas at risk of flooding where a sequential test and, in some instances, the exception test is passed, informed by a site-specific flood risk assessment.
82. The site is located within Flood Zone 1 as shown on the Environment Agency Flood Map for Planning and is not identified as at risk of surface water flooding.
83. In line with the existing arrangements foul and surface water, this would be disposed of via the existing mains drainage network. Concerns have been raised that new dwelling may be within the 3m way leave of an existing sewer, however this would be a private matter between the applicant and Northumbrian Water.

84. Overall, the proposed development is not considered to be at risk of flooding and would not increase flood risk elsewhere, in accordance with Policies 35 and 36 of the CDP and Part 14 of the NPPF.

Ground Conditions

85. Policy 32 of the CDP requires sites to be suitable for use taking into account contamination and unstable land issues. Paragraph 183 of the NPPF requires sites to be suitable for their proposed use taking account of ground conditions and any risks arising from land instability and contamination.
86. The site is located in a Coalfield High Risk Area and the application is supported by a Coal Mining Risk Assessment. The Coal Authority has been consulted as part of the application process and has raised no objections to the proposed development.
87. The site is located adjacent to a former landfill. The Council's Contaminated Land Officer has advised that due to the potential for contamination within the existing Made Ground, a Phase I Land Contamination Report and any subsequent investigative works will be required and secured via pre-commencement planning conditions. Subject to this condition the development would not pose any risks from contamination on the site, in accordance with Policy 32 of the County Durham Plan and Part 15 of the NPPF.
88. Objections have been raised regarding the environmental impact of the proposals due to the embodied carbon within the existing dwelling. It is acknowledged that the demolition of the existing dwelling and the erection of a new dwelling will result in the release of embodied carbon. However, the applicant's statement states that the demolition and provision of a new dwelling, as opposed to retrofitting or extending the current dwelling, would achieve a significantly more energy efficient dwelling relying on sustainable means of heating and energy generation through the incorporation of solar panels and an air source heat pump.
89. Policy 29 of the CDP seeks to ensure that new development should minimise greenhouse gas emissions by seeking to achieve zero carbon buildings and providing renewable and low carbon energy generation. Whilst there are no applicable planning policies that preclude the demolition and rebuilding of dwellings, it is considered that the proposed new dwelling, which would be a zero carbon building served by renewable energy sources for the lifetime of the development, would accord with the overarching aims of Policy 29 of the CDP. To secure the benefits of renewable energy technology the delivery of solar panels and the air source heat pump would be secured via planning condition. Additionally the proposals would need to comply with Building Regulations to ensure energy efficiency.
90. Objections have also been raised regarding the setting of a precedent for proposals of a similar nature, highlighting that the development is not in accordance with existing restrictive covenants, the proposals differ from the original consent, and the impact on private views from gardens. However, these are not material considerations that can be taken into account in the determination of the application.
91. Concerns have been raised regarding the loss of accommodation available to elderly members of society. However it is considered the proposed development would still remain attractive to the elderly providing accessible accommodation on the ground floor. It is acknowledged that the value of the property would increase, albeit offset by likely cheaper running costs. No policy conflict is identified in this respect.

Other Matters

92. Section 149 of the Equality Act 2010 requires public authorities when exercising their functions to have due regard to the need to i) 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. In this instance, officers have assessed all relevant factors and do not consider that there are any equality impacts identified.

Conclusion

93. Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. In light of the recent adoption of the CDP, the Council has an up to date development plan. Paragraph 11 of the NPPF establishes a presumption in favour of sustainable development. For decision taking this means approving development proposals that accord with an up-to-date development plan without delay (paragraph 11 c).
94. The proposed development is located within the settlement of Bishop Auckland and is considered acceptable in principle in accordance with the aims of Policy 6 of the County Durham Plan. No adverse impacts are identified in terms design/visual impact, highway safety, residential amenity, ecology, ground conditions or flooding and drainage in accordance with relevant policies from the County Durham Plan and the NPPF.
95. Whilst the proposal has generated public interest and concern locally the objections raised have been taken into account in the assessment of the application and are not considered to result in policy conflict. There are no material considerations which indicate otherwise, and the application is recommended for approval.

RECOMMENDATION

That the application be **APPROVED** subject to the following conditions:

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: Required to be imposed pursuant to Section 91 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

2. The development hereby approved shall be carried out in strict accordance with the following approved plans:

Site Location Plan, Received 24th March 2022

Proposed Details Drawing no. GLD163 01, Rev A, Received 26th April 2022

Reason: To define the consent and ensure that a satisfactory form of development is obtained in accordance with Policies 6, 21, 29 and 31, of the County Durham Plan and Parts 9 and of the National Planning Policy Framework.

3. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and/or re-enacting that

Order), no development within Schedule 2, Part 1, Classes A, AA, B and C, and Part 2 Class B (to the front of the dwelling) shall take place without the grant of further specific planning permission from the Local Planning Authority.

Reason: In the interests of the amenity of the surrounding area in accordance with Policies 29 and 31 of the County Durham Plan and Parts 12 and 15 of the National Planning Policy Framework.

4. No development other than demolition works 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 Policy 32 of the County Durham Plan and Part 15 of the National Planning Policy Framework. Required to be pre-commencement to ensure that the development can be carried out safely.

5. 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.

6. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and/or re-enacting that Order) the proposed north-western window shall be obscured to level 3 or higher of the Pilkington scale of privacy or equivalent and shall be maintained thereafter in perpetuity.

Reason: In the interests of the residential amenity of neighbouring properties in accordance with Policies 29 and 31 of the County Durham Plan and Part 12 of the National Planning Policy Framework.

7. Prior to the construction of the dwelling above base course level, details of the provision of a passive EV charging points to serve the property shall be submitted to and approved in writing by the Local Planning Authority. The development thereafter shall be carried out in accordance with the approved details.

Reason: To promote the use of sustainable modes of transport in accordance with Policy 21 of the County Durham Plan and Part 9 of the National Planning Policy Framework.

8. No development shall commence until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. The Construction Management Plan shall include as a minimum but not necessarily be restricted to the following:
 1. A Dust Action Plan including measures to control the emission of dust and dirt during construction.
 2. Details of methods and means of noise reduction/suppression.
 4. Details of measures to prevent mud and other such material migrating onto the highway from all vehicles entering and leaving the site.
 5. Details of materials storage and other storage arrangements.
 6. Details of provision of parking and turning during the construction period.

The approved Construction Management Plan shall also be adhered to throughout the construction period and the approved measures shall be retained for the duration of the construction works.

Reason: To protect the residential amenity of existing and future residents from the development in accordance with Policy 31 of the County Durham Plan and Part 15 of the National Planning Policy Framework. Required to be pre commencement to ensure that the whole construction phase is undertaken in an acceptable way.

9. In undertaking the development that is hereby approved:

No external construction works, works of demolition, deliveries, external running of plant and equipment shall take place other than between the hours of 0730 to 1800 on Monday to Friday and 0730 to 1400 on Saturday.

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

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

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

Reason: To protect the residential amenity of existing and future residents from the development in accordance with Policy 31 of the County Durham Plan and Part 15 of the National Planning Policy Framework.

10. Notwithstanding the information hereby submit the solar panels and air source heat pump indicated on approved plan Proposed Details Drawing no. GLD163 01, Rev A, Received 26th April 2022 shall be installed prior to the occupation of the dwelling.

Reason: In the interest of ensuring the development incorporates renewable energy technologies in accordance with Policy 29 of the CDP and Part 14 of the National Planning Policy Framework.

11. Prior to the occupation of the development the proposed driveway, vehicular crossing point and pedestrian footway shall be completed as per approved plan Proposed Details Drawing no. GLD163 01, Rev A, Received 26th April 2022 and maintained thereafter.

Reason: In the interests of residential amenity and highway safety in accordance with Policies 21, 29 and 31 of the County Durham Plan and Parts 9 and 12 of the National Planning Policy Framework.

STATEMENT OF PROACTIVE ENGAGEMENT

In accordance with Article 35(2) of the Town and Country Planning (Development Management Procedure) (England) Order 2015, the Local Planning Authority has, without prejudice to a fair and objective assessment of the proposals, issues raised and representations received, sought to work with the applicant in a positive and proactive manner with the objective of delivering high quality sustainable development to improve the economic, social and environmental conditions of the area in accordance with the NPPF.

BACKGROUND PAPERS

Submitted Application Forms, Plans and supporting documents
National Planning Policy Framework
The County Durham Plan (CDP)
Statutory consultation responses
Internal consultation responses
External consultation responses



<p>Planning Services</p>	<p>Erection of replacement Dwelling</p>	
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	<p>Date 3rd May 2022</p>	

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