

## COMMITTEE REPORT

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### APPLICATION DETAILS

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<b>APPLICATION NO:</b>	<b>DM/22/01022/FPA</b>
<b>FULL APPLICATION DESCRIPTION:</b>	<b>New build development of 6 new dwelling houses in the form of 2 terraces of 3 units including 3no. 3 bed units and 3 no. 2 bed units</b>
<b>NAME OF APPLICANT:</b>	<b>Mr Gerard Salvin</b>
<b>ADDRESS:</b>	<b>Land south east of 18 Foster Terrace, Croxdale, DH6 5HP</b>
<b>ELECTORAL DIVISION:</b>	<b>Coxhoe</b>
<b>CASE OFFICER:</b>	<b>Jennifer Jennings Senior Planning Officer 03000 261059 <a href="mailto:jennifer.jennings@durham.gov.uk">jennifer.jennings@durham.gov.uk</a></b>

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### DESCRIPTION OF THE SITE AND PROPOSALS

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#### The Site

1. The application site consists of a narrow parcel of land on the southern edge of the settlement of Croxdale, located adjacent to the A167 road. It is located to the south of No. 18 Foster Terrace and lies just beyond the side garden of this property. At present, the land is used by the resident of 18 Foster Terrace as an informal allotment and as such it hosts a number of temporary garden buildings and a small chicken run. The land is relatively flat and is bounded by mature hedgerow on its south, east and western edges.
2. To the east and south of the application site lies open countryside, with fields laid to crops. This land is also designated as an Area of Higher Landscape Value by the County Durham Plan and bounds the eastern edge of the settlement of Croxdale, the application site and the A167. To the west lies an established business / industrial area, comprising a car sales garage, workshop units and an office block. North of the site lies the main body of the settlement of Croxdale, including a long line of stone fronted terraced properties that present principal elevations to the A167, which is the main vehicular route running through the village and one of the principal routes into the city from the south.
3. There are no designated or non-designated heritage assets within close proximity of the development site.

#### The Proposal

4. The application seeks full planning permission for the erection of 6 dwellings, comprising 2 short terraces, each containing three dwellings with a parking court positioned between the two blocks. The dwellings would be two storey and consist of three, 3-bed

dwelling and three, 2-bed dwellings, each with private amenity space to the front and rear. Materials are proposed to be random stone walling with second hand Welsh slates and stone heads and cills. Front boundary treatments would consist of a low brick wall, with railings atop, with hedgerow retained where possible and replacement hedgerow planted. Rear boundaries would consist of 1.8 metres high timber fencing, with rear hedgerow adjacent to the field retained.

5. The application has been called to the committee by the two local ward members for the area, who consider the highway safety impacts to be such that they should be considered by the committee.

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## **PLANNING HISTORY**

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6. There is no planning history relating to the application site.

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## **PLANNING POLICY**

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### **NATIONAL POLICY**

7. A revised National Planning Policy Framework (NPPF) was published in July 2021 (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.
8. In accordance with Paragraph 219 of the National Planning Policy Framework, existing policies should not be considered out-of-date simply because they were adopted or made prior to the publication of this Framework. Due weight should be given to them, according to their degree of consistency with the Framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given). The relevance of this issue is discussed, where appropriate, in the assessment section of the report. The following elements of the NPPF are considered relevant to this proposal.
9. *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.
10. *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.
11. *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.

12. *NPPF Part 6 - Building a Strong, Competitive Economy.* The Government is committed to ensuring the planning system does everything it can to support sustainable economic growth. Planning should operate to encourage and not act as an impediment to sustainable growth. Therefore, significant weight should be placed on the need to support economic growth through the planning system.
13. *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.
14. *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.
15. *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.
16. *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.
17. *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.
18. *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.
19. *NPPF Part 16 - Conserving and Enhancing the Historic Environment* - Heritage assets range from sites and buildings of local historic value to those of the highest significance, such as World Heritage Sites which are internationally recognised to be of Outstanding Universal Value. These assets are an irreplaceable resource and should be conserved in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of existing and future generations.

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; air quality; design process and tools; determining a planning application; flood risk; healthy and safe communities; land stability; land affected by contamination; housing and economic development needs assessments; housing and economic land availability assessment; natural environment; neighbourhood planning; noise; open space, sports and recreation facilities, public rights of way and local green space; planning obligations; travel plans, transport assessments and statements; use of planning conditions; Tree Preservation Orders and trees in conservation areas and; water supply, wastewater and water quality.

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

## **LOCAL PLAN POLICY:**

### The County Durham Plan

21. *Policy 6 – Development on Unallocated Sites.* Supports 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 10 - Development in the Countryside.* States that development will not be permitted unless allowed for by specific policies in the Plan or Neighbourhood Plan or unless it relates to exceptions for development necessary to support economic development, infrastructure development or development of existing buildings. The policy further sets out 9 General Design Principles for all development in the Countryside.
23. *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.
24. *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.
25. *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.

26. *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.
27. *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.
28. *Policy 27 – Utilities, Telecommunications and Other Broadband Infrastructure.* States amongst its advice that new residential and commercial development should be served by a high speed broadband connection or appropriate infrastructure for future installation if direct connection is not appropriate, practical or economically viable.
29. *Policy 29 – Sustainable Design.* Requires all development proposals to achieve well designed buildings and places having regard to SPD advice and sets out detailed criteria which sets out that where relevant development is required to meet including; making a positive contribution to an areas character and identity; provide adaptable buildings; minimise greenhouse gas emissions and use of non renewable resources; providing high standards of amenity and privacy; contributing to healthy neighbourhoods; providing suitable landscape proposals; provide convenient access for all users; adhere to the Nationally Described Space Standards.
30. *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.
31. *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.
32. *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.

33. *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.
34. *Policy 39 – Landscape.* 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.
35. *Policy 40 - Trees, Woodlands and Hedges.* 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.
36. *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.
37. *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.
38. *Policy 44 Historic Environment* seeks to ensure that developments should contribute positively to the built and historic environment and seek opportunities to enhance and, where appropriate, better reveal the significance and understanding of heritage assets. The policy advises on when harm or total loss of the significance of heritage assets can be accepted and the circumstances/levels of public benefit which must apply in those instances.
39. *Policy 56 Safeguarding Mineral Resources.* Sets out that planning permission will not be granted for non-mineral development that would lead to the sterilisation of mineral resources within a Mineral Safeguarding Area unless certain exception criteria apply.

## NEIGHBOURHOOD PLAN:

40. There is no adopted Neighbourhood Plan in force in this area

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## CONSULTATION AND PUBLICITY RESPONSES

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### STATUTORY RESPONSES:

41. *Croxdale and Hett Parish Council* – Objects to the application. They raise concern over the loss of allotment land, noting that there is a waiting list for Parish owned allotments. Queries are raised over what the rules and regulations are in relation to private allotments. Further concerns are raised with regards to road safety as at present the A167 through the village is a busy fast road. Also concerned over parking of large haulage deliveries at the garage obstructing the road, impacting on new residents in terms of access. Issues raised with regards access for bin trucks.
42. *Highway Authority* – Raise no objection. They advise that parking is in accordance with DCC standards, with sufficient manoeuvring space for reversing within the parking court. Consideration was given to bin truck collection, in particular noting that this would take place along A167. However, it is not considered sufficient to warrant refusal of the application given this occurs once a week. Further details on highway safety issues discussed within the report.

### INTERNAL CONSULTEE RESPONSES:

43. *Spatial Policy* – Advise that the site should be assessed against Policies 6 and 10 of the County Durham Plan. They further comment that for the proposal to be acceptable the impacts in terms of landscape, townscape and integration with the settlement pattern and form and existing properties surrounding the site would need to be with acceptable parameters. They note requirements in relation to Affordable Housing in the form of a financial contribution. There is no requirement at the present time for a contribution towards green infrastructure.
44. *Landscape Officer* - Defers to the trees officers comments regarding retention of existing hedgerow and mitigation tree planting and advises that full details of all hard and soft landscape should be secured by planning condition.
45. *Trees Officer* – Note that the site is framed to its eastern and western sides by mixed hedgerow and that there are no significant trees on site. As such none of the existing specimens are subject to Tree Preservation Order and nor is the site protected by a designation as a Conservation Area. The submitted Arboricultural Impact Assessment is considered comprehensive and acceptable. The proposals have identified loss to a significant portion of the hedgerow to the west of the site, for car park access, as well as the majority of the hedgerow to the east. In line with Policy 40, it is recommended that, should the application be approved, as much as possible of the existing hedgerow should be retained and appropriately protected during any construction phase.
46. *Affordable Housing* – in line with policy 15, the proposals relate to a site for 6 dwellings within a designated rural area and as such a financial contribution to be used for the off-site provision of affordable housing should be secured via Section 106 agreement.
47. *Archaeology* – Archaeological works would need to be undertaken in the form of Strip Map and record project. These works can be secured by means of pre commencement conditions.

48. *Ecology* – No objections raised. Officers consider the supplied ecological reports are sufficient to inform this proposal and no further surveys are required. The BNG report confirms a loss on site however proposed habitat enhancement on land the applicant owns would achieve +11.27% net gain in habitats and +18.13% net gain in hedgerows. The planting and management of the net gain site is detailed in a Biodiversity Management Plan and this should be conditioned if the application is approved. The BMP includes for reporting to DCC in years 2,5,10,20 and 30 following habitat creation.
49. *Environment, Health and Consumer Protection (Pollution Control)* – The submitted noise assessment was considered. Noise issues would occur however conditions should be attached in relation to noise mitigation measures, as well as submission of a construction management plan and limits to construction hours.
50. *Environment, Health and Consumer Protection (Contaminated Land)* – Advise the phase 1 report is acceptable but a condition will be required for further reports.

#### **EXTERNAL CONSULTEE RESPONSES:**

51. *Police Architectural Liaison Officer* – Some design principles recommended as part of the scheme. Details forwarded to the applicant for consideration.

#### **NON-STATUTORY RESPONSES:**

52. City of Durham Trust comments that proposals amount to ribbon development contrary to policy 6 and 10 of the CDP. They note the previous settlement boundary as part of the Durham City Plan. They also raise concerns over highway safety over access directly onto the A167 which would interrupt traffic flow on this primary route. Access point also close to the section of road that changes from 40 to 60 mph. They request application is refused.

#### **PUBLIC RESPONSES:**

53. The application has been advertised by way of a site notice and individual notification letters to neighbouring residents.
54. The two Cllrs for the electoral ward have raised concern over highway safety. In particular access by refuse vehicles and bin collection, as well as visibility issues with large trucks loading and unloading on the opposite side of the road at the existing car garage.
55. 10 letters have been received, 7 of which objected to the scheme. The main concerns raised by the objectors are summarised as follows:
  - Accidents have taken place along this stretch of road.
  - Concerns with regards timing of traffic survey during lockdown and at a time when road works were taking place. Not representative of speeds in the area.
  - Concerns over difficulty of accessing A167 due to traffic, speeds and deliveries at car garage.
  - Concerns that this route is main emergency access between hospitals at Durham and Darlington.
  - Traffic speeds are problematic
  - Difficult to get out onto the A167 with speed of traffic
  - How are bins to be collected safely.
  - Note that car transporters deliver vehicles daily but do not enter the garage premises, but rather park on the road side and cause obstruction.

- Businesses have a regular stream of cars accessing the site, turning right into it and creating a traffic hazard.
- Noise report not considered accurate and undertaken at the time of lockdown.
- Object to replacement hedgerow adjacent to a railway as well as loss of hedgerow within the area impacting on biodiversity
- Refuse collection off the A167 would cause high risk of an accident, and also may result in bins blowing onto the road
- Concerns that construction phase will impact on residents through noise and disruption
- Queries how correct the Transport statement is and does not feel it is representative.
- Further comments noting errors in the documentation. Also notes that there are very limited amenities in the area.
- Proposed new dwellings along a busy A class road will likely lead to a fatality

*The above is not intended to repeat 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=QU6BIIGD0BK00>*

## **APPLICANTS STATEMENT:**

56. The design utilises an area of disused land at the bottom of Foster Terrace, which is an existing terrace street using a consistent palette of local materials. The design has been arrived at by close consultation with Durham County Council following a pre-application and subsequent discussions with the LPA to ensure a high standard of street scene and a mix of 2 and 3 bed properties to assist in providing the housing needs of the area.

Parking provision has been provided with a singular access and in combination with a full traffic study, which has assessed the visibility, speed, and safety issues of the A167 and deemed the proposal acceptable.

Ecological and environmental issues have also been reviewed and addressed as part of the ongoing development with the LPA as well as providing an improvement over current energy use standard and ensuring building for life compliance.

The dwellings are to be constructed from a high-quality palette of materials in keeping with the local vernacular including, random stone walling, slate roof covering, stone heads and cills and cast-iron rainwater goods. In summary the development will provide an enhancement to the local area and through the planning process design quality, safety and policy standards have all been addressed.

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## **PLANNING CONSIDERATIONS AND ASSESSMENT**

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57. 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) forms the statutory development plan and the starting point for determining applications as set out in the Planning Act and reinforced at Paragraph 12 of the NPPF. The CDP was adopted in October 2020 and provides the policy framework for the County up until 2035. The tilted balance in paragraph 11(d) of the framework is not engaged.
58. Having regard to the requirements of Section 38(6) of the Planning and Compulsory Purchase Act 2004 the relevant Development Plan policies, relevant guidance and all other material planning considerations, including representations received, it is considered that the main planning issues in this instance relate to the principle of the development, impact on the character and appearance of the area, landscape and

trees/hedgerow, impact on residential amenity, highway safety and access, ecology, developer contributions and other issues.

## The Principle of the Development

59. The site is considered to be a windfall proposal. Policies 6 (Development on Unallocated Sites) and 10 (Development in the Countryside) of the County Durham Plan are both considered relevant in determination of the application.
60. Policy 10 states that development in the countryside will not be permitted unless allowed for by specific policies in the Plan including policy 6 which states that new development on unallocated sites will only be supported where they are either (i) within the built-up area; or (ii) outside the built-up area (except where a settlement boundary has been defined in a neighbourhood plan) but well-related to a settlement, and provided the proposal accords with all relevant development plan policies. To clarify the policy, para. 4.110 of the CDP states that when assessing whether a site is well-related, the physical and visual relationship of the site to the existing built-up area of the settlement will be a key consideration.
61. Foster Terrace first appears on historical maps in 1923 with No. 18 representing the settlement edge at this time. The proposals would result in a southwards extension beyond this historical settlement boundary immediately to the east of the A167. Although such an incursion beyond the boundary could be construed as encroachment into the countryside, for which there would be no support under policy 10, the proposals are noted as extending no further south than the business units on the opposing side of the A167. In addition, the line of the proposed dwellings would appear as a logical extension of the existing linear terrace that forms Foster Terrace. It is further noted that the AHLV designation surrounds the site but falls short of including it. As such, it is considered that the proposals in this case can be considered to be well related to the existing settlement both in physical and visual terms, and as such can be considered against the requirements of policy 6 of the CDP.
62. Policy 6 requires that development on unallocated sites must also meet the following criteria:

a) Development should be compatible with, and not prejudicial to, any existing, allocated or permitted use of adjacent land;

Residential use of this site would be compatible with surrounding uses, particularly the established residential uses to the north and north west. There are no concerns that the proposed dwellings would be prejudicial to adjacent agricultural uses or the commercial businesses on the opposing side of the A167, given that there is an established relationship between these and existing residential uses already within close proximity. The additional dwellings are unlikely to have any impact on the existing commercial uses. This element is considered in more detail elsewhere in this report.

b) Development does not contribute to coalescence with neighbouring settlement, would not result in ribbon development, or inappropriate backland development;

There is no concern that the proposals would contribute to coalescence with the neighbouring settlement given the significant distances involved. Whilst the development of the site could, to some extent be perceived as ribbon development, and the City of Durham Trust's comments are noted in this regard, it is not considered that the effects of this would be harmful in this case. The application site is a well contained parcel of land with a clear end point adjacent to a field entrance, that also coincides with the defined edge of settlement on the opposing side of the A167 where the commercial

units are presently located. As such, the extent of development provides a logical addition to the existing settlement whilst also providing a clear and defensible development limit, such that further encroachment south beyond this point would be considered an incursion into countryside and contrary to policy. In addition, the proposal would not be backland development.

c) Development 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 mitigate or compensated for.

The application site does not fall within any designations for landscape quality or ecology value and is not within a conservation area, nor does it have any heritage value. Furthermore, the site is not open land and is currently rented out privately for allotment use by the current owner. Further discussion on the impact of the proposals on the character of the area is detailed elsewhere in this report.

d) Development is appropriate in terms of scale, design, layout, and location to the character, function, form and setting of the settlement

The development is considered to be acceptable in this regard with more detailed consideration in this regard contained elsewhere in this report.

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

The development is considered to be acceptable in this regard with more detailed consideration contained elsewhere in this report.

f) Development 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.

Croxdale is a relatively small settlement with limited facilities comprising some local shops, pubs and a community centre, as well as the adjacent employment site. The nearest primary school is within Tudhoe, approximately 1.2 km away. However, the settlement is well served by bus routes being on the main thoroughfare connecting Durham City / Newcastle to the north and Spennymoor and Darlington to the south and as such benefits from regular services. On this basis the proposals are considered to have good access to sustainable modes of transport to nearby settlements to provide for required facilities. It is not considered that future occupiers at the dwellings would be solely reliant on private vehicles as a consequence. In addition, the quantum of development is reflective of the size of the settlement and level of services therein.

g) Development 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;

The development would not result in the loss of any facilities or services. Although the site is used as an allotment by the adjacent resident at no. 18, the site is not a designated allotment site and the current arrangement is a private arrangement which can be terminated at the behest of the land owner. As such there is no conflict with this criteria of the policy.

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

There are no existing issues with flooding at the site and the proposals would not be expected to create likely issues in this regard.

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

The development would be located on a greenfield site and whilst this does not represent previously developed land the policy does not provide a moratorium against development upon any greenfield site and as such any refusal based on the fact that the site does not relate to previously development land could not be sustained noting that the development is acceptable in all other respects.

63. On the basis of the above assessment, it is considered that the proposal would accord with the criteria set out in policy 6 and is therefore deemed acceptable in principle, subject to further considerations below.

#### Impact on the Character and Appearance of the Area

64. Policy 6c) requires that development should not result in the loss of open land that has recreational, ecological or heritage value, or contributes to the character of the locality which cannot be adequately mitigated or compensated for; whilst d. requires that it is appropriate in terms of scale, design, layout, and location to the character, function, form and setting of, the settlement. 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.
65. The settlement is noted for its strong regular linear pattern of two storey terraces fronting the main road. The existing terraces are simple in design and there is a noticeable use of local stone which creates a strong character and sense of place. The quantum of development at 6 dwellings, would be considered to be of a scale commensurate with the role and function at this part of the village. The impacts of the development on the townscape qualities would be considered positive, being reflective of the adjacent traditional stone terraced buildings, through design, scale and materials, with the layout on site continuing the strong linear frontage along the road.
66. Boundary treatments would consist of low stone wall with railings atop to the front with rear back gardens bounded by timber fences and existing hedgerow beyond. The development would be truncated by a parking courtyard, largely hardsurfaced with some planting included. Conditions would be applied for precise details of the various materials and hardsurfacing proposed.
67. In consideration of the above, the proposals are considered to accord with relevant parts of policy 6 and 29 of the CDP.

#### Landscape and Trees / Hedgerows

68. Policy 39 of the County Durham Plan states proposals for new development will be permitted where they would not cause unacceptable harm to the character, quality or distinctiveness of the landscape, or to important features or views. Proposals would be expected to incorporate appropriate measures to mitigate adverse landscape and visual effects. Development affecting AHLV will only be permitted where it conserves, and where appropriate enhances, the special qualities of the landscape, unless the benefits of development in that location clearly outweigh the harm.

69. 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.
70. The site lies adjacent to an Area of High Landscape Value, but not within the designation. It is surrounded on the east, south and west side by well established hedgerow, with a small break to the south to provide a gate access. The north boundary has open access to the private side garden area of property no. 18 Foster Terrace.
71. The AHLV is afforded strong protection within policy 39 of the CDP. Assessing the boundary of the AHLV in this area, it is noted that it tightly surrounds the settlement edge of Croxdale, including the boundary edges of the application site. As such the character of the AHLV at this part is characterised by a clear delineation between urban and rural. The erection of 6 dwellings in this location would not interrupt, but rather continue this relationship between the two distinct characters present at this point. With the AHLV bounding the southern point of the application site, it clearly demarcates an edge of settlement point.
72. The proposed development of the site would clearly result in loss of some boundary planting, particularly along the frontage. Concern was raised during the course of the application with regards the extent of hedgerow removal, particularly along the east boundary, abutting the AHLV. Amendments were sought to retain this line of hedgerow, noting that the species of planting could be cut back quite hard, without undue damage that could also regenerate within a season. An updated site layout plan has now been submitted indicating the retention of the eastern hedgerow.
73. Retaining the same hedgerow to the frontage has proved more problematic given the plant species along this edge as well as the drop in levels from the highway down to the application site. It is accepted that this line of planting would be lost to the development. However, it is proposed to include replacement planting behind the proposed stone wall and railing to compensate for this. Whilst this form of planting may take time to establish, it would nevertheless break up and soften, to a degree, the hard edge of development at this point. That said, it is noted that some of the terraces which run to the north of the site directly front the highway, whilst others have the benefit of a small front garden areas. The proposed frontage to the 6 dwellings is considered to be in keeping with the character and form of the existing terraces to the north.
74. Whilst the proposals would clearly extend built development south of the existing edge of the settlement, the proposed dwellings would be in keeping and reflective of the townscape qualities. Further to this, the proposals would maintain a similar relationship with the adjacent open countryside beyond, and with existing hedge retained to the east, it is not considered that it would cause unacceptable harm, in accordance with requirements set out in policies 39 and 40 of the CDP. A condition will be applied for protective fencing to be erected as well as a detailed landscape plan.

#### Impacts on Residential Amenity

75. Policies 29 and 31 of the CDP outline that development should provide high standards of amenity and privacy, minimise the impact of development upon the occupants of existing adjacent and nearby properties and not lead to unacceptable levels of pollution. A Residential Amenity Standards Supplementary Planning Document (SPD) has been adopted by the Council.

76. The nearest resident to the proposed development would be occupiers of the end terrace at No. 18 Foster Terrace. This dwelling has the benefit of a sizeable side garden separating it from the proposed development. The distance from the two-storey side gable of No. 18 to the boundary of the application site is 18 metres, with the nearest proposed dwelling (containing a gable end with single window serving a bathroom) a distance of 19.1 metres away. A condition would be applied to ensure this window is obscure glazed. Property no. 18 has two windows to the side of the property at first floor level, but the distances to the nearest proposed dwelling are in excess of requirements set out in the SPD. The conservatory to the side of no 18 at ground floor level is also sufficiently distant from the proposed development and would not experience undue harm from overlooking or overshadowing as a result of the proposal.
77. In terms of amenities of future occupiers, from assessing the layout and internal room sizes of the dwellings, they are considered to fully accord with the requirements set out in the National Design Space Standards. There are also requirements within policy 15 in terms of meeting the needs of older people, where sites of 5 or more units should provide 66% of dwellings to meet Building Regulation M4(2) standards. A condition will be applied to secure this.
78. In terms of external garden space, the SPD sets out that rear gardens should be usable, attractively laid out and conveniently located in relation to the property it serves. It should be of an appropriate size having regard to the size of the dwelling and character of the area. Whilst the SPD further states that the length of gardens will be dictated by minimum distancing standards it states that they should be no less than 9 metres unless site specific circumstances allow for a reduction in size.
79. In this case, the gardens for all properties would fall short of the 9 metres put forward in the SPD. Plots 1 and 2 to the north of the site would have gardens measuring over 8 metres in length, whilst plots 3-6 would measure between 5.3 to 6.2 metres in length. As plots 4-6 are wider, they would have reasonable garden widths ranging from just under 7 metres to 8.6 metres. Overall, although short of the SPD requirements, the garden sizes are considered reasonable, providing usable space, and with open countryside beyond, there would be no concerns with regards overlooking. In addition, the existing terraces further north have small courtyard spaces to the rear, and in this way the proposals in terms of layout reflect existing development in the area.
80. The Council's Environmental Health Section has commented noting the details contained within the noise impact assessment, which took into account noise from the adjacent A167 and commercial premises across from the development site. Whilst no issues were noted as part of the assessment in relation to the established commercial uses, noise associated with the A167 road was noted. Environmental Health section however were satisfied that the measures provided within the noise impact assessment would suitably mitigate noise impact from road traffic and requested that a planning condition be applied to ensure that sound attenuation in compliance with the noise assessment be carried out in full prior to occupation of the dwellings.
81. Concern was raised by nearby residents with regards the impact of noise from construction works taking place. Environmental Health concurred noting that clearance and construction works during the development phase could cause nuisance, by way of noise and dust, to existing nearby residents at Forster Terrace and Wayside. As such a condition for a Construction Management Plan has been sought along with a condition limiting hours of works.
82. Subject to the conditions noted above, the proposals are considered to appropriately accord with policies relating to protection of amenities for neighbouring and future occupiers in line with policies 29 and 31 of the CDP and Part 12 of the NPPF.

## Highways Safety and Access

83. Policy 6 requires that development will not be prejudicial to highway safety or have a severe residual cumulative impact on network capacity. Policy 21 states that development should: c) ensure that any vehicular traffic generated by new development, following the implementation of sustainable transport measures, can be safely accommodated on the local and strategic highway network and does not cause an unacceptable increase in congestion or air pollution and that severe congestion can be overcome by appropriate transport improvements. In relation to parking the policy states that car parking at residential development should ensure that a sufficient level is provided for both occupants and visitors, to minimise potential harm to amenity from footway parking. NPPF sets out at Paragraph 110 that safe and suitable access should be achieved for all people. In addition, Paragraph 111 of the NPPF states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.
84. The proposals would see the provision of 6 No. dwellings at the edge of the settlement served by a central off street parking courtyard. Access to the parking area would be taken from the A167 and it is noted that a 40mph limit applies at this point, becoming derestricted some 25 metres further to the south.
85. Significant objection has been raised from nearby residents and the City of Durham Trust with regards to the impact of the proposal upon highway safety along this stretch of road. Reference is made to the high volumes of traffic using this route, as well as vehicle speeds in excess of the 40mph speed restriction. Concern is also raised with regards to the potential for conflict with large trucks delivering vehicles to the car sales garage on the opposing side of the A167, as well as unacceptable access provision for bin collection.
86. Highways section assessed the details of the proposals, noting the comments received from adjacent residents. They have provided the following comments in response.
87. In relation to the concern that the additional dwellings would create highway safety risks through seeking to access the busy road from a new junction, the Highway Authority deem that the quantity of additional traffic, (even taking a higher trip rate), would only result in 4 extra vehicle movements in the peak hour, and so the impact on the highway network would be minimal.
88. In terms of road safety, the site falls within a 40mph limit, but is positioned close to where the limit transitions down from a 60mph. Speed surveys held by Durham County Council, together with a speed survey submitted by the applicant, show that the 85th percentile speed past the site is slightly higher than the 40mph limit (42mph northbound and 45mph southbound). However, the proposed access would allow for a visibility splay and stopping site distances that would be suitable for these speeds.
89. Some objectors refer to multiple accidents having taken place in the vicinity of the site. However, the Council's accident records show just one accident close to the site in 2019, which was caused by driver error with a driver performing a U-turn in the carriageway. Another accident is recorded in 2018 at the entrance to the roundabout where there was a rear end shunt, again caused by driver error. Therefore, there is no evidence to suggest that there is any accident problem on the highways adjacent to the site. Given the number of dwellings proposed, the impact of this development on the road network would be deemed minimal. The proposed access has been designed to meet technical standards, and it is not considered that it would cause any issues with

road safety. The Highway Authority also points out that applicant is only required to consider accidents which have occurred within the past 3 years.

90. Parking is provided in accordance with DCC standards, with 11 spaces provided for the 6 dwellings. The required 6 metres reverse distance is provided to allow vehicles to enter and exit the spaces easily.
91. Refuse collection would have to take place from the A167. While this is not ideal, given that it occurs once a week for a very short period of time, it is not considered to be a reason for refusal. The applicant has demonstrated that the required visibility and stopping site distance can be achieved so that if the refuse vehicle were stopped on the A167 to collect the refuse, drivers have the visibility to see this and adjust accordingly.
92. Based on the above assessment, the extent of development proposed would not be expected to create significant impacts on the highway network and suitable and safe access to the site can be achieved with appropriate levels of parking provided. The NPPF states that development should only be refused on highways grounds where there would be an unacceptable impact on highway safety, or the residual cumulative impact would be severe. In this case, it is considered that the proposals would not be considered to have an unacceptable impact and a refusal on highways grounds would not be warranted. Overall, although the concerns are noted, the highways impacts of the development are considered to be acceptable and in accordance with policies 6 and 21 of the CDP and Part 9 of the NPPF.

## Ecology

93. Part 15 of the NPPF requires that when determining planning applications, Local Planning Authorities seek to conserve and enhance biodiversity. CDP Policy 41 seeks to ensure new development minimizes impacts on biodiversity by retaining and enhancing existing diversity assets and features. Proposals for new development should not be supported where it would result in significant harm to biodiversity or geodiversity. Policies 29 and 40 of the CDP similarly seek to protect and create opportunities for wildlife.
94. The application was submitted with ecological reports alongside a Biodiversity Net Gain (BNG) assessment. Ecology assessed the details of the scheme and noted that there would be a confirmed loss of BNG credits, amounting to loss of habitat space through development of the site. However, the assessment goes on to propose a habitat enhancement on land within the ownership of the applicant in order to achieve +11.27% net gain in habitats, and +18.13% net gain in hedgerows. The planting and management of the net gain is detailed in a Biodiversity Management and Monitoring Plan submitted with the application and includes a mechanism for reporting to DCC in years 2, 5, 10, 20 and 30 following habitat creation in order to allow suitable monitoring and opportunities for remedial actions to ensure agreed habitats are achieved. Ecology section raise no objections to the proposals but request that this report is conditioned.

## Developer Contributions

95. Policy 25 of the CDP supports securing developer contributions where mitigation is necessary to make the development acceptable in planning terms including for social infrastructure such as affordable housing and open space needs, education and health facilities. Policy 15 relating to Addressing Housing Need states that affordable housing will be sought on sites of 10 or more units. It further states that in designated rural areas, schemes of between 6 and 9 units will provide a financial contribution towards the delivery of affordable housing.

96. As this scheme is for 6 units a contribution is required. The contributions are calculated based on the number, type and size of units to be delivered and their value and would need to be secured via a s106 agreement. The required contributions are under discussion and will be confirmed by the Housing Delivery Team, and finalised as part of the s106 agreement. The applicant has confirmed their agreement to this.
97. At this time there are no requirements for contributions towards open space in line with policy 26.

#### Other issues

98. Policy 44 of the CDP sets out development will be expected to sustain the significance of designated and non-designated heritage assets, including any contribution made by their setting. Development proposals should contribute positively to the built and historic environment and should seek opportunities to enhance and, where appropriate, better reveal the significance and understanding of heritage assets whilst improving access where appropriate.
99. The Archaeology Section commented that the site is within an area of high archaeological potential, due to cropmarks to the east of the site being interpreted as relating to possible prehistoric enclosures. A previous evaluation to the north found a number of post holes which were possible of prehistoric date. On this basis conditions are required to be applied seeking 'Strip, Map and Record' to be carried out, with details submitted to the Council for our consideration.
100. 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.
101. Contamination land section assessed the details of the proposals and confirmed that full pre commencement conditions would be required to be applied to any approval granted, seeking detailed reports on contamination and remediation, with a verification report submitted post development.
102. The Police Architectural Liaison Officer provided comments on secure by design measures that could be introduced to the new build to improve safety in line with policy 29 of the CDP and Part 12 of the NPPF. The recommendations were provided to the applicant who made some amendments to boundary treatments to take account of measures suggested, including addition of trellis to tops of fences to allow surveillance across the parking area.
103. The application site is not located within a flood risk area. The size of the application is below the threshold for the Lead Local Flood Authority (LLFA) to comment. Building Regulation Approved Document Part H deals with Drainage and Waste disposal which includes a Hierarchy of Preference that requires surface water be discharged to a soakaway or infiltration system, or where it is not reasonably practicable, to a watercourse (either open or closed); or where it is not reasonably practicable to a Sewer.
104. Paragraph 05 of the NPPG in relation to the use of planning conditions states that "Conditions requiring compliance with other regulatory regimes will not meet the test of necessity and may not be relevant to planning. Use of informatives to remind the applicant to obtain further planning approvals and other consents may be more appropriate" Therefore, as the drainage will be controlled by the relevant Building

Regulations it is considered that the proposal would be acceptable in terms of drainage, and that the proposal is therefore compliant with Policy 35 and 36 of the CDP.

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## CONCLUSION

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105. 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 now 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).
106. The proposals have been assessed against relevant policies and are considered to accord with appropriate criteria and requirements, is acceptable in principle and would not have any unacceptable impact upon residential amenity, the character and appearance of the surrounding area, residential amenity, highway safety, ecology and contaminated land in accordance with policies 6, 21, 29, 31, 32, 35, 36, 40, 41 and 44 of the County Durham Plan and Parts 5, 6, 9, 12, 14, 15 and 16 of the NPPF.
107. Whilst the proposal has generated some public interest, the objections and concerns raised have been taken into account and addressed within the report. On balance the concerns raised were not felt to be of sufficient weight to justify refusal of this application. On balance, it is considered that proposals are acceptable and the application is recommended for approval.

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## RECOMMENDATION

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That the application be **APPROVED** subject to the completion of a S106 Legal Agreement to secure the following:

- A financial contribution towards securing provision of off-site affordable housing.

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 following approved plans and documents:

*Reason: To define the consent and ensure that a satisfactory form of development is obtained in accordance with Policies 29 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. Prior to the commencement of any part of the development or any works of demolition, a Construction Management Plan shall be submitted to and approved in writing by the local planning authority. The Construction Management Plan shall be prepared by a competent person and shall consider the potential environmental impacts (noise, vibration, dust, & light) that the development may have upon any nearby sensitive receptors and shall detail mitigation proposed, as a minimum this should include, but not necessarily be restricted to, the following:

- o A Dust Action Plan including measures to control the emission of dust and dirt during construction taking into account relevant guidance such as the Institute of Air Quality Management "Guidance on the assessment of dust from demolition and construction" February 2014.
- o Details of methods and means of noise reduction
- o Where construction involves penetrative piling, details of methods for piling of foundations including measures to suppress any associated noise and vibration.
- o Details of measures to prevent mud and other such material migrating onto the highway from construction vehicles;
- o Designation, layout and design of construction access and egress points;
- o Details for the provision of directional signage (on and off site);
- o Details of contractors' compounds, materials storage and other storage arrangements, including cranes and plant, equipment and related temporary infrastructure;
- o Details of provision for all site operatives for the loading and unloading of plant, machinery and materials
- o Details of provision for all site operatives, including visitors and construction vehicles for parking and turning within the site during the construction period;
- o Routing agreements for construction traffic.
- o Details of the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
- o Waste audit and scheme for waste minimisation and recycling/disposing of waste resulting from demolition and construction works.
- o 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. 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 2 site investigation, which shall include a sampling and analysis plan. If the Phase 2 identifies any unacceptable risks, a Phase 3 remediation strategy shall be produced and where necessary include gas protection measures and method of verification.

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

6. 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.

7. No development shall commence until a written scheme of investigation setting out a programme of archaeological work in accordance with 'Standards for All Archaeological Work in County Durham and Darlington' has been submitted to and approved in writing by the Local Planning Authority. The programme of archaeological work will then be carried out in accordance with the approved scheme of works.

Reason: To safeguard any Archaeological Interest in the site, and to comply with part 16 of the National Planning Policy Framework. Required to be a pre-commencement condition as the archaeological investigation/mitigation must be devised prior to the development being implemented.

8. The development shall not be occupied until the post investigation assessment has been completed in accordance with the approved Written Scheme of Investigation. The provision made for analysis, publication and dissemination of results, and archive deposition, should be confirmed in writing to, and approved by, the Local Planning Authority.

Reason: To comply with Paragraph 205 of the NPPF, which requires the developer to record and advance understanding of the significance of heritage assets, and to ensure information gathered becomes publicly accessible.

9. The development shall not be occupied until the biodiversity enhancement works set out in the Biodiversity Management and Monitoring Plan (E3 Ecology Ltd, April 2022) received 28 April 2022 have been carried out and shall thereafter be retained.

Reason: In the interests of ensuring no protected species are adversely affected by the development and habitats are retained and improved in accordance with Policies 41 and 43 of the County Durham Plan and Part 15 of the National Planning Policy Framework.

10. No development shall take place beyond the damp proof course membrane until verification identifying which dwellings will be built to Buildings Regulations M4(2) standard,

from a suitably competent person, has been submitted to and approved in writing by the Local Planning Authority. The development shall then be implemented fully in accordance with the approved details.

Reason: To meet the housing needs of older people and people with disabilities in accordance with policy 15 of the County Durham Plan and Part 5 of the NPPF.

11. Prior to the beneficial occupation of the development all sound attenuation measures detailed in the noise assessment produced by Apex Acoustics Ltd reference 9618.1 dated 7 February 2022 and published 6 April 2022 shall be fully implemented and permanently retained thereafter.

Reason: In the interest of the amenity of existing and future occupants in accordance with Policy 31 of the County Durham Plan and Part 15 of the National Planning Policy Framework.

12. 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 0800 to 1800 on Monday to Friday and 0800 to 1400 on Saturday.

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

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

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

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.

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## **STATEMENT OF PROACTIVE ENGAGEMENT**

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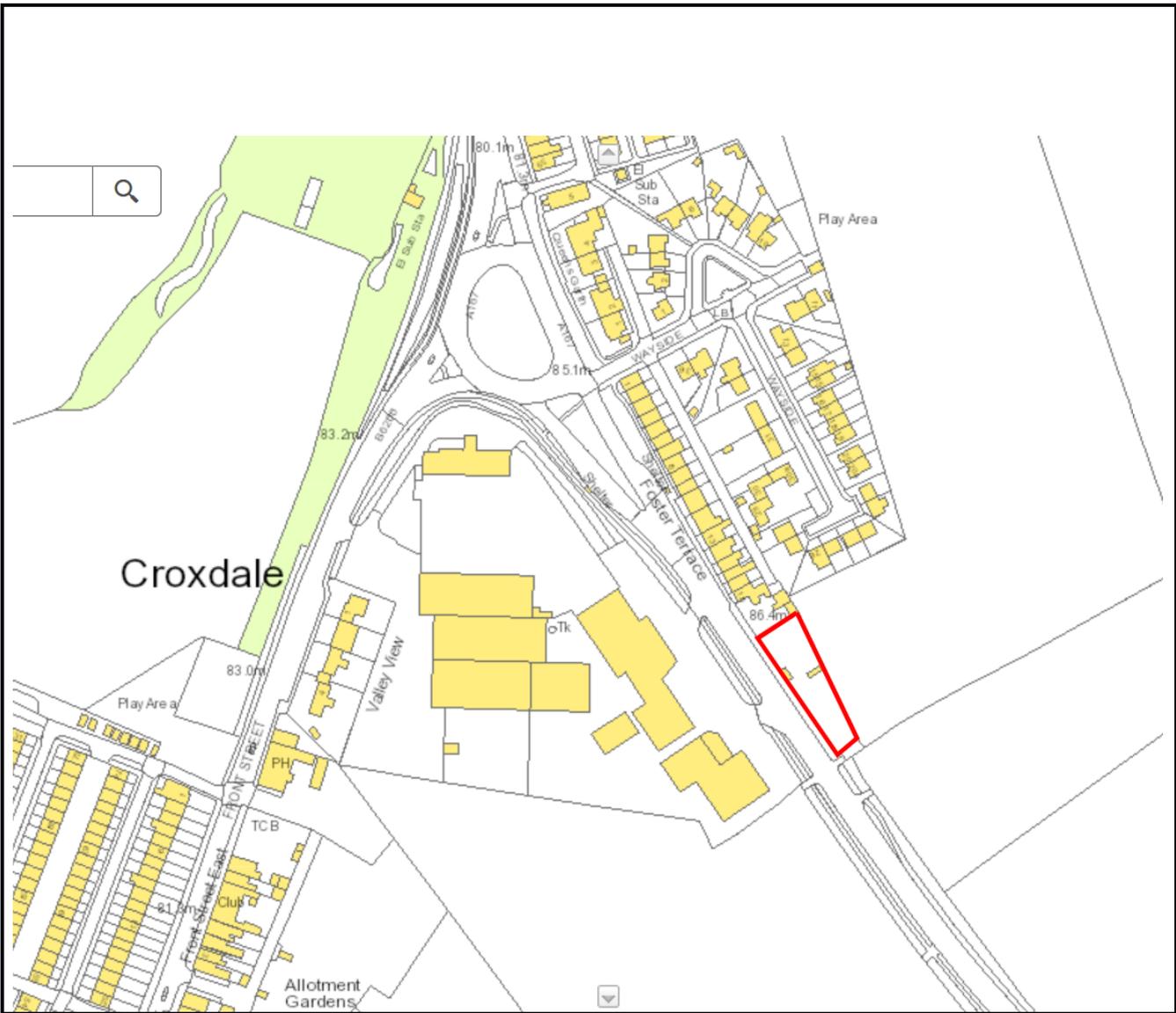
In accordance with Article 35(2) of the Town and Country Planning (Development Management Procedure) (England) Order 2015, the Local Planning Authority has, without prejudice to a fair and objective assessment of the proposals, issues raised and representations received, sought to work with the applicant 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.

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## **BACKGROUND PAPERS**

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- 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 2020
- Statutory, internal and public consultation response
- Residential Amenity Standards SPD (2020)
- County Durham Building for Life SPD (2019)
- County Durham Parking and Accessibility Standards 2019



**Planning Services**

Proposed New build development of 6 new dwelling houses in the form of 2 terraces of 3 units including 3 no 3 bed units and 3 no 2 bed units  
 Land South East of 18 Foster Terrace, Croxdale, DH6 5HP.  
 Ref: DM/22/01022/FPA

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**Comments**

**Date** 13 September 2022

**Scale** Not to Scale