

## COMMITTEE REPORT

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### APPLICATION DETAILS

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<b>APPLICATION No:</b>	DM/21/01141/FPA
<b>FULL APPLICATION DESCRIPTION:</b>	Erection of 11 bungalows.
<b>NAME OF APPLICANT:</b>	DP Contractors
<b>ADDRESS:</b>	Land To The Rear Of Rock Terrace New Brancepeth DH7 7EP
<b>ELECTORAL DIVISION:</b>	Deerness
<b>CASE OFFICER:</b>	Lisa Morina Senior Planning Officer Telephone: 03000 264877 <a href="mailto:Lisa.morina@durham.gov.uk">Lisa.morina@durham.gov.uk</a>

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### DESCRIPTION OF THE SITE AND PROPOSALS

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#### The Site

1. The application site comprises a rectangular area of open undeveloped land positioned in a predominantly residential area between two linear terraces at Rock Terrace and Edward Terrace, New Brancepeth, Durham.
2. The site is framed by dwellings to all sides and occupies an inverted 'L' in terms of its layout with the smaller 'leg' extending to the south. In addition, it is noted that there is a significant change in levels across the site which falls from north to south.
3. Whilst not allocated for any use in the County Durham Plan it is understood that in the past the site has been used sporadically as private garden in association with some of the neighbouring terraces, and as such several buildings of varying construction style and quality have been erected across the site during this time. More recently the visual amenity of the site has deteriorated and the Council has served a number of Section 215 notices relating to untidy land.
4. In terms of planning history, it is of note that there have been a number of previous planning permissions relating to the redevelopment of the site with the most recent in 2019 granting outline planning permission for a mixed use development comprising retail and residential.

#### Proposal:

5. Planning permission is sought for the erection of 11 bungalows at the site comprising 9 No. two bed units and 2 No. one bed units. The dwellings are proposed to be semi-

detached properties set out in 5 pairs with a single detached bungalow located to the south-east of the site.

6. The dwellings would comprise of red brick built dwellings with tiled roofs. Front and rear gardens would be provided with small pockets of landscaping provided. Boundary treatments would consist of brick walling around the edges of the site between 900mm and 1200mm in height with close boarded fences provided internally between the dwellings.
7. Eight of the units would be accessed from Edward Terrace to the south and be served by 2 short cul-de-sacs with associated parking. The remaining 3 units would be accessed from 'The Bungalows' to the east and be served by a total of 6 parking spaces. In total the development would include 26 parking spaces including 2 disabled spaces.
8. Outline planning permission was previously granted in 2019 for a mixed use development at the site which included dwellings and retail.
9. The application is reported to planning committee as it is considered major development.

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## **PLANNING HISTORY**

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10. 4/13/00351/OUT 18 Dwellings (Outline) Application Withdrawn 27th August 2013
11. DM/14/03245/OUT 18 Dwellings (Outline) - Resubmission 4/13/00351/OUT
12. DM/19/00607/OUT Mixed use development for C3 (dwellings) and A1 (retail) Approved 9th August 2019

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## **PLANNING POLICY**

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### **NATIONAL POLICY**

13. A revised National Planning Policy Framework (NPPF) was published in July 2018 (with updates since). The overriding message continues to be that new development that is sustainable should go ahead without delay. It defines the role of planning in achieving sustainable development under three overarching objectives – economic, social and environmental, which are interdependent and need to be pursued in mutually supportive ways.
14. *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.
15. *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.

16. *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.
17. *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.
18. *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.
19. *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.
20. *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.
21. *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.
22. *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.
23. *NPPF Part 15 Conserving and Enhancing the Natural Environment* - Conserving and enhancing the natural environment. The Planning System should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes, geological conservation interests, recognising the wider benefits of ecosystems, minimising the impacts on biodiversity, preventing both new and existing development from contributing to or being put at unacceptable risk from pollution and land stability and remediating contaminated or other degraded land where appropriate.

## **NATIONAL PLANNING PRACTICE GUIDANCE:**

24. 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.

<https://www.gov.uk/government/collections/planning-practice-guidance>

## **LOCAL PLAN POLICY:**

### County Durham Plan

25. Policy 1 (Quantity of Development) outlines the levels of employment land and housing delivery considered to be required across the plan period.
26. 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.
27. Policy 15 (Addressing housing need) establishes the requirements for developments to provide on-site affordable housing, the circumstances when off-site affordable housing would be acceptable, the tenure mix of affordable housing, the requirements of developments to meet the needs of older people and people with disabilities and the circumstances in which the specialist housing will be supported.
28. Policy 19 (Type and mix of housing) advises that on new housing developments the council will seek to secure an appropriate mix of dwelling types and sizes, taking account of existing imbalances in the housing stock, site characteristics, viability, economic and market considerations and the opportunity to facilitate self build or custom build schemes.
29. 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.
30. Policy 25 (Developer contributions) advises that any mitigation necessary to make the development acceptable in planning terms will be secured through appropriate planning conditions or planning obligations. Planning conditions will be imposed where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects. Planning obligations must be directly related to the development and fairly and reasonably related in scale and kind to the development.

31. Policy 26 (Green Infrastructure) states that development will be expected to maintain and protect, and where appropriate improve, the County's green infrastructure network. Advice is provided on the circumstances in which existing green infrastructure may be lost to development, the requirements of new provision within development proposals and advice in regard to public rights of way.
32. Policy 29 Sustainable Design details general design principles for all development stating that new development should contribute positively to an areas' character, identity, heritage significance, townscape and landscape features, helping to create and reinforce locally distinctive and sustainable communities.
33. Policy 31 (Amenity and pollution) sets out that development will be permitted where it can be demonstrated that there will be no unacceptable impact, either individually or cumulatively, on health, living or working conditions or the natural environment and that they can be integrated effectively with any existing business and community facilities. Development will not be permitted where inappropriate odours, noise, vibration and other sources of pollution cannot be suitably mitigated against, as well as where light pollution is not suitably minimised. Permission will not be granted for sensitive land uses near to potentially polluting development. Similarly, potentially polluting development will not be permitted near sensitive uses unless the effects can be mitigated.
34. Policy 32 (Despoiled, degraded, derelict, contaminated and unstable land) requires that where development involves such land, any necessary mitigation measures to make the site safe for local communities and the environment are undertaken prior to the construction or occupation of the proposed development and that all necessary assessments are undertaken by a suitably qualified person.
35. Policy 35 (Water management) requires all development proposals to consider the effect of the proposed development on flood risk, both on-site and off-site, commensurate with the scale and impact of the development and taking into account the predicted impacts of climate change for the lifetime of the proposal. All new development must ensure there is no net increase in surface water runoff for the lifetime of the development. Amongst its advice, the policy advocates the use of SuDS and aims to protect the quality of water.
36. Policy 36 (Water infrastructure) advocates a hierarchy of drainage options for the disposal of foul water. Applications involving the use of non-mains methods of drainage will not be permitted in areas where public sewerage exists. New sewage and wastewater infrastructure will be approved unless the adverse impacts outweigh the benefits of the infrastructure. Proposals seeking to mitigate flooding in appropriate locations will be permitted though flood defence infrastructure will only be permitted where it is demonstrated as being the most sustainable response to the flood threat.
37. Policy 39 (Landscape) states that proposals for new development will only be permitted where they would not cause unacceptable harm to the character, quality or distinctiveness of the landscape, or to important features or views. Proposals are expected to incorporate appropriate mitigation measures where adverse impacts occur. Development affecting Areas of Higher landscape Value will only be permitted where it conserves and enhances the special qualities, unless the benefits of the development clearly outweigh its impacts
38. Policy 40 (Trees, woodlands and hedges) states that proposals for new development will not be permitted that would result in the loss of, or damage to, trees, hedges or woodland of high landscape, amenity or biodiversity value unless the benefits of the

scheme clearly outweigh the harm. Proposals for new development will be expected to retain existing trees and hedges or provide suitable replacement planting. The loss or deterioration of ancient woodland will require wholly exceptional reasons and appropriate compensation.

39. Policy 41 (Biodiversity and Geodiversity) states that proposal 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.
40. Policy 43 (Protected Species and Nationally and Locally Protected Sites) development proposals that would adversely impact upon nationally protected sites will only be permitted where the benefits clearly outweigh the impacts whilst adverse impacts upon locally designated sites will only be permitted where the benefits outweigh the adverse impacts. Appropriate mitigation or, as a last resort, compensation must be provided where adverse impacts are expected. In relation to protected species and their habitats, all development likely to have an adverse impact on the species' abilities to survive and maintain their distribution will not be permitted unless appropriate mitigation is provided or the proposal meets licensing criteria in relation to European protected species.
41. Residential Amenity Standards SPD (2020 Adopted version) – Provides guidance on the space/amenity standards that would normally be expected where new dwellings are proposed.

#### Neighbourhood Plan

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

*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 <http://www.cartoplus.co.uk/durham/text/00cont.htm>*

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## **CONSULTATION AND PUBLICITY RESPONSES**

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### **STATUTORY RESPONSES:**

43. Highway Authority – raises no objection to the application after the proposals were amended to include a footway around the periphery of the site connecting to existing provision. In addition, they also note that whilst plot 11 would occupy the position of an existing vehicular link between Edward Terrace and The Bungalows this does not appear to form part of the adopted highway. However, they do note that in the event this has been subject to the passing and repassing of vehicles and pedestrians for 20 years or more it could be considered Highway by use and require formally Stopping Up under Section 247 of the Planning Act. Notwithstanding the above, it is nevertheless noted that this does not have any material impact upon the acceptability or otherwise of the proposals in terms of highway safety and the Highway Authority raises no objection in this regard.
44. Northumbrian Water Limited (NWL) – No objection subject to the inclusion of a planning condition requiring the submission and agreement of precise means of foul and surface water drainage.

45. Lead Local Flood Authority (LLFA) – Offers no objection to the application subject to the inclusion of a planning condition requiring the submission, agreement and implementation of a drainage strategy.
46. Coal Authority – No objection subject to conditions requiring intrusive site investigative works.
47. Durham Constabulary Police Architectural Liaison Officer (PALO) – Has not commented.
48. NHS – No objection and no contribution required.

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

49. Environmental Health Section (Contamination) – No objection subject to conditions requiring the submission and agreement of a Phase 1 Contaminated Land Risk Assessment and intrusive investigation, remediation and verification where need is identified.
50. Environmental Health Section (Noise) – No objection subject to conditions to control environmental impacts during the construction phase.
51. Environmental Health Section (Air Quality) – No objection in principle however dust management plan still required.
52. Ecologist – No objection subject to the inclusion of a bat roost which could be secured through planning condition.
53. Affordable Housing Team – Confirms the requirement for affordable housing to be provided in accordance with policy 15 of the CDP.
54. Landscape Section – Raise some concern noting that there would be no allocated public space as new bungalow frontages would be dominated by hard parking areas and access roads and footpaths. The dwellings would have private garden spaces which would provide an opportunity for green elements at the discretion of the occupants. The proposed bungalows would therefore not front onto any green space. The layout would be stark in character, dominated by car parking and hard landscape elements, which would bring about high and adverse landscape effects.
55. Consequently, they consider that the scheme should be revised to consider a less stark design solution, which could include green space(s) with active frontages. This approach would ideally release some space for general amenity and enable the incorporation of street trees.
56. Spatial Policy Section – Confirms the development should principally be considered against the requirements of policy 6 of the CDP and that 7 of the units must be built to M4(2) standard with 10% be multi-generational. In addition, they also confirm that a financial contribution of £19,130.1 is required to be spent on open space within the locality in lieu of on site provision, in accordance with policy 26 of the CDP.
57. Local Education Authority – Confirm there is sufficient primary and secondary school places available within the locality and as such there is no requirement for any financial contribution in this regard.
58. Public Rights of Way Section – No objection.

## **PUBLIC RESPONSES:**

59. The application has been advertised by means of site notice and by notifying neighbouring residents by letter. To date, four letters of objections have been received with the following comments:
- Concerns regarding access problems and existing problems accessing and departing properties with vehicles and will obstruct garage and access to front and side of dwellings
  - The potential rise in traffic and parked cars and the issues above are now becoming dangerous
  - The land should be converted to parking
  - There is no other place for kids to play and the grass should remain
  - Is one of the roads not a public right of way as it has been used by pedestrians and vehicles.
  - The site should be cleared and made into some sort of play area.
60. One letter of support has also been received stating the bungalows are welcomed for the ageing community and the proposal will remove an area of untidy land.

## **APPLICANT'S STATEMENT:**

61. The applicant site comprises an area of derelict land, unfortunately used as a dumping ground, creating a prominent unwanted eyesore. The application is to provide modest, affordable housing, with garden space and parking.
62. The applicant contends the proposals will enhance the overall area and provide much needed residential accommodation. The applicant requests that the planning authority offers a positive response and approval of the application.

*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=P8X9C0GDL8J00>*

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## **PLANNING CONSIDERATIONS AND ASSESSMENT**

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63. As identified in Section 38(6) of the Planning and Compulsory Purchase Act 2004 the key consideration in the determination of a planning application is the development plan. Applications should be determined in accordance with the development plan unless material considerations indicate otherwise.
64. The County Durham Plan (adopted in 2020) is the statutory development plan and the starting point for determining applications as set out at Paragraph 12 of the NPPF.
65. In this context, it is considered that the main planning issues relate to the principle of development, developer contributions (including open space and affordable housing), impact upon residential amenity, design, the character and appearance of the surrounding area, highway safety and public rights of way, landscape, land contamination and stability, drainage and ecology.

### **Principle of the Development**

66. Policy 6 of the County Durham Plan supports development on sites which are not allocated in the Plan, but which are either within the built-up area or outside the built

up area but well related to a settlement, stating that such development will be permitted provided it is compatible with the following:

- 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

67. As detailed above, policy 6 of the CDP permits development on unallocated sites provided it meets the criteria set out within the policy. In this regard it is considered that the proposal can draw in principle support from this policy given that the site sits adjacent to a built-up area (so is well related to a settlement) and is located within close proximity to other compatible residential uses (criteria a), is an infill development that would not lead to coalescence with neighbouring settlements (criteria b), would not result in a loss of open land that has any recreational, ecological or heritage value (criteria c) and has easy access to sustainable transport and local facilities (criteria f). Consideration of criteria d, e, h and i of policy 6 are considered elsewhere within this report. It is not considered that criteria j is appropriate in relation to this proposal.

#### Locational Sustainability

68. The site is located in New Brancepeth which is considered a sustainable location with good access to shops, services, employment opportunities and public transport links. It is there considered to be capable of accommodating residential development of the scale proposed and as such the principle of residential use in this location is acceptable subject to the relevant material considerations as set out below.

#### Affordable Housing / Mix of Dwellings and Developer Contributions

69. Policy 15 of the CDP establishes the requirements for developments to provide on-site affordable housing, the circumstances when off-site affordable housing would be acceptable, the tenure mix of affordable housing, the requirements of developments to meet the needs of older people and people with disabilities and the circumstances in which the specialist housing will be supported.

70. On sites of 10 or more units, 10% of the homes provided should be for affordable home ownership (starter homes, discount market sale housing and other affordable routes to home ownership). Any contribution above 10% should be provided as

affordable housing for rent. New Brancepeth is defined as a low value area where 10% affordable housing is required and therefore one affordable property should be provided.

71. The 'Housing Needs Statement' states at para 4.16 that *"This application, like other applications for major development, is however in West Durham Delivery Area, in a settlement within an area where viability of development is known to be challenging. Since the application is only just above the stipulated threshold for the provision of affordable units and; because the site is presently in such poor condition and because it proposes the delivery of bungalows, in high demand and short supply, it is not proposed to provide any affordable units. Nor is it considered appropriate to prove this through the provision of a viability appraisal for the reasons given"*.
72. This is not considered sufficient justification and as such, the proposal would only be acceptable subject to a section 106 agreement to secure one affordable housing property which would be a discounted market sale unit. An amended plan has been received which identifies a one bed property which is considered acceptable from the Council's Affordable Housing Team. The applicant has also agreed to this.
73. Policy 15 states that on sites of 5 units or more 66% of dwellings must be built to Building Regulations Requirement M4(2) (accessible and adaptable dwellings) standard. The current proposal comprises a total of 11 units and as such in order to comply with the requirements of policy 15 in this regard 7 of those units would be required to be built to M4(2) standard which is achieved. In addition, on sites of 10 units or more, a minimum of 10% of the total number of dwellings on the site are required to be of a design and type that will increase the housing options of older people. These properties should be built to M4(2) standard and would contribute to meeting the 66% requirement set out above. They should be situated in the most appropriate location within the site for older people. Appropriate house types considered to meet this requirement include level access flats, level access bungalows; or housing products that can be shown to meet the specific needs of a multi-generational family.
74. With regard to the current planning application one unit is required to be a house type suitable for older people. As the scheme comprises solely of bungalows the development exceeds the requirements of Policy 15 of the CDP in this regard.
75. Policy 19 of the County Durham Plan requires that developments secure an appropriate mix of dwelling types and sizes, taking account of existing imbalances in the housing stock, site characteristics, viability, economic and market considerations and the opportunity to facilitate self-build or custom build schemes.
76. In this regard the development comprises entirely of one and 2 bedroom bungalows, for which there is an identified need in the locality, it is considered that the proposal is appropriate in this instance.
77. In light of the above the development is considered to accord with the requirements of policies 15 and 19 of the County Durham Plan.

#### Open space / Green Infrastructure

78. Paragraph 98 of the NPPF states that access to a network of high-quality open spaces and opportunities for sport and physical activity is important for the health and well-being of communities and that planning policies should be based on robust and up-to-date assessments of the need for open space, sport and recreation facilities (including quantitative or qualitative deficits or surpluses) and opportunities

for new provision. The Council prepared its Open Space Needs Assessment (OSNA) in 2018 as part of the preparation of the County Durham Plan and as such it is considered that this is the most up to date assessment of need for the purposes of Paragraph 98 of the NPPF.

79. Policy 26 (Green Infrastructure) reflects those targets and states that development will be expected to maintain and protect, and where appropriate improve, the County's green infrastructure network. Proposals for new residential development will be required to make provision for open space to meet the needs of future residents having regard to the standards of open space provision set out in the Open Space Needs Assessment (OSNA). Where it is determined that on-site provision is not appropriate, the council will require financial contributions secured through planning obligations towards the provision of new open space, or the improvement of existing open space elsewhere in the locality.
80. In accordance with policy 26 and having regard to the Councils Open Space Needs Assessment (OSNA) Based on the OSNA and an average occupancy of 2.2 people per dwelling (Co. Durham average household size, 2011 Census), a scheme of 11 dwellings would generate 24.2 people (11 x 2.2). This scheme falls into the 1<sup>st</sup> category of Table 19 where a contribution should be sought for all typologies of open space in lieu of onsite provision.
81. A contribution to improving existing facilities within New Brancepeth (bearing in mind the layout shows no on-site open space provision) would amount to £19,130.10 (24.2 x £790.50) to be secured by S106 legal agreement which the applicant has agreed to enter into.

#### Education Provision

82. Paragraph 95 of the NPPF confirms that the government places great importance to ensure that sufficient choice of school places is available to meet the needs of existing and new communities and requires LPAs to proactively meet the requirement.
83. The Council's Education Team have confirmed that in relation to both primary and secondary school pupils and based on the projected rolls of the schools, taking into account the likely implementation timeframe of the development, build rates and other committed development there would be sufficient space and therefore, a contribution for additional secondary and primary school teaching accommodation is not required.

#### Health Contributions

84. Paragraph 34 of the NPPF allows local plans to set out the contributions expected from a development, which includes health. In this regard Policy 29(f) of the CDP requires that developments should contribute to healthy neighbourhood and consider the health impacts and needs of the existing and future users.
85. The NHS have not requested any payments in regard to this application.

#### Developer contribution conclusion

86. As detailed above it is considered that the proposal is in accordance with Policy 25 and 26 of the CDP to mitigate the impact on the development subject to the completion of a s106 agreement to secure the above obligations.

## Impact on Residential Amenity

87. CDP Policies 6 and 31 seek to prevent development that would have an unacceptable impact upon the amenity of existing neighbouring residents and only allow development where adequate amenity for future occupiers is provided. Section 11 Paragraph 119 of the NPPF requires planning decisions to ensure healthy living conditions and paragraph 124 emphasises the importance of securing healthy places. Paragraph 174 of section 15 requires decisions to prevent new development from being put at unacceptable risk from, or being adversely affected by, unacceptable levels of pollution such as noise pollution.
88. Paragraph 185 seeks to ensure that new development is appropriate for its location taking into account the likely effects of pollution on health and living conditions. In terms of noise, paragraph 185 advises that planning decisions should mitigate and reduce to a minimum potential adverse impacts resulting from noise from new development - and avoid noise giving rise to significant adverse impacts on health and the quality of life.
89. Policy 29 (Sustainable Design) of the CDP 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. Provision for major developments to appropriately consider the public realm in terms of roads, paths, open spaces, landscaping, access and connectivity, natural surveillance, suitable private and communal amenity space that is well defined, defensible and designed to the needs of its users.
90. Policy 29 also requires that new major residential development achieves reductions in CO2 emissions and be built to at least 30 dwellings per hectare subject to exceptions. It also states that all new residential development should meet Nationally Described Space Standards (NDSS).
91. The dwellings are proposed to be located within a primarily residential area. There is a commercial/takeaway located at the end of Edward Terrace, however this business is already situated within close proximity to sensitive receptors and it is not considered that this proposed development would interfere with the operation of that business.
92. It is noted that during the construction phase the development could lead to negative impact upon existing residential receptors due to their close proximity. However, it is considered that this could be mitigated by the submission of a Construction Management Plan secured by pre-commencement planning condition and also a condition regarding the hours of construction. Subject to the inclusion of planning conditions in this regard the Councils EHO raises no objection to the application.
93. In addition to the above policies of the CDP, the Council has adopted a residential design SPD which sets out minimum requirements in relation to privacy distances and private outdoor amenity space (Gardens). Given the nature of the proposal being bungalows, a minimum of 18m should remain between facing elevations containing windows to habitable rooms and 10m between habitable room windows and single storey blank gables. Garden lengths of at least 9m should also be provided.

94. The above policies and SPD are in broad accordance with paragraph 130 of the NPPF which requires that planning decisions should ensure that developments will 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.
95. In respect of adjacent properties at Edward Terrace to the south, all properties meet the requirements of 10m which is outlined in the SPD. The 10m is met on most properties from main two-storey build line of Edward Terrace to the gables of the proposed dwellings which are blank however, some of Edward Terrace have single-storey additions which reduces these separation distances however, the proposal is still considered acceptable given the majority of these views are over garden area or parking spaces and therefore are considered acceptable. There was conflict with one dwelling therefore, given this, this has been reduced to be a one bed dwelling only to meet the separation distances required.
96. In respect of the neighbouring properties at Rock Terrace, it is noted that there is a change in levels across the site which fall to the north. The Council's SPD states at section 3.4 that where there is a significant change in levels, the minimum separation distance will increase by 1 metre for every 1 metre that the floor level of the development would be above the affected floor or ground level of the neighbouring property. A plan showing the site topography has been submitted in support of the application which identifies a 3 metre change in levels in this regard and as such a separation distance of 13 metres is therefore required in accordance with the SPD. Submitted plans show a distance of 13 metres can be achieved between the northern gable of the proposed dwellings and the rear facing elevations of those properties at Rock Terrace. As such the development is considered acceptable in this regard.
97. With regard to facing elevations containing windows to habitable rooms it is noted that separation distances of 18m can be retained between the proposal and those existing properties to the east and west. Between Plot 11 (which is the detached single dwelling) and Edward Terrace the end terrace being no. 31, separation distances of around 13 metres can be achieved. A ground floor window is in existence on this gable elevation however it is obscurely glazed therefore, the proposal is considered acceptable in this respect.
98. Objections have been raised regarding access to an existing neighbour's garage at no. 4 Model Cottages and access to the front of their property. However, the application has since been amended to retain access to this property.
99. An air quality report was submitted and the findings of this is considered acceptable however a Dust management Plan is still required which is considered to be incorporated within the Construction Management Plan which is added as a pre-commencement condition as part of this application.
100. In light of the above it is considered that the residential amenity of the neighbouring properties would not be compromised by the development although, given the constrained nature of the site and the proximity of existing residential properties it is considered prudent to remove permitted development rights relating to future extensions.
101. With regard to space standards and the requirement of policy 29 of the County Durham Plan that all new development accord with the Nationally Described Space

Standards, it is noted that the scheme has been designed to be fully NDSS compliant and the application provides sufficient information to demonstrate that this is the case.

102. The proposal is therefore considered acceptable in respect of policy 29 and 31 of the CDP in respect of residential amenity subject to the conditions stated.

#### Highway and Pedestrian Safety/Impact on Public Rights of Ways (PROW)

103. Policy 21 of the CDP requires all development to ensure that vehicular traffic generated can be safely accommodated and to have regard to the Council's Parking and Accessibility Standards Supplementary Planning Document. In addition, policy 6 of the CDP requires new development to not be prejudicial to highway safety or have a severe residual cumulative impact on network capacity. This approach displays broad accordance with the aims of paragraph 110 of the NPPF.
104. Notwithstanding the above, the residents of neighbouring properties have raised concern at the limited availability of parking both within the development itself and the wider locality, which they consider to be an existing issue that would be compounded by the proposal. In addition, residents consider that the access into and out of the proposed dwellings would be limited and dangerous.
105. Notwithstanding the above, it is noted that the development would be served by 2 short cul-de-sac style streets providing access to parking provision which accords with the Council's Parking Standards and is therefore considered sufficient to serve the development. In addition, the level of traffic generated by the proposals would be limited and could be safely accommodated on the surrounding road network. As such the Highway Authority raises no objection to the application in this regard.
106. Whilst the application proposes a detached dwelling in a position where there is currently a vehicular link between The Bungalows to the east and Edward Terrace to the west, it is noted that this does not form part of the adopted highway. In the event that this has been open for the passing and repassing of vehicles and pedestrians for more than 20 years it may benefit from the legal status of Highway by use and as such this would need to be formally Stopped Up under Section 247 of the Planning Act.
107. Notwithstanding the above, it is noted that irrespective of the status of this part of the site the Highway Authority has confirmed the proposed arrangement is acceptable in highway safety terms in accordance with policy 21 of the CDP. As such an informative can be included to remind the applicant of the requirement to apply to formally apply to stop this area up should it be found to have legal status of Highway by use.
108. In light of the above the proposal is considered acceptable in respect of policy 21 of the County Durham Plan and part 9 of the NPPF.

#### Impact on the character and appearance of the streetscene

109. Policy 29 (Sustainable Design) of the County Durham Plan 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.

110. The site occupies a linear parcel of land set between 2 rows of terraced properties to the north and south and comprises a proposed layout consisting of 5 pairs of semi-detached bungalows that would present gable elevations to the facing elevation of Rock Terrace and Edward Terrace. Whilst the character of the surrounding area is one principally comprising long linear rows of terraces housing, it is nevertheless considered that the introduction of semi-detached bungalows in this location would provide some variety to visual amenity of the locale. In terms of design the proposed arrangement would be in keeping with surrounding properties despite being of a lesser scale and would use materials similar to others in the area, the submission and agreement of precise samples can be secured through planning condition.
111. In light of the above it is considered that the proposal would be an appropriate development for the area and would deliver some considerable benefits given the site is currently untidy to the extent it detracts from the visual amenity of the surrounding area.
112. The dwellings have been designed as bungalows which is considered acceptable given the change in land levels and would appear as a logical step up from Rock Terrace to the proposal and then again up to Edward Terrace.
113. A condition securing the submission and agreement of precise details of external materials and details of the means of broadband connection should also be included. The scheme has been amended since original submission to include solar panels to each property and a sustainability statement has also been provided which is considered acceptable. The proposal is therefore considered to accord with the requirements of policy 29 of the County Durham Plan and part 12 of the NPPF.

#### Landscaping

114. Policy 39 (Landscape) of the CDP states that proposals for new development will only be permitted where they would not cause unacceptable harm to the character, quality or distinctiveness of the landscape, or to important features or views. Proposals are expected to incorporate appropriate mitigation measures where adverse impacts occur.
115. Concern has been received from the Council Landscape Section that the development fails to include any allocated public space as new bungalow frontages would be dominated by hard parking areas, access roads and footpaths. They consider that the proposed bungalows would not front onto any green space and that the development would be stark in character, dominated by car parking and hard landscape elements. Notwithstanding those concerns it is noted that the surrounding terraces by their nature have limited external amenity/green space and present hardstanding yards to the rear and that the development would sit within this context.
116. Amendments however have been received which shows grassed open space surrounding the proposed parking spaces and street trees are shown to the north-west of the entrance drives. Therefore, noting the narrow, constrained nature of the site, the proposed landscape scheme is considered a greener solution than the original scheme and would allow some visual permeability for safety and surveillance.
117. It should also be noted that the applicant has agreed to provide a financial contribution towards improving open space within the locality to be secured through a Section 106 Agreement.

118. With this in mind the proposal is considered acceptable in accordance with the aims of policies 6, 29 and 39 of the CDP and Parts 12 and 15 of the NPPF.

#### Land Contamination and Stability

119. Paragraph 183 of the NPPF advises that planning decisions should ensure a site is suitable for its proposed use taking account of ground conditions and any risks arising from land instability and contamination. In line with this, CDP Policy 32 states that development will not be permitted unless the developer can demonstrate that:
- a. any existing despoiled, degraded, derelict, contaminated or unstable land issues can be satisfactorily addressed by appropriate mitigation measures prior to the construction or occupation of the proposed development;
  - b. the site is suitable for the proposed use, and does not result in unacceptable risks which would adversely impact on the environment, human health and the amenity of local communities; and
  - c. all investigations and risk assessments have been undertaken by an appropriately qualified person.
120. The application has been assessed by the Council's Contamination Land Section and whilst they offer no objection to the proposals, they do note that the submitted information amounts to a summary report, and that the phase 1 assessment itself has not been provided. In addition, they note that potential exists for there to be made ground associated with the previous use and that the site is partially located within in a coalfield high risk development area.
121. In light of the above, and due to the fact that the development constitutes a change of use to a more sensitive receptor, no objection is raised subject to the imposition of a planning condition requiring the submission and agreement of a Phase 1 Contaminated Land Risk Assessment along with intrusive investigations, site remediation and verification report where need is identified.
122. Subject to the inclusion of a planning condition in this regard the proposal is therefore considered to accord with policy 32 of the CDP.
123. With regard to land stability and previous mine works, and as already noted, the site lies within an area identified as being at high risk of previous mine workings as identified by the Coal Authority. Paragraph 183 of the NPPF states that planning policies and decisions should ensure that:
- a) a site is suitable for its proposed use taking account of ground conditions and any risks arising from land instability and contamination. This includes risks arising from natural hazards or former activities such as mining, and any proposals for mitigation including land remediation (as well as potential impacts on the natural environment arising from that remediation);
  - b) after remediation, as a minimum, land should not be capable of being determined as contaminated land under Part IIA of the Environmental Protection Act 1990; and
  - c) adequate site investigation information, prepared by a competent person, is available to inform these assessments.
124. It goes on to state at section 184 that where a site is affected by contamination or land stability issues, responsibility for securing a safe development rests with the developer and/or landowner.
125. As noted part of the application site falls within the defined Development High Risk Area; therefore within the application site and surrounding area there are coal mining

features and hazards which need to be considered in relation to the determination of this planning application.

126. The Coal Authority records indicate the western part of the site is in the likely zone of influence from workings in 6 seams of coal at shallow to 167m depth, last worked in 1934 and within 20m of an off-site mine entry (CA shaft ref: 422541-006). The Coal Authority hold no treatment details for this mine entry and due to the historic source plans used to plots its current position, this could vary by several metres.
127. The Coal Authority have raised no objection to the scheme subject to the imposition of conditions which require the undertaking of intrusive ground investigations prior to commencement of development in order that the findings of the investigations inform the extent of any remedial and / or mitigation measures considered necessary to ensure that the proposed development will be safe and stable.
128. Therefore, subject to the addition of the pre-commencement conditions as requested by the Coal Authority, the proposal is considered acceptable with regard to policy 32 and 183 of the NPPF.

### Drainage

129. 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.
130. Whilst Policy 36 (Water Infrastructure) advocates a hierarchy of drainage options for the disposal of foul water. Applications involving the use of non-mains methods of drainage will not be permitted in areas where public sewerage exists. New sewage and waste water infrastructure will be approved unless the adverse impacts outweigh the benefits of the infrastructure. Proposals seeking to mitigate flooding in appropriate locations will be permitted though flood defence infrastructure will only be permitted where it is demonstrated as being the most sustainable response to the flood threat.
131. The Drainage team acknowledged that there is no surface water outlet and therefore the connections will be to the combined system. They have also advised that the surface water need not be treated but it should be attenuated to a discharge rate equivalent to QBAR Rural rate.
132. A drainage strategy is therefore, required and normally this would be required prior to a decision being issued however in this instance the drainage team are satisfied that an appropriate scheme could be achieved, it is felt that this can be dealt with via a pre-commencement condition.
133. It is considered therefore, that subject to conditions the scheme is acceptable in relation to Policy 35 and 36 of the CDP.

### Ecology

134. Part 15 of the NPPF seeks to ensure that when determining planning applications, Local Planning Authorities seek to conserve and enhance biodiversity. Policy 41 of

the CDP seeks to resist proposals for new development which would otherwise result in significant harm to biodiversity or geodiversity, which cannot be avoided, or appropriately mitigated, or, as a last resort, compensated for. Proposals for new development will be expected to minimise impacts on biodiversity by retaining and enhancing existing biodiversity assets and features and providing net gains for biodiversity including by establishing coherent ecological networks. CDP Policy 25 seeks to ensure that new development is only approved where any mitigation necessary to make the development acceptable in planning terms are secured through appropriate planning conditions or planning obligations.

135. The Ecology report submitted by OS Ecology is considered acceptable and no further surveys are required subject to a condition requiring the recommendations to be carried out and integrated bat boxes installed to provide enhancement. Details of which have been submitted to the LPA therefore, a condition to control their installation will be added.

#### Other Issues

136. A number of residents have raised concerns that alternative uses for the site have not been explored and that these should be considered before the site is redevelopment for housing. In response it is noted that historically the site has been used informally as open space and for private amenity purposes but that in some cases these uses were unauthorised and have resulted in an untidy site. In any event the Local Planning Authority must determine the current planning application based on its planning merits and against relevant local and national planning policy. In this respect there is no requirement to consider alternative uses before residential redevelopment.

#### Public Sector Equality Duty

137. Section 149 of the Equality Act 2010 requires public authorities when exercising their functions to have due regard to the need to i) the need to eliminate discrimination, harassment, victimisation and any other prohibited conduct, ii) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it and iii) foster good relations between persons who share a relevant protected characteristic and persons who do not share that characteristic.
138. In this instance, officers have assessed all relevant factors and do not consider that there are any equality impacts identified.

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## **CONCLUSION**

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139. Section 38(6) of the Town and Country Planning Act states that planning applications should be determined in accordance with the Development Plan unless material considerations indicate otherwise. The County Durham Plan was adopted in October 2020 and a such represents the up-to-date local plan against which the development should be considered.
140. The site occupies a sustainable location with a good level of access to shops, services, education and employment opportunities for future residents and would deliver a scheme consisting entirely of bungalows for which is there is locally identified need. In addition, the development would reintroduce a positive use across a site which currently detracts from the visual amenity of the area. The development is considered to accord with the criteria listed in policy 6 of the CDP which is the principal policy against which the development should be considered.

141. In addition, it is considered that the development could be adequately accommodated by reason of design, layout, scale and materials without adverse impact upon the residential amenity of existing and future occupiers or adjacent land users, the character and appearance of the surrounding area, parking, access and highway safety, ecology, contaminated land and drainage in accordance with the aims of policies 6, 15, 19, 21, 25, 26, 29, 31, 32, 35, 36 and 41 of the CDP and Parts 6, 8, 9, 11, 12, 14 and 15 of the NPPF.

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## **RECOMMENDATION**

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That the application be **APPROVED**, subject to a s106 agreement to provide affordable housing onsite through the provision of one discount market sale property and developer contributions of **£19,130.10** towards open space within the area, and 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 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(ies) 6, 21, 29 and 31 of the County Durham Plan and Parts 12 and 15 of the National Planning Policy Framework.

3. Notwithstanding any details of materials submitted with the application no development shall commence until details of the make, colour and texture of all walling and roofing materials have been submitted to and approved in writing by the Local Planning Authority. The development shall be constructed in accordance with the approved details.

Reason: In the interests of the appearance of the area and to comply with Policy 29 of the County Durham Plan and Part 12 of the National Planning Policy Framework.

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

1. A Dust Action Plan including measures to control the emission of dust and dirt during construction.

2. Details of methods and means of noise reduction/suppression.

3. Where construction involves penetrative piling, details of methods for piling of foundations including measures to suppress any associated noise and vibration.

4. Details of measures to prevent mud and other such material migrating onto the highway from all vehicles entering and leaving the site.

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

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

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

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

5. 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.

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

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

Reason: To ensure that the presence of contamination is identified, risk assessed and proposed remediation works are agreed in order to ensure the site 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.

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

Reason: To ensure that the remediation works are fully implemented as agreed and the site is suitable for use, in accordance with Policy 32 of the County Durham Plan and Part 15 of the National Planning Policy Framework.

8. No development other than ground clearance or remediation works shall commence until a scheme for the provision of foul and surface water drainage works have been submitted to and approved in writing by the Local Planning Authority. The scheme shall be developed in accordance with the Councils Sustainable Drainage Systems (SuDS) Adoption Guide 2016. The development thereafter shall be completed in accordance with the details and timetable agreed.

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

9. No development shall take place until intrusive site investigations have been undertaken to assess the ground conditions and the potential risks posed to the development by past shallow coal mining activity. A report shall thereafter be submitted to and agreed in writing by the Local Planning Authority setting out the findings of the intrusive site investigations including a scheme of remedial work where required. Thereafter the development shall take place in accordance with the agreed details.

Reason: The undertaking of intrusive site investigations, prior to the commencement of development, is considered to be necessary to ensure that adequate information pertaining to ground conditions and coal mining legacy is available to enable

appropriate remedial and mitigatory measures to be identified and carried out before building works commence on site. This is in order to ensure the safety and stability of the development, in accordance with Policy 32 of the County Durham Plan and Paragraphs 178 and 179 of the National Planning Policy Framework.

10. Prior to commencement of the development, details of an electric car charging point shall be submitted and approved in writing by the Local Planning Authority. The charge point shall be installed, prior to occupation of the dwelling in accordance with the approved details.

Reason: To comply with parking guidelines in line with requirements set out in policy 21 of the County Durham Plan and part 9 of the NPPF.

11. No development shall be occupied until such time as a scheme detailing the precise means of broadband connection to the site has been submitted to and agreed in writing by the local planning. Thereafter, the development shall be carried out in accordance with the agreed detail.

Reason: To ensure a high quality of development is achieved and to comply with the requirements of policy 27 of the County Durham Plan.

13. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and/or re-enacting that Order), no development under Schedule 2, Part 1 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) shall take place without the grant of further specific planning permission from the Local Planning Authority.

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

14. The proposal shall be carried out in strict accordance with section 6 Recommendations of the Preliminary Ecological Appraisal prepared by OS Consulting dated December 2021.

Reason: In the interests of protected species in accordance with policy 43 of the County Durham Plan and part 15 of the NPPF.

15. 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 visual amenity of the area and to comply with Policy 29 of the County Durham Plan and Part 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

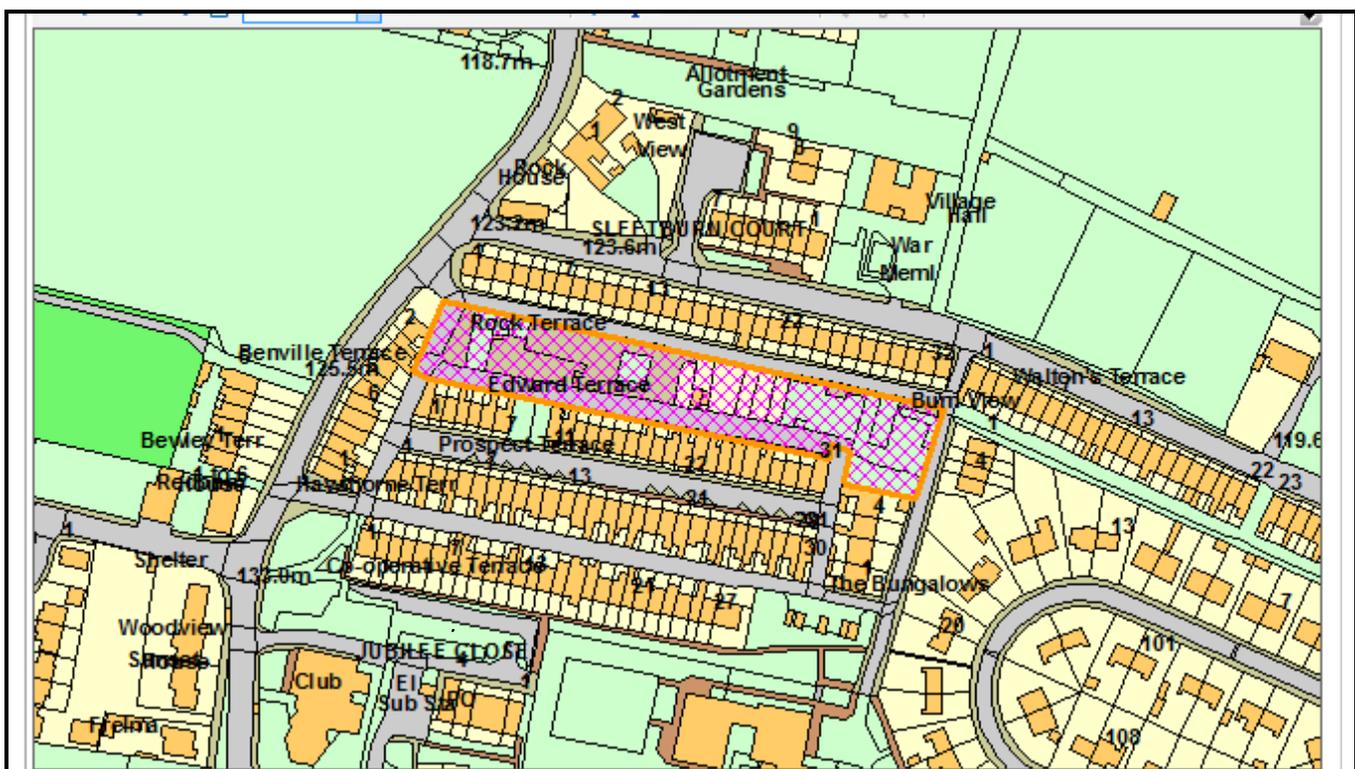
Submitted application form, plans, supporting documents and subsequent information provided by the applicant

The National Planning Policy Framework (2021)

National Planning Practice Guidance Notes

County Durham Plan

Statutory, internal and public consultation responses



<p><b>Planning Services</b></p>	<p><b>Erection of 11 bungalows at Land To The Rear Of Rock Terrace, New Brancepeth, DH7 7EP</b></p>	
<p>This map is based upon Ordnance Survey material with the permission of Ordnance Survey on behalf of Her Majesty's Stationary Office © Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceeding. Durham County Council Licence No. 100022202 2005</p>	<p><b>DM/21/01141/FPA</b></p>	
	<p><b>Date: 2022</b></p>	<p><b>Scale NTS</b></p>