

COMMITTEE REPORT

APPLICATION DETAILS

APPLICATION No:	DM/19/01992/FPA
FULL APPLICATION DESCRIPTION:	Demolition of existing garage and the erection of two 3 bed semi-detached dwellings (re-submission of application DM/17/03634/FPA)
NAME OF APPLICANT:	Mr David Armstrong The Crest Beamishburn Road
ADDRESS:	Beamish Stanley DH9 0LR
ELECTORAL DIVISION:	Tanfield
CASE OFFICER:	Sarah Seabury Planning Officer Telephone: 03000 261 393 sarah.seabury@durham.gov.uk

DESCRIPTION OF THE SITE AND PROPOSALS

The Site

1. The application site is 0.13 ha. of land, to the north of Kip Hill, part of the Shield Row area of Stanley, approximately 0.75 miles north-east of Stanley town centre. A housing estate, Badgers Wood, completed in the mid 2000s, lies within approximately 100 metres of the site to the south, whilst the South Causey Inn Hotel is located within approximately 150 metres to the north of the site.
2. The land is currently used as a garden and driveway for the host property, The Crest. A double detached garage at the site, would be demolished to facilitate the development. The western boundary is formed of an embankment leading to Causey Road. The northern boundary borders an agricultural field which forms part of an Area of High Landscape Value. The eastern boundary fronts Beamishburn Road and the Blue Bell Public House. The southern boundary bounds the adjoining property to The Crest, Maclymont. The existing access to the site is taken from Beamishburn Road as per the other three dwellings within the vicinity.

The Proposal

3. This is a resubmission of a previously refused application. The previous application was refused as the design was not considered to be of a sufficiently high standard and not in keeping with the character and appearance of the area. The principle of the construction of two dwellings at this location was not challenged.

4. Following discussions with the applicant and the Design and Conservation Officer the following amendments were requested:
 - a. Removal of the second floor of the property;
 - b. Removal of the dormer windows;
 - c. Mirror the roof pitch of the existing properties, and
 - d. Remove the bay windows to the rear of the property.
5. The applicant has included all these amendments in the currently proposed scheme. The proposed garage block for the existing dwelling has also been removed from the current proposal.
6. The current application proposes the erection of two semi-detached dwellings, with a single monopitch side garage to plot 2. The new dwellings would each have three bedrooms. Each property would be served by its own access and driveway off Beamishburn Road. The properties would be similar in scale and materials to the existing two pairs of semi-detached properties located immediately to the south, and would be constructed on the same building line with matching red brickwork and slate hipped roofs. Each property would benefit from a block paved driveway.
7. This application is reported to Committee at the request of Councillor Milburn, who feels that Members should get an opportunity to assess the revised design of the proposal.

PLANNING HISTORY

8. DM/17/03634/FPA - Erection of two dwellings and attached garages at The Crest Beamishburn Road Beamish Stanley DH9 0LR. The application was refused on 28 September 2018 as it was considered that the development was not of a high standard of design and not in keeping with the character and appearance of the area. Furthermore, it was considered that the proposal would not protect existing landscape features.

PLANNING POLICY

NATIONAL POLICY

9. The Government has consolidated all planning policy statements, guidance notes and many circulars into a single policy statement, the National Planning Policy Framework (NPPF), although the majority of supporting Annexes to the planning policy statements are retained. The NPPF was updated in July 2018. The overriding message remains that new development that is sustainable should go ahead without delay. It defines the role of planning in achieving sustainable development under three topic headings – economic, social and environmental, each mutually dependant.
10. The NPPF requires local planning authorities to approach development management decisions positively, and in accordance with paragraph 48 of the National Planning Policy Framework, the weight to be attached to relevant saved local plan policy will depend upon the degree of consistency with the NPPF. The greater the consistency, the greater the weight. The relevance of this issue is discussed, where appropriate, in the assessment section of the report below.
11. The following elements of the NPPF are considered relevant to this proposal;

12. *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.
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 has attached great importance to the design of the built environment, with good design a key aspect of sustainable development, indivisible from good planning, with this section of the revised Framework document expanded.
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.* The Planning System should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes, geological conservation interests, recognising the wider benefits of ecosystems, minimising the impacts on biodiversity, preventing both new and existing development from contributing to or being put at unacceptable risk from pollution and land stability and remediating contaminated or other degraded land where appropriate.

NATIONAL PLANNING PRACTICE GUIDANCE:

21. The National Planning Practice Guidance (NPPG) both supports the core government guidance set out in the NPPF, and represents detailed advice, both technical and procedural, having material weight in its own right. The advice is set out in a number of topic headings and is subject to change to reflect the up to date advice of Ministers and Government.

22. *Climate change* - Addressing climate change is one of the core land use planning principles which the National Planning Policy Framework expects to underpin both plan-making and decision-taking. Planning can also help increase resilience to climate change impact through the location, mix and design of development. Reflecting the 'golden thread' of the NPPF, sustainable development is key.

23. *Natural Environment* - Section 40 of the Natural Environment and Rural Communities Act 2006, which places a duty on all public authorities in England and Wales to have regard, in the exercise of their functions, to the purpose of conserving biodiversity. A key purpose of this duty is to embed consideration of biodiversity as an integral part of policy and decision making throughout the public sector.

24. *Design -The importance of good design.* Good quality design is an integral part of sustainable development. The National Planning Policy Framework recognises that design quality matters and that planning should drive up standards across all forms of development. As a core planning principle, plan-makers and decision takers should always seek to secure high quality design, it enhancing the quality of buildings and spaces, by considering amongst other things form and function; efficiency and effectiveness and their impact on wellbeing.

25. *Flood Risk and Coastal Change* - The general approach is designed to ensure that areas at little or no risk of flooding from any source are developed in preference to areas at higher risk. Application of the sequential approach in the plan-making process, in particular application of the Sequential Test, will help ensure that development can be safely and sustainably delivered and developers do not waste their time promoting proposals which are inappropriate on flood risk grounds.

26. *Land Stability* - The guidance provides advice to local authorities and developers to ensure that development is appropriately suited to its location, and that there are no unacceptable risks caused by unstable land or subsidence.

27. *Noise* - Noise needs to be considered when new developments may create additional noise and when new developments would be sensitive to the prevailing acoustic environment. Consideration should be given to whether significant adverse effect or an adverse effect occurs or is likely to occur; or whether a good standard of amenity can be achieved. Paragraph 180 of the NPPF provides policy support to this aspect.

LOCAL PLAN POLICY:

28. The following are those saved policies in the Derwentside District Local Plan 1997 relevant to the consideration of this application:
29. *Policy GDP1 – General Development Principles* – outlines the requirements that new development proposals should meet, requiring high standards of design, protection of landscape and historic features, protection of open land with amenity value, respecting residential privacy and amenity, taking into account ‘designing out crime’ and consideration of drainage.
30. *Policy HO5 – Housing Development on Small Sites* – Stanley is one of the listed settlements where housing development will be permitted on small sites. Development must be appropriate to the existing pattern and form of development; must not extend beyond the existing built up area; represents acceptable backland or tandem development; and should not exceed 0.4 hectares when taken together with an adjoining site.
31. *Policy TR2 – Development and Highway Safety* – relates to the provision of safe vehicular access/exit, adequate provision for service vehicle manoeuvring, access for emergency vehicles and access to the public transport network.

RELEVANT EMERGING POLICY:

32. Paragraph 48 of the NPPF states that decision-takers may give weight to relevant policies in emerging plans according to: the stage of the emerging plan; the extent to which there are unresolved objections to relevant policies; and, the degree of consistency of the policies in the emerging plan to the policies in the NPPF. Following consultation at ‘Issues & Options’, ‘Preferred Options’ and ‘Pre-Submission Draft’ stages, the CDP was approved for submission by the Council on 19 June 2019. The CDP was submitted to the Planning Inspectorate on 28 June 2019. Although the CDP is now at a relatively advanced stage of preparation, it is considered that it is not sufficiently advanced to be afforded any weight in the decision-making process at the present time.

The above represents a summary of those policies considered most relevant in the Development Plan the full text, criteria, and justifications of each may be accessed at

<https://www.durham.gov.uk/article/3266/How-we-currently-make-planning-and-development-decisions>

CONSULTATION AND PUBLICITY RESPONSES

STATUTORY RESPONSES:

33. *Highways* – No objection subject to a condition requiring the construction of the access in accordance with the submitted plans prior to the occupation of the dwellings.
34. *Northumbrian Water* – No objection to the proposal, however NWL advises the applicant implements sustainable surface water management and this will be added as an informative.

EXTERNAL CONSULTEE RESPONSES:

35. *The Coal Authority* – No objection, subject to a condition requiring site investigation works are carried out prior to the commencement of development.
36. *Health and Safety Executive* – Comments awaited, however the HSE did not advise against the granting of planning permission for the previous application with the same red line boundary.

INTERNAL CONSULTEE RESPONSES:

37. *Landscape Officer* – Advises that the site is adjacent to the Causey and Beamish Area of High Landscape Value. Due to the loss of the trees indicated in the tree report the application cannot be supported.
38. *Trees Officer* – No objection subject to replanting.
39. *Ecology* – No objection.
40. *Environmental Health* – No objection subject to conditions relating to noise, construction activities and the implementation of the best practicable means of minimising noise, vibration, light and dust nuisance or disturbance.

PUBLIC CONSULTATION:

41. Ten letters of public consultation were sent out to nearby residents, and a site notice was posted. A single letter of representation was received from all three neighbouring properties of Kip Hill.
42. The letter raises the following concerns:
 - a. the proposed buildings are overbearing in relation to the existing homes.
 - b. the design of the properties and the hard and soft landscape is out of keeping with the area.
 - c. water drainage issues.
 - d. vehicle access and highways impact.
 - e. tree loss and landscape impact.
 - f. extension of the existing settlement of four houses.
 - g. existing and proposed housing development in the area provides alternative housing and the development of existing consents should be encouraged as a substitute.

The above is not intended to list every point made and represents a summary of the comments received on this application. The full written text is available for inspection on the application file which can be viewed at <https://publicaccess.durham.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=PTLCTXGDK7200>

APPLICANTS STATEMENT:

43. The proposed design for the both dwellings are in keeping with the host and adjoining property. The proposed dwellings will be built using the same materials and will have hipped style roof and bay window to the front elevation.
44. The landscaping and shrubbery will be manicured to provide good visibility to the main road as discussed with the Highways officer.

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 in this instance relates to the principle of development, the impact of the development on the character of the surrounding area, neighbouring amenity, highways, scale and character, landscaping, ecology, noise and site works.

The Development Plan

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 Derwentside District Local Plan remains the statutory development plan and the starting point for determining applications as set out at Paragraph 12 of the NPPF. However, the NPPF advises at Paragraph 213 that the weight to be afforded to existing Local Plans depends upon the degree of consistency with the NPPF.

47. The Local Plan was adopted in 1997 and was intended to cover the plan period until 2006. However, NPPF Paragraph 211 advises that Local Plan policies should not be considered out-of-date simply because they were adopted prior to the publication of the NPPF. Notwithstanding this, it is considered that a policy can be out-of-date if it is based upon evidence which is not up-to-date/is time expired depending on the circumstances.

Policy Principle

48. In terms of compliance with the Development Plan, Saved Policy HO5 is of most relevance to the application, however it is not fully consistent with the NPPF and therefore only limited weight can be afforded to it. As it is a settlement boundary policy based on evidence which is out of date, then Paragraph 11 of the NPPF is engaged. Determination therefore reverts to Paragraph 11 of the Framework and it's presumption in favour of granting planning permission when considering the planning balance as there are no protective policies in the Framework which provide a clear reason or refusing the application. There are no Policies within the Framework that indicate that the application should be refused.

49. The Government's imperative for the planning system is the delivery of housing, led by their advice in the NPPF. This sets out targets for identification of housing sites for local authorities. With a requirement for a 5-year supply, Durham County Council currently has a 6-year identified supply which reduces the weight to be afforded to the boost to housing supply as a benefit of the development.

50. Shield Row has a small range of services and facilities proportionate to its size, including a petrol station, convenience store, and primary school, relying on the hierarchy of surrounding settlements for others. Bus stops are located within approximately 150 metres of the site, at Causey Road, with twice-hourly services to Newcastle city centre, the Metrocentre, and Stanley town centre. Given the presence of accessible shops and services it is likely that any future residents will use these facilities and services and therefore it is likely that this proposal would enhance the vitality of this community and is considered sustainable in locational terms in accordance with the NPPF.

51. In terms of the economic benefits of the proposal, both the construction of the dwellings, and the increase, albeit small, in the number of residents supporting local services, can be given a small degree of weight in terms of economic sustainability. In terms of the environmental credentials of the scheme, these will be explored further in the Landscaping section of the report, however the site's location means a private vehicle would not always be required to access day-to-day services and facilities given the site's proximity to local amenities

Impact upon the Surrounding Area and Neighbouring Amenity

52. The application is proposed on an area of garden land located to the north of the existing dwelling, and on the edge of the build-up area. Vegetation removal is required to accommodate the required visibility splays for the access and for the development. The Landscape Officer does not support the application given the proposed tree loss would have some adverse landscape and visual effects, these concerns are shared with the objectors. Whilst the concerns of the Landscape Officer are noted the application site is in an edge of settlement location with built development beyond before the landscape opens up completely. The South Causey Inn is located to the north of the site with the countryside beyond and the Bluebell Inn is located to the east with the countryside beyond. To the south is the settlement therefore the proposed houses would only form the settlement edge with views to and from the north west. The addition, of two houses at this location is not considered to be excessive however the loss of the trees should be compensated for. A condition for the submission of a scheme of landscaping is recommended to ensure the site continues to retain an element of screening and to add complementary screening to the properties in line with Saved Policy GDP1(f) of the Local Plan. The securing of a landscaping plan would allow the Council to retain a degree of control in regard to inward views of the development and site landscaping. Given the proposed layout and appearance of the proposal, it is considered that the development site in principle appears a logical extension of the existing settlement and would not result in a significant adverse impact on the landscape subject to a landscaping condition.
53. Saved Policy GDP1(h) which seeks to protect residential amenity, and the Local Plan includes supplementary planning guidance (SPG) on residential facing distances, 21 metres between facing habitable room windows and 12.5 metres between a facing and non-facing habitable room window. The Objectors have raised concerns with regard to the overbearing impact of the proposed properties. As the properties would be located on the same building line as the existing four properties, and the closest property would sit adjacent to the host property with no habitable room windows in either, it is not considered any adverse amenity, overbearing or privacy impacts would occur as a result of the proposal. The Environmental Health Officer has considered the proximity of the proposed properties to the neighbouring South Causey Inn and Bluebell Inn. Given the proximity of the pubs to the proposed properties a condition has been recommended to protect the amenity of future residents through a scheme of mitigation. Conditions are also recommended to prevent the burning of waste at the property and in terms of construction noise. The proposal is therefore considered to be in accordance with Saved Policy GDP1 subject to condition.

Highways

54. The objectors have raised concerns regarding the proposed access arrangements for the proposed properties and the host property. The applicants have demonstrated that satisfactory visibility can be achieved when exiting the site. The Highways Development Officer has raised no objection to the proposal subject to a

condition requiring the accesses to be constructed in accordance with the submitted plans prior to the occupation of the properties.

55. Furthermore, objectors have raised concerns regarding the increase in traffic along Beamishburn Road, the lack of a footpath and limited street lighting, however given the scale of the development the Highways Development Officer has raised no concerns in this regard. Accordingly, it is considered that the proposal complies with Saved Policy TR2.

Scale and character

56. The NPPF sets out at paragraph 127 that planning policies and decisions should *'create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience'*. It states that developments should be sympathetic to local character and history while not preventing or discouraging appropriate innovation or change, including increased densities. Saved Policy GDP1 of the Plan requires developments to be in keeping with the character and appearance of the area, with form, mass, layout, density and materials appropriate to the site's location. The previous application was refused as the proposal was not considered to be of a high standard of design and not in keeping with the character of the area. Officers and the applicant discussed changes to the proposed dwellings prior to the submission of the application. The applicants were advised to remove the second floor of the property and as a result remove the dormer windows, mirror the roof pitch of the existing properties and remove the bay windows to the rear of the property. The applicant has amended the proposal in line with Officers recommendations made in consultation with the Design Officer.
57. The objectors have raised concerns regarding the amended design of the proposed dwellings. It is considered however that the amended proposal is now in keeping with the design of the existing properties and offers an improved design from the previously refused scheme. The objectors also raise concerns regarding the garden layout and areas of hardstanding proposed. Whilst it is acknowledged that the proposed hard and soft landscaping for the properties would differ from that of the existing properties, the garden and hardstanding areas of these properties could be changed at any time within the parameters of the permitted development. When considering the proposal itself the proposed soft and hard landscaping is reasonable for the proposed use as domestic dwellings.
58. Whilst it is acknowledged that the existing properties have locally been considered as a 'set of four houses' the addition of two further houses designed sympathetically and specifically to be in keeping with the style of the existing houses is considered to be in accordance with the NPPF which supports appropriate change. Given the above, it is considered that the changes improve the design and appearance of the development and address the concerns previously raised. Accordingly, the proposal complies with the NPPF and Saved Policy GDP1.

Drainage

59. Concerns have been raised by objectors regarding drainage however Northumbrian Water has raised no issues in relation to the proposal and the development is considered acceptable in this regard.

Ecology

60. A bat risk assessment was submitted in support of the application, and the County Ecologist has confirmed the acceptability of the assessment with no further works required. In this regard, a condition requiring the development to be carried out in accordance with the mitigation details as set out within the assessment is considered appropriate, including the insertion of a Schwegler Bat Tube to each of the proposed dwellings. In this regard it is considered the proposal would comply with the biodiversity requirements of Part 15 of the NPPF.

Noise and site works

61. The Environmental Health Officer has considered the findings of the submitted noise report in relation to the Blue Bell Inn, and road noise from Causey Road and Beamishburn Road. Conditions have been suggested by the Officer to mitigate concerns in this regard, both during site works and in the lifetime of the development, including methods of façade construction, and the erection of boundary treatments within the site. Additionally, given the proximity of the site to other residential properties, a condition restricting the working hours and practices on site is also considered appropriate however a construction management plan is not considered to be required given the relatively small scale of development. Subject to the required mitigation being implemented as set out within the noise report, and working hours and practices on site, the proposal is in accordance with saved policy GDP1.

Other matters

62. Objectors have noted other sites would be preferable for housing, particularly raising concern that previously permitted sites have not yet been developed. However, this application can only be considered on its own merits and whether this proposal is acceptable in planning terms. The planning system allows developers 3 years to commence development before permission lapses, however it cannot force a developer to implement the permission.

The Planning Balance

63. In accordance with Paragraph 11 of the NPPF, a balancing exercise must be undertaken to decide whether the adverse impacts of granting permission would significantly and demonstrably outweigh the benefits of the proposal. The application brings the benefits of adding to the County's housing supply in a location that is considered 'sustainable', increasing the sites environmental credentials and opportunities for home ownership. The short-term benefits to the local economy brought by the construction phase are also identified as of positive material weight along with the associated economic activity by new residents.

64. The addition of two houses would result in a slight adverse impact on the local landscape however this can be reduced through a carefully planned landscape scheme. The proposed properties have been sympathetically designed to be in keeping with the existing properties and the character of the area. They would be sustainably located with access to local services and transport links. It is therefore considered that the identified adverse impacts do not significantly and demonstrably outweigh the benefits.

CONCLUSION

65. The revised scheme brings some benefits, and with some negative adverse impact identified, the titled planning balance' test in Paragraph 11 of the NPPF leads to the recommendation for approval of the proposal, subject to the identified conditions.

RECOMMENDATION

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

- 1) The development hereby approved shall be begun not later than the expiration of 3 years from the date of this permission.

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

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

Reason: To define the consent and ensure that a satisfactory form of development is obtained in accordance with Policy GDP1 of the Derwentside District Local Plan;

- 3) Notwithstanding the details shown on the submitted application, the external building materials to be used shall match the existing building.

Reason: In the interests of the visual amenity of the surrounding areas in accordance with Policy GDP1 of the Derwentside District Local Plan and Parts 12 and 15 of the National Planning Policy Framework.

- 4) No development shall commence until a detailed landscaping scheme has been submitted to and approved in writing by the Local Planning Authority. No tree shall be felled or hedge removed until the landscape scheme, including any replacement tree and hedge planting, is approved as above. Any submitted scheme must be shown to comply with legislation protecting nesting birds and roosting bats. The landscape scheme shall include accurate plan based details of the following:
 - Trees, hedges and shrubs scheduled for retention.
 - Details of hard and soft landscaping including planting species, sizes, layout, densities, and numbers.
 - Details of planting procedures or specification.
 - Finished topsoil levels and depths.
 - 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 local planning authority shall be notified in advance of the start on site date and the completion date of all external works. Trees, hedges and shrubs shall not be removed without agreement within five years.

Reason: In the interests of the character of the area in accordance with Policy GDP1 of the Derwentside Local Plan (required pre-commencement in accordance with Article 35 of the Development Management Procedure Order 2015).

- 5) All planting, seeding or turfing and habitat creation in the approved details of the landscaping scheme shall be carried out in the first available planting season following the practical completion of the development.

No tree shall be felled or hedge removed until the removal/felling is shown to comply with legislation protecting nesting birds and roosting bats.

Any approved replacement tree or hedge planting shall be carried out within 12 months of felling and removals of existing trees and hedges.

Any trees or plants which die, fail to flourish or are removed within a period of 5 years from the substantial completion of the development shall be replaced in the next planting season with others of similar size and species.

Replacements will be subject to the same conditions.

Reason: In the interests of the character of the area in accordance with Policy GDP1 of the Derwentside Local Plan.

- 6) No development shall take place unless in accordance with the mitigation detailed within Parts 5.6 and 6.0 of the Bat Risk Assessment (dated January 2018) including, but not restricted to, adherence to precautionary working methods; provision of two Schwegler Bat Tubes.

Reason: To conserve protected species and their habitat in accordance with Part 15 of the NPPF.

- 7) The dwellings shall not be occupied until the highways works detailed on the proposed site plan (Drawing No. 001 - Existing Plans and Elevations, Site Plan and Location Plan Proposed Plans, Elevations, Site Plan and Location Plan received 24 June 2019) have been fully completed and shall be permanently retained thereafter.

Reason: To provide adequate visibility from and of emerging vehicles in the interests of highway safety and to comply with Policy TR2 of the Derwentside District Local Plan.

- 8) No residential development shall take place until a scheme of noise mitigation measures has been submitted to and approved in writing by the Local Planning Authority. The aim of the scheme shall be to protect future occupiers from road traffic noise and commercial noise and should ensure the following noise levels are achieved.
- 35dB LAeq 16hr bedrooms and living room during the day-time (0700 - 2300)
 - 30 dB LAeq 8hr in all bedrooms during the night time (2300 - 0700)
 - 45 dB LAmax in bedrooms during the night-time
 - 55dB LAeq 16hr in outdoor living areas

The approved scheme shall be completed prior to the beneficial occupation of the development and shall be permanently retained thereafter.

Reason: In the interests of the amenity of the occupiers of the proposed dwellings in accordance with Policy GDP1 of the Derwentside Local Plan.

- 9) No construction/demolition activities, including the use of plant, equipment and deliveries, which are likely to give rise to disturbance to local residents should take place before 0800 hours and continue after 1800 hours Monday to Friday, or commence before 0800 hours and continue after 1300 hours on Saturday. No works should be carried out on a Sunday or Bank Holiday.

No internal works audible outside the site boundary shall take place on the site other than between the hours of 0800 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: In the interests of the amenity of the area in accordance with Policy GDP1 of the Derwentside Local Plan.

10) No burning of waste is to be carried out on the development site during construction.

Reason: In the interests of the amenity of the area in accordance with Policy GDP1 of the Derwentside Local Plan.

11) No development shall commence until a scheme of intrusive site investigations has been undertaken in relation to Coal Mining Risk, and a subsequent report has been submitted to, and approved in writing by, the Local Planning Authority. The approved scheme shall be implemented thereafter prior to works commencing. Should the report outline the requirement for remedial works, these shall also be implemented thereafter prior to works commencing.

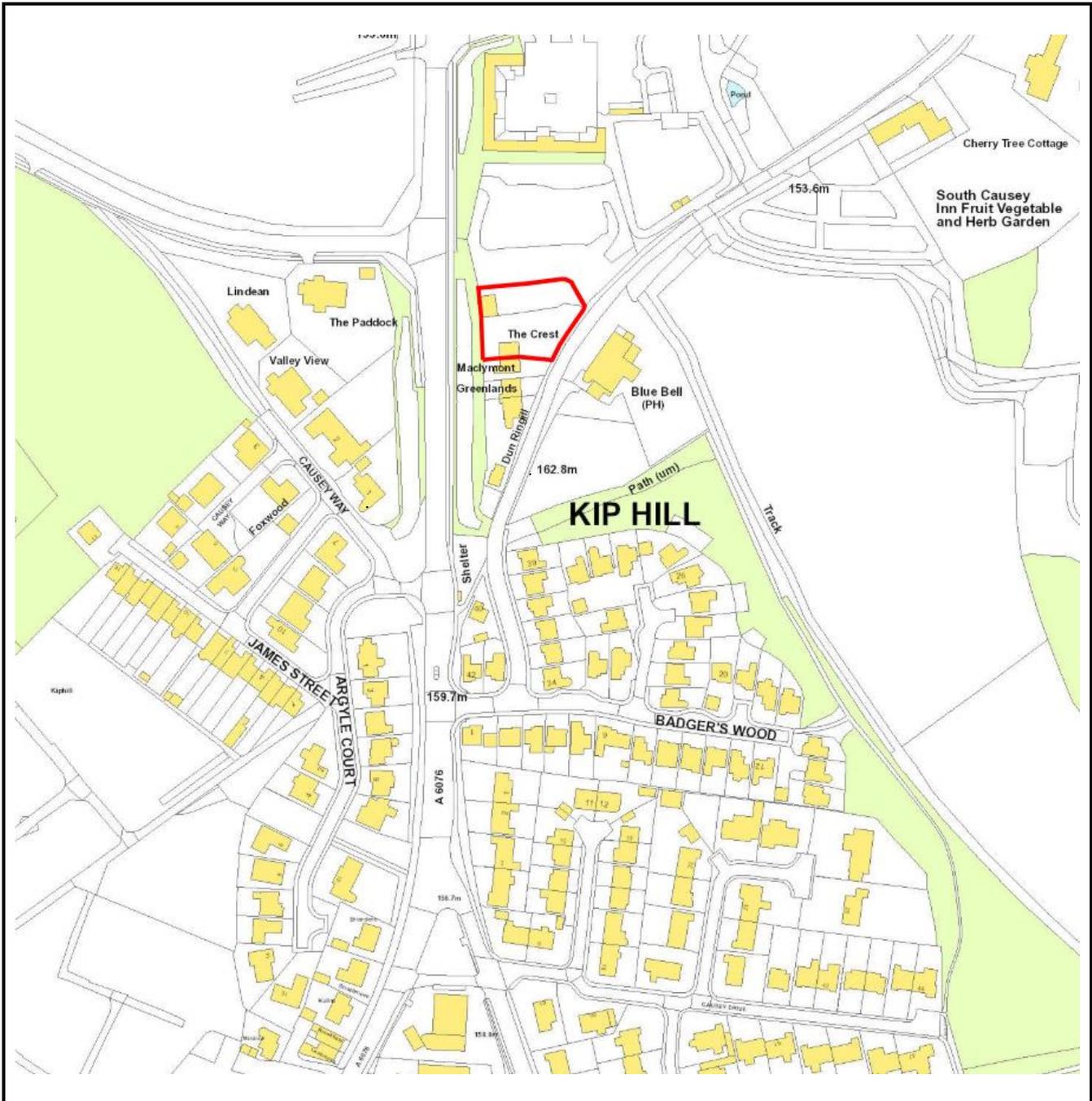
Reason: In the interests of the safety and stability of the site and to comply with Part 15 of the NPPF (required pre-commencement in accordance with Article 35 of the Development Management Procedure Order 2015).

STATEMENT OF PROACTIVE ENGAGEMENT

The Local Planning Authority in arriving at its decision to approve the application 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. (Statement in accordance with Article 35(2) of the Town and Country Planning (Development Management Procedure) (England) Order 2015.)

BACKGROUND PAPERS

The National Planning Policy Framework (revised 2018)
National Planning Practice Guidance Notes
Derwentside District Local Plan 1997 (saved policies)
Statutory, internal and public consultation responses
Submitted forms, plans and supporting documents



<p>Planning Services</p>	<p>Erection of two 3 bed semi detached dwellings</p> <p>Application Number DM/19/01992/FPA</p>	
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	<p>Date 26 September 2019</p>	<p>Scale NTS</p>