

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>	